

Fujitsu Dispute

Questions & Answers



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Yes	X
Yes	X

If your question isn't in the list below, please email unitetheunion@uk.fujitsu.com

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A. The Issues – Compulsory Redundancies, Victimising Reps, Breaking Agreements

A1) Compulsory Redundancies

From Agenda 2020 we have had six members (all in Manchester) selected for redundancy and fighting to stay using the appeal and grievance procedures. In all the time since the Annex 1 agreement was made in 2007, this has only ever happened to one member before.

Of the six members, the majority were ethnic minority, the majority were disabled, two were union reps, and one had complained of sexual harassment. No wonder Fujitsu went back on its promise to share its equality impact assessment for the Agenda 2020 job cuts.

Fujitsu has already dismissed two of the members, including Saj Patel:

- The dismissal broke the Manchester agreements – her grievance over her redundancy had not been heard
- Saj had complained that her redundancy is linked to a pattern of bullying and sexual harassment. Rather than investigate her allegations properly, Fujitsu has rushed to dismiss her. This is particularly shocking given [John Vickerman's statement about sexual harassment](#).
- There were at least three jobs available in her department turned down by colleagues but which had not been offered to her
- Saj had just 48 hours' warning, despite a written commitment from HR that if her appeal was unsuccessful she would have at least 30 days' warning

If we let Fujitsu get away with forcing members out through redundancy, who will be next?

We are already seeing Agenda 2020 "phase 2", the reorganisation of MIS and BAS, and another round of Settlement Agreements. Agenda 2020 has been so badly handled that it has damaged the business, putting future jobs at risk.

A2) Victimising Reps

Fujitsu is unfairly attempting to target a number of reps. Victimising reps doesn't just affect them personally, it weakens union organisation for all of us. Even if the individuals get some compensation through a lengthy legal process, that doesn't adequately protect our organisation – we can only do that collectively.

Ian Allinson, chair of Unite @ Fujitsu, is in a tiny fake redundancy selection pool where the company proposed to cut 100% of the jobs. Ian has worked at Fujitsu for 30 years and has led union growth here since the early 1990s.

Denis Morris was selected for redundancy on the basis of scoring that mainly focused on his rep role and disability, not his skills, knowledge etc. Denis has 16 years' service.

There is a history of Fujitsu picking on reps and people having to campaign to defend them. Over the years reps have faced trumped up disciplinary allegations and bogus redundancies. Outside any legitimate process, Fujitsu stopped Lynne Hodge doing most of her job in May 2016 and told colleagues not to work with her. Following strike action in Manchester a common-sense resolution acceptable to Lynne and her managers was identified in June 2017 but has still not been implemented.

A3) Breaking Agreements

Fujitsu breaking agreements has been a problem throughout the redundancies. This has included making redundancies while continuing to hire externally and to use overtime, agency workers and contractors. The company has failed to consider requests to work notice when they could, and not implemented trial periods fairly. The company is trying to avoid paying redundancy payments to some of the people who want to leave before the company's preferred exit date. The company hasn't stuck to its appeal and grievance procedures – for example using inappropriate hearing managers, not disclosing evidence, and going ahead with dismissal while the “status quo” should have been in place until the grievance was heard.

A4) Why not include the other issues we are campaigning over?

Unite continues to campaign over all the issues that concern members across the UK. This includes issues that were part of the national action earlier in the year (union recognition, pensions, equality, Living Wage) and many more such as correcting holiday pay for those who get paid for standby or overtime, and the Fujitsu Role Framework. For example, you can still get non-members outside Manchester to sign up to the [petition for union recognition](#).

For the current ballot the Fujitsu UK Combine Committee elected by members decided it was best to focus on the most urgent and pressing issues, while continuing to campaign on the rest. This maximises the pressure on the company to quickly resolve these urgent issues. It does not preclude other issues being included in a ballot at a later date if that is what members want.

B. The Ballot

B1) Why another ballot? How is this different?

The last formal industrial action ballot ended in February. Workers get the strongest legal protection for the first 12 weeks after action starts, so it's better to ballot again rather than rely on the previous ballot. Things have moved on quite a bit since action was suspended in May. A fresh ballot also ensures that members are on board for before any action is called.

Manchester Unite members recently voted by 64% for strike action and action short of strike in an email “consultative” ballot. To comply with the legislation we now need a fully postal secret ballot. Ballot papers are being sent out on Wednesday 20th December and must be received by the scrutineer by noon on Wednesday 10th January 2018. Full details of the ballot are available [here](#).

In the postal ballot you have to be asked two separate questions – one about strike action, one about action short of strike. If we had the choice we would only include one question covering both types of action. Some action you might think of as “action short of strike” could be legally construed as strike action, so members would not have full legal protection without a YES vote to both questions. **We need a big YES vote on BOTH questions.** Members need a mandate with maximum power and flexibility to win. UNITE will not call any strikes without them first being approved at a members' meeting. Members will remain in control throughout.

The law requires the ballot paper to include scary-sounding words about your contract. These are on every industrial action ballot. See the [question below about contracts](#) for more explanation.

B2) Can people join now?

Yes, it is particularly important non-members [join now](#). If there's time, you may even still get a vote in the ballot – so if you join please [let your reps know](#) right away. In addition, only members can receive financial support from the union during a strike.

B3) What if I haven't received my ballot paper or I've lost it?

If you haven't received your ballot paper by Friday 29 December, or you've lost it, please provide details (including confirming your home address) to unitetheunion@uk.fujitsu.com as soon as possible.

B4) Who can vote?

UNITE members employed by Fujitsu Services Limited and who are in the Manchester bargaining unit will be part of the ballot. Anyone who is not expected to be in work during the period action might take place must be excluded from the ballot. To comply with ballot rules it is vital that you [inform your reps](#) promptly of any changes such as address and contact details, leaving the company, sabbaticals, maternity/paternity leave, or long term sickness.

B5) Why only Manchester?

Though the six compulsory redundancies and the rep victimisations all happen to be in Manchester, these issues clearly affect employees across the company. Members across the UK voted in favour of strike action and action short of strike in the recent consultative ballot. However, the majority and the turnout were lower than in Manchester. Given that the new anti-union legislation invalidates the ballot unless we achieve a 50% turnout with an archaic postal ballot, and the timescales of the issues meant the vote would take place over Christmas, the Fujitsu UK Combine Committee elected by members decided it was best only to ballot Manchester at this stage. This does not preclude a national ballot at a later date if members want that.

B6) If I don't want to strike is it more supportive not to vote?

No. The new legislation requires us to get a turnout of at least 50%, despite using an antiquated postal ballot system. So it's more helpful to vote "no" than not to vote at all.

C. The Basics

C1) Can we win?

Yes. People always worry that they may not win, because nobody can guarantee it. But if you never fight you always lose.

Our demands are extremely modest. Fujitsu continues to make much of its profit in the UK. Fixing six redundancies and implementing the resolution for Lynne Hodge's job are trivially easy for a company the size of Fujitsu. Adhering to agreements is only asking the company to do what it has done in the past and have committed to. They are wasting more resources trying to wriggle out of their commitments than it would cost to do the right thing.

Since November Unite General Secretary Len McCluskey has got involved, speaking on a lunchtime members' call and meeting with Duncan Tait. It's possible that the threat of strike action alone could get the outcome members want, but it's more likely that it will require "leverage" activity to put pressure on the company by other means (e.g. via customers, MPs, shareholders, media). The increased support from Unite nationally greatly increases the potential for leverage pressure on Fujitsu and our chances of winning – but we need a YES+YES vote to make this possible.

Whenever workers plan industrial action, employers claim that action would have no effect, or be catastrophic (or both!). The truth lies somewhere between. Many of us work to tight SLAs and deadlines or are in teams can barely cope with holidays and sickness, so industrial action is particularly powerful.

It is of course possible that we won't win, whatever we do. That can never be ruled out. But it's still better for those of us who expect to remain in the company if HR and senior management can see that bad behaviour is an expensive and unattractive option.

C2) Decision making

To run a dispute successfully, the members have to be in charge. Members' meetings are crucial to ensure that everyone has a say and knows what's going on and why. Unite also runs Skype calls which help those not site to join in.

UNITE won't call any strikes without this being agreed by a members' meeting.

The members are the union, and the members should remain in democratic control of the campaign at all times.

C3) Will I be breaking my contract?

In many cases, industrial action does technically mean breaking your contract, but this is purely because UK law provides “immunities” so that workers and their unions cannot be sued for this during industrial action which complies with the legal restrictions, whereas most countries provide an explicit “right to strike”.

All ballot papers have to include the wording:

“If you take part in a strike or other industrial action, you may be in breach of your contract of employment. However, if you are dismissed for taking part in strike or other industrial action which is called officially and is otherwise lawful, the dismissal will be unfair if it takes place fewer than twelve weeks after you started taking part in the action, and depending on the circumstances may be unfair if it takes place later”.

The whole point of going through the tortuous legal balloting process is to give employees protection while technically breaking their contracts. If you are dismissed for taking part in lawful industrial action, the dismissal will be unfair if it takes place fewer than twelve weeks after you started taking part in the action. Depending on the circumstances may be unfair if it takes place later.

C4) My contract says X – can I take action?

The whole point of going through the long and complex process of a ballot is so that employees can benefit from legal protection if they refuse to work as normal, which can technically mean breaking your contract. UNITE will only call action which is lawful.

Of course there are many instances elsewhere of employees taking industrial action which does not benefit from legal protection. Even under those circumstances, as long as people stick together, there are rarely any negative consequences for those involved.

C5) Can I lose my job or be discriminated against?

The law says that dismissal during the first 12 weeks of any lawful, balloted, official industrial action is automatically unfair, provided no unlawful act apart from breaking your contract has occurred. This legal protection is relatively new, previously workers relied totally on supporting each other to stop dismissals and this is still often more effective than the courts. Lots of staff at all levels in Fujitsu have taken part in strikes without any problems. There is also protection in law against discrimination for taking part in legitimate trade union activity.

C6) Exemption from parts of industrial action

There can be exceptional circumstances where a person or group taking industrial action could have undesirable consequences. This could range from causing safety problems to putting disproportionate pressure on particular members (e.g. attending a job interview).

If action is called, your reps have a process where staff or managers can apply for exemptions from particular parts of any industrial action. An [exemption application form](#) is available online.

Staff who are granted exemptions from strike action are normally expected to donate pay to the dispute fund to help support colleagues who are striking.

There is a general exemption from action other than strikes for carrying out union / representative functions. For example, a redundancy consultation rep isn't prevented by the overtime ban from travelling outside work hours (if they wish) to get to a meeting.

D. Striking

D1) What does striking involve? What is picketing?

A strike is a group of people temporarily refusing to work to apply pressure in support of a demand or grievance. There's no point striking one day and working extra hard the next to catch up – that would only hurt ourselves – the whole point is to “create a crisis” for decision makers so that they have to act to resolve the situation. Similarly, if you are working towards some crucial project or deadline, taking part in the strike creates real pressure on the company to resolve the dispute. If they initially choose not to do so, that is their responsibility, not yours.

But if workers just stay at home a strike is much less effective than if they play an active part. One of the most common forms of activity is “picketing”, which means standing outside the workplace talking to other workers and trying to persuade them not to cross the picket line. It is common to hold demonstrations, rallies, marches and meetings too. Other common activities include contacting or visiting other workplaces or union branches to raise support, leafleting at customer or other Fujitsu sites etc. The more active the strikers, the more quickly they can win. You can get an idea from [photos from previous strikes](#).

D2) If I strike won't it just mean I have more work to do afterwards?

No. A major purpose of action short of strike is to change overwork from being our problem into the company's problem. There is no point striking one day and working hours of paid or unpaid overtime the next to catch up. Let the job slip until the dispute is settled.

E. Money

E1) Getting Paid, Financial Support

Employers don't usually pay workers for strike days, but sometimes payment is agreed as part of a settlement.

UNITE provides a basic **Dispute Benefit** of £35 a day to members who are on official strike, but this is often increased (it was £70 a day during the last strike).

Strike pay is not taxable.

Your reps have organised a fund to provide extra financial support if we take industrial action. During a dispute, campaign activities include fundraising. It is possible to raise large amounts of money from other trade unionists, the local community, friends and family.

During previous strikes in Fujitsu, strikers raised tens of thousands of pounds, allowing the union to provide additional financial support, so that **no member who wanted to take part was unable to do so for financial reasons**. We have already started raising funds for the campaign. Can you take our collection sheet round your friends and family, like you would for a sponsored swim? There's also a (periodically updated) “appeal for support” leaflet which explains what it's all about. See <https://ouruniontest.wordpress.com/fujitsu-national-dispute/>

F. Concerns

F1) But I don't want to campaign for one of the members/reps affected?

This isn't about individuals. No matter what you think of a colleague, or whether you think redundancies are justified, everybody deserves to be treated fairly by the company. If Fujitsu can get away with breaking agreements, attacking the union and making members compulsory redundant then all of us will be more vulnerable in future.

F2) If the six keep their jobs, will that put mine at risk?

We're not campaigning to swap these members' redundancies for six others – we are campaigning to stop any members being forced out through compulsory redundancy when they are fighting to stay. That has been incredibly successful over the years – before Agenda 2020 only one Manchester member had been forced out in this way since Annex 1 was signed in 2007. If the company gets away with these redundancies, it makes other compulsory redundancies more likely in future changes and job cuts.

F3) I can't afford to lose pay

When we strike, the company doesn't pay us (though because of tax, the net loss is often less than you'd think). No member has ever been unable to strike because of financial pressure. See section E above for more details of the financial support available to Unite members.

Stopping compulsory redundancies, defending our reps and stopping the company breaking agreements are vital for all of us, whether we expect to stay in Fujitsu or want to be treated fairly as we leave.

Unless we are prepared to take action when necessary, the company will continue to chip away at our rights and protections.

If we strike we may lose a little over some days. If we don't we will lose out every day.

F4) Can Fujitsu afford it? Will it make us uncompetitive?

UK staff made Fujitsu a hefty profit last year. Profits this year look healthy too (see [slide 4](#)).

Fujitsu tells us that the UK IT Services market is staying about the same size, but the bit they can bid for has shrunk dramatically – the company is not selling what the market wants. Selling the wrong stuff cheaper is not the right solution. Far from action jeopardising the future, we need to stop senior management continuing their reckless cost-cutting. Maintaining profits from a shrinking business offers no sustainable future. Resourcing issues continue to be a rising trend in terms of Alert escalations.

F5) I'm a professional so shouldn't strike

In recent years everyone from professors, doctors and barristers have taken strike action. Striking isn't unprofessional. Allowing our roles to be downgraded and undervalued is. We can't expect the company to value and respect us if we don't value and respect ourselves and each other.

F6) Will a strike damage relationships?

People often have fears about a dispute damaging relationships with workmates or management. This can happen, particularly if a dispute is long and bitter. But it doesn't have to be like that.

When Fujitsu, UNITE and ACAS got together in early 2008 to review how things were going after the Manchester dispute the previous year, the meeting concluded "Overall relationship is significantly better for all parties than in the past" and "Both parties recognised the successes and achievements of the last year". The deal at the end of the dispute helped establish a much healthier relationship than before.

While it can cause resentment if people who didn't take part in a campaign share the benefits, most people accept that people make mistakes and often learn from them. For example, there are plenty of people involved in UNITE now who weren't involved during previous strikes.