



Department of
The Civil Service for Northern Ireland
Rosepark House Upper Newtownards Road Belfast BT4 3NR

Telephone Dundonald 4585 ext

Your reference

Our reference C 168/72

Date 25 August 1978

Dear

In his letter of 29 April 1977 Mr Kavanagh asked Departments for their views on a draft circular on Unauthorised Absence in respect of industrial employees.

Following the issue of CSC 11/78 dealing with absences during "political" protests or dislocation of transport it has been necessary to revise the draft circular for industrial employees. A copy of the revised draft circular is attached and I would be glad to have your comments on it as soon as possible.

You will note that the revised draft follows generally the principles set out in CSC 11/78.

Yours sincerely

J G SULLIVAN

Issued to

- Mr Brady, DANI ✓
- Mr Ford, DOE ✓
- Mr Kirk, DOF No comment
- Mr Pearson, DHS - say "no comment" ✓
- Mr Thompson, DHSS - no comment
- Mr Solomon, DOC No comment
- Mr Johnston, DENI No comment
- Mr McMaster, NIO ✓ No comment
- Miss Beggs, PANI No comment

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TO ALL DEPARTMENTS

CSC /78

**ABSENCES DURING "POLITICAL" PROTESTS OR DISLOCATIONS OF TRANSPORT -
INDUSTRIAL EMPLOYEES**

1. It has been decided, after consultation with the Trade Union Side of the Central Joint Consultative Council, that the following arrangements will apply to industrial civil servants who are absent during "political" protests or dislocations of transport.

ACTION TO BE TAKEN BY EMPLOYEES

2. Where an employee is on annual leave when a withdrawal of labour as a "political" protest begins, or where annual leave has been authorised in advance to cover his absence during the period of a protest, no special action is required of him. He should report for duty as usual at the end of his period of leave. Leave will not, however, be authorised specifically to enable employees to take part in the protest, and if an employee on annual leave takes an active part in the protest he will be subject to disciplinary action.
3. Where an employee is on sick leave when a withdrawal of labour as a "political" protest begins he should continue to observe the sick leave regulations and report for duty as soon as he is fit to do so. Where an employee falls ill during a withdrawal of labour he should follow the normal rules for sick leave, that is either he or a member of his household should notify his Supervising Officer as early as possible, on the first day of absence, stating the nature of his illness and when he expects to be able to resume duty. This notification must be followed up by the production of a doctor's statement or a written request for the granting of casual sick leave. Employees are reminded that Departments are entitled to ask for the production of a doctor's statement even for a casual absence should they consider it necessary to do so. If an employee on sick leave takes an active part in the protest he will be subject to disciplinary action.
4. Where, during a withdrawal of labour as a "political" protest, an employee is unable to report to his normal place of duty because of transport difficulties or unwilling to report to his normal place of duty because of intimidation he should notify his Supervising Officer as soon as practicable, report any intimidation to the police and report for duty to an alternative depot or workshop in accordance with the following guidelines:
 - (a) Where there is no alternative depot or workshop of his own Department within reasonable distance of his home an employee should report to the nearest depot or workshop of any other Department within reasonable distance;
 - (b) Each employee must follow the terms of this paragraph even if an alternative depot or workshop does not carry out his particular type of work.

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The guidance in this paragraph must be followed by each employee on a daily basis for as long as normal attendance is prevented, subject to any alternative arrangements which may be notified to him by his Department in the light of local or departmental circumstances. Any such alternative arrangements will be covered by the principles of this circular.

5. An employee should not report to the local Social Security Office unless notified to do so under the alternative arrangements referred to in the last paragraph.
6. Where, during a withdrawal of labour as a "political" protest, an employee is intimidated to such a degree that he is afraid to report both to his normal place of duty and to any alternative depot or workshop he should notify his Supervising Officer as soon as practicable and also report the intimidation to the Police.

ACTION TO BE TAKEN BY INDUSTRIAL PERSONNEL DIVISIONS

7. The following are the principles which will be followed in dealing with any employee who is absent from his work during a withdrawal of labour as a "political" protest:-
 - (a) Where an employee is on annual leave at the beginning of the protest, or where annual leave has been authorised in advance to cover an absence during the period of the protest, and he returns to duty on the expiration of his leave no penalty will be imposed. If an employee on annual leave takes an active part in the protest he will, however, be subject to disciplinary action.
 - (b) Where an employee is on sick leave at the beginning of the protest and either continues to observe the sick leave rules or reports for duty as soon as he is fit to do so no penalty will be imposed. If an employee on sick leave takes an active part in the protest he will, however, be subject to disciplinary action.
 - (c) Where an employee who is not participating in the protest falls ill during the protest and follows the normal rules for sick leave no penalty will be imposed. If he takes an active part in the protest while on sick leave he will, however, be subject to disciplinary action.
 - (d) Where an absence is unauthorised, ie not covered by either (a), (b) or (c) above, then:
 - (i) where an employee contacts his Supervising Officer as soon as practicable and his Department is satisfied that he was not to be blamed for his absence (for example, that he had been intimidated, or that there were transport difficulties and he lived too far from both his own depot or workshop and from any alternative depot or workshop to walk to work) no reprimand will be issued and the absence will be regarded as special leave with pay;

(ii) where an employee contacts his Supervising Officer as soon as practicable but his Department concludes that his absence was due to fear of intimidation or transport difficulties which he might well have overcome, no reprimand will be issued and the employee will be given the option of covering the absence by annual leave or special leave without pay;

(iii) where an employee absents himself in support of a call to withdraw labour or "downs tools" after reporting for duty, and in all other cases of absence during a withdrawal of labour, including absence for any of the reasons set out in (d)(i) and (ii) which has not been reported as soon as practicable, or absence due to intimidation which has not been reported to the police, pay will be deducted at the appropriate rate, a written reprimand will be issued, and such further disciplinary action will be taken as may be appropriate in the circumstances. An example of the type of case for further disciplinary action would be where an employee took an active part in persuading or attempting to persuade other people to withdraw their labour. A written reprimand issued in these circumstances will be entered in his record and will be taken into account if he is to be considered for promotion within a period of three years.

in accordance with the rules laid down in CSC 14/76 - Industrial Employees - Disciplinary Procedure.

In the case of an unauthorised absence which falls under paragraph 7(d)(iii) pay should be withheld until the circumstances have been fully investigated and a decision taken as to whether payment may be allowed.

8. Where pleas are made under paragraph 7(d)(i) that absences were due to transport difficulties, Departments will decide in each case whether the transport difficulties were a sufficient cause for the employee to be absent. For example it would not be unreasonable to expect an able-bodied employee to walk a distance of 4 miles to his work place and any employee judged to have too great a distance to walk would be expected to satisfy his Department that he had explored all other possible ways of getting to his work place.
9. References in this circular to disciplinary action should be read in conjunction with CSC 14/76 - Industrial Employees Disciplinary Procedures.
10. It has also been decided that the terms of this Circular, and in particular paragraphs 4 and 7(d), should be applied where appropriate to any other circumstances in which there is dislocation of transport, for example because of weather conditions or road blocks of any kind.

C G N KAVANAGH