

An account of winning reinstatement for a suspended worker



A short account from a friend of ours of how he and his colleagues managed to get a member of staff who had been suspended on disciplinary grounds reinstated.

A couple of years ago I was working in a local council in a children's social services of 60 people. The team was overwhelmingly female and ethnically very diverse. Half of the workers were Unison members, and I was one of two shop stewards.

One of the team, a black woman called Sally, outside of work got punched by a racist, whom she then pushed away from her, but then police were called by the attacker who then arrested her. After keeping her up all night she accepted a caution (without a solicitor) in order to get out of jail and attend an important meeting the next morning. She also told the police where she worked when they asked her.

When she arrived back in the office the following afternoon, the police had already contacted our bosses, and due to receiving the caution she was suspended (on full pay) pending "investigation."

Having subsequently found out that the caution was essentially an admission of guilt which Sally did not feel she should make, as she believed she acted in self defence, she planned to appeal against it. However, this would be a lengthy process, which if we waited for it to be complete she would have already been sacked.

What the council, like many employers, can do under their procedures is relocate staff to places they can work, which is what they should do, but they denied this and said she'd have to be suspended. We were very clear at this stage that they intended to get rid of her.

Previously, before we as a staff group had got organised (although the union was still present, but inactive), staff had been suspended, told they were forbidden from contacting their colleagues, and quietly dismissed after they had been forgotten.

Sally wanted to keep working, not be at home, demoralised and waiting to get fired. So we emailed management and HR asking for temporary redeployment and kept getting fobbed off. There was no way they were going to have her back unless we fought for it. If she was still working, she'd be much less likely to be sacked, as she could potentially work in another, less sensitive department until the disciplinary investigation and possibly legal appeal was complete.

So we called a shop meeting of the department (we had already made it standard practice to invite all workers to the shop meetings including temps, members of other unions, and non-union members, some of whom came), and a couple of us who had spoken beforehand argued that we should all boycott her work (which people had been covering in her absence), starting within one week, if she wasn't redeployed. This was voted for unanimously – in a team that had never taken or threatened industrial action before.

Exactly one week later, at the end of the day before the boycott was due to start we received an email from a senior HR officer saying she'd been found a place where she could perform other duties. The other steward and I went round the office and called everybody out for an impromptu meeting where we announced this, and there was much cheering and applause.

Sally happily returned to work in the other team, where she stayed for over a year, until she got a better job at a different council.

With this victory, we showed that we could defend individual workers in the team. After this the whole team had much more confidence that we could defy the bosses and win – everyone was very atomised and felt powerless before.

We subsequently managed to build on this success, which I will write more about in future articles.

One thing was that it seemed easier being in the union for this. It was all organised by us stewards, but it could have been registered as an official dispute if things had escalated into action. This would have legally protected anyone taking part in the boycott from victimisation. This was useful in helping workers get the confidence to vote for the action.

On another note, the realities of the boycott would have been very hard to impose, since it would have fallen entirely on two union members who were actually weakest in their resolve, and didn't want to harm our clients by not doing work. So it's good we didn't have to go through with it. We did come up with some ideas of how to still provide service without letting our managers hit their targets, such as doing work with clients but not recording it on our databases, but didn't get to try them out thankfully!

Our bosses were clearly keen to avoid open conflict with us, which is understandable because it would create huge tensions and difficulties from then on, especially with the "friendly" "collaborative" image much public sector work has.

I think there are a few things I learned over the process which could be useful for other workers to note in the future, which are as follows:

- Your employer does not care about you, your career or your life. If you become "problematic" at some point they will just try to dump you
- Direct action (or at least the threat of it in this case) gets the goods!

- Involve all workers in any decision-making and action, not just union members and permanent staff.
- Some employers are very reluctant to enter into open dispute with their staff. Use this.
- Don't just accept a police caution. If arrested [say nothing](#) until you have spoken to a solicitor.
- Don't tell police where you work, as a malicious officer could cause serious problems.