**P22-23/058**

*Calling for UCU Head Office and UCU Wales to support branches that wish to take legal action*

We believe that some of the policies that Cardiff University has implemented as a response to the MAB are not just disproportionate and morally wrong, but also potentially unlawful. In particular, we have serious doubts about the legality of:

* the policy of deducting 50% of pay for participating in the MAB, regardless of which other tasks our members are carrying out
* the policy of starting any kind of pay deductions from the moment marking becomes available instead of from the moment such marking would be scheduled to be done if it wasn't for the MAB

As such, we are considering taking legal action. We believe that such legal action could:

* help our members to recover some of their pay that was deducted in an unlawful way
* set a legal precedent, which will be useful for future industrial action of UCU as well as of other unions
* send a clear message to the employers that any attempt to move into a legal grey zone (or beyond) will be challenged

While we understand that taking legal action takes both time and resources, the alternative is to sustain the status quo in which employers are moving more and more into a legal grey zone, confident that UCU will never challenge them in court.

As such, we would like to call upon UCU Head Office and UCU Wales:

1. to reconsider its current stand towards legal action and take a more proactive approach
2. to engage with branches to identify any realistic cases for legal action, and to enable and assist with the necessary coordination between these branches[[1]](#footnote-1)
3. to support the branches that want to take any realistic form of legal action to challenge some of the punitive policies the employers have implemented regarding the MAB

*Proposed by Martin Caminada*

*Seconded by Sandy Gould*

1. For instance, when it comes to seeking legal advice. [↑](#footnote-ref-1)