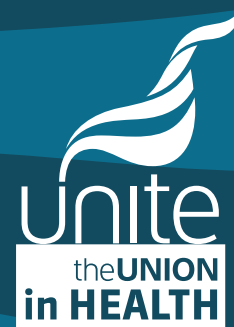


Unite in Health guidance on taking part in industrial action in the health sector

October 2022



Unite the union health sector members have been undervalued by Government for many years and despite the words of gratitude from politicians and the overwhelming support from the general public our members still find that their earnings are falling further behind, as the cost of living rises. Undoubtedly, pay is a contributing factor to recruitment and retention with increasing vacancy rates in many organisations which impact on our member's ability to deliver safe, effective services.

Trade unions always try to resolve disputes through negotiation. But when these are unsuccessful, industrial action may be needed as a last resort.

A concern for members, who are regulated, is that they are not permitted to take part in industrial action. This assumption is incorrect. It is important to be aware that the professional Codes or Standards do not prevent members from taking part in legal industrial action.

The industrial action members probably hear and think most about is going on strike. However, there are other actions health workers can take, such as working exactly to the requirements of their contract of employment, taking their breaks and refusing to undertake additional bank shifts or overtime to cover the shortages in your teams establishment. This is known as industrial action short of a strike.

In all parts of the United Kingdom, (with the exception of Northern Ireland, where this legislation does not apply), the right to strike is governed by complex and restrictive set of industrial action laws. In summary, to count as 'protected industrial action', a strike must:

- Relate to a work dispute with your own employer.
- Be supported by a valid secret postal ballot with independent scrutiny, in which at least 50% of the balloted workers have voted. If you don't cast your vote, this non-vote will be counted as a vote against. In addition, strikes involving workers who provide what the government calls an "important public service" can only be lawful if at least 40%, (in Wales this is 50%), of the workers balloted over the action, vote in favour of it.
- Be carried out with notice.

The law protects employees participating in strike action and action short of a strike from dismissal. The withdrawal of their labour is a fundamental human right.

Unite are campaigning for a inflation busting pay rise for our members which addresses low pay in the NHS, maintains pace with the rising cost of living and addresses recruitment and retention issues. As part of that campaign, the health national industrial sector committee may seek your opinion on lawful industrial action to further the aims of this campaign. We fully understand that the thought of this may place some doubts in our member's minds regarding the impact that this will have on the patients and clients that they serve.

Be assured Unite will follow due legal process if members decide industrial action is appropriate.

Our members may be concerned about the impact of any industrial action on people they provide care and services to. Members who are regulated by a health care regulator, may have further concerns about the impact any action could have on their registration.

Professional regulators state that like other professions, their registrants have the same basic right as other workers to take part in lawful industrial action. Unite recommends that our regulated members continue to practice to their usual professional standard, in keeping with the requirements detailed within their professional regulators Codes or Standards. Some of the professional regulators have provided advice for registrants who are considering taking industrial action. This may be updated from time to time, ensure you have the most up to date version by visiting your regulators website.

The General Medical Council; www.gmc-uk.org

General Pharmaceutical Council; www.pharmacyregulation.org

The Health and Care Professions Council; www.hcpc-uk.org

The Nursing and Midwifery Council; www.nmc-uk.org

Pharmaceutical Society of Northern Ireland; www.psni.org.uk

Some members may be registered on one of the voluntary registers and again should check the most up to date advice available.

It is the responsibility of Unite the union and your employers to work together on plans, to ensure patient safety is paramount and essential services are maintained in the context of any industrial action being taken.

The most important consideration for members is to keep in touch with Unite through their local representatives and branches, ensure their personal contact details are up to date in order that Unite can seek their opinion on any pay award or proposals for industrial action and finally for members to know that they are one of many, that they are not alone and that their union, Unite is with them and supporting them in ensuring they receive the pay, terms and conditions they deserve.

