

SoR Industrial Action FAQs

October 2014

SCOTLAND

We have received a number of queries specifically related to the situation in Scotland. A detailed response has been sent direct to all Scottish Reps and is on the website.

Agency and Bank Staff

Only members who are employees were balloted. Agency and Bank Staff who are due to work between 9am and 1pm on the 20 October should do so. For any Agency or Bank staff now asked to work, you can, of course, say no.

Q. What is picketing?

A. Picketing is where employees encourage others not to attend work during a trade dispute.

Picketing is in order to peacefully:

- Obtain information;
- Communicate information;
- Persuade someone to work; and/or
- Persuade someone not to work.

It must be at or near their own place of work or, if multiple sites, where the headquarters are located.

Trade union officials accompanying members whom they represent may also picket.

Q Is there a limit on numbers?

A. No but the Code of Practice recommends that the number should not be greater than six at any entrance or exit from a workplace.

Q. What is meant by a consolidated pay increase?!

A. A consolidated increase is added to pay rates and therefore counts for pension purposes and for the calculation of allowances. It is a permanent change to a pay rate. The 2014 increase in Scotland is consolidated. In England the 1% for those at the top of their pay band and in Wales the £160 payment are non-consolidated meaning they do not count for pensions or allowances and can be removed after the 12 months it is paid under the imposed pay arrangement.!

Q. Do these differences mean only members in England would be balloted?!

A. No. All members working in the NHS across the UK will be balloted if UK Council decides a ballot will take place. From the earlier consultation it is clear member's main concern is not 2014 but the planned pay freeze in 2015 and 2016. As this is likely to affect all members in the same way then it is appropriate to ballot all members, if a ballot takes place.!

Q. What are other unions doing?!

A. We are working closely with other unions. Unite, GMB and Unison have already announced they will ballot members as has the Royal College of Midwives who will be balloting their members for the first time in their history.!

Q. These unions have already announced their ballots. Isn't it too late for us now?!

A. No. We think it is important to try every avenue and avoid balloting if at all possible. It was the SCoR representatives on the National Staff Council who argued for an urgent approach to the Secretary of State be made. We felt it was therefore appropriate to await his response first. In any event unions are planning to have their ballots completed so that any action can take place in the autumn after the parliamentary recess. We can easily fit in with that timetable if necessary.!

Q. If there is a ballot will members be asked to vote for strike action or action short of strike?!

A. It is a legal requirement that industrial action of any sort can only be taken following a ballot. Even industrial action short of strike, such as working precisely to your contract of employment, including only working the hours you are contracted to work, has to be covered by a ballot. It is therefore likely that if there is a ballot, members will be asked whether they support both a strike and action short of strike. This gives as much flexibility as possible for UK Council although we fully recognise that simply asking members to work to their contracted hours will itself have a significant and immediate impact.!

Q. Do members have to take action if that is the result of any ballot?!

A. We would expect members to respect the decision of the majority but further information will be issued should that be necessary as it is not intended to impact on patient care wherever possible.!

Q. I have read that there needs to be at least 50% of people taking part in the ballot for it to be valid. Is that correct?!

A. Following the recent day of action in the public sector the Government has said it will consider changing the legal threshold for industrial action ballots. At present there is no legal minimum participation rate but the opportunity to vote has to be made available to all eligible members. Any changes to the law would not affect this

ballot but we would encourage every member to participate should there be a ballot. It is vitally important that the outcome is truly representative of the views of members. We do not need legislation to tell us that a low turnout is unrepresentative and therefore will do all we can to make sure the turnout is such that the result, whatever that is, is representative of the views of our members.!

Q. Will student members be included?!

A. Only those actually employed by the NHS can legally take part in the ballot as the dispute!

concerns their pay rates. Student members and those working for other employers are not included but we hope will still be involved in other aspects of the campaign as the outcome will impact on students in the future if they work for the NHS and indirectly those members working outside of the NHS whose employers compete! on terms and conditions with those offered by the NHS.!

Q. I work in Radiotherapy will I be expected to take part?!

A. Yes. If the result of a ballot is in favour of action then you will be expected to take part, however the precise nature of any action will be determined by UK Council and will be designed to ensure patients are not put at risk.!

Q. Why is only the Society of Radiographers striking on 20 October and taking action short of strike on the 21st, 22nd, 23rd and 24th?

A. Our action is part of a co-ordinated campaign by NHS Trade Unions whose members will be taking a combination of strike and action short of strike over the coming weeks.

UK Council planned our action to ensure a continuation of the campaign into a second week in October, so it followed the national TUC march and rally on 18 October.

Q. Will there be further Industrial Action?

A. Consideration of any further Industrial Action will be taken by all those Trade Unions who have balloted. Most likely in the week of the 20th. Any further Industrial Action will be co-ordinated to take place on the same date/s.

Q. Is the SoR taking action across the UK?

A. Yes all NHS members in England, Scotland, Wales and Northern Ireland are being called on to participate. Our dispute is with the UK Government and all UK NHS employers.

Our aim is to secure a return to pay increases broadly in line with inflation. Members throughout the UK currently have no indication that such an increase is likely, regardless of whether their pay is determined by the UK Government or one of the devolved administrations.

Q. The strike action on 20 October has been called to take place between 9am

and 1pm can this be varied locally?

A. No the action must take place between those times, because that is the information given to each employer in the notices sent out as required by the legislation.

Q. What is the action short of strike?

A. Between 00:01 on Tuesday 21 October until 23:59 on Friday 24 October. During this period all members should work precisely their contracted hours and take their breaks. There should be no voluntary overtime worked.

Q. Will I have any pay deducted if participating in strike action?

A. We understand that most employers will deduct four hours' pay for those on strike.

Q. What material is available for Reps and members?

A. All reps should receive a pack containing a t-shirt, tabard, flag and badge, along with some leaflets and posters. The leaflets and posters will also be made available in pdf format for members to download.

Q. Is it intended for the SoR to picket on 20 October?

A. Yes, it is hoped that all work places where SoR members are on strike show a visible presence. This should be outside the main entrance or entrances.

Q. Can I wear my uniform?

A. Most employers will have a uniform policy. You will need to check and, if in any doubt, ask your local rep to raise with management.

Q. What level of cover are we required to provide whilst on strike?

A. It is important to note that it is management's responsibility to provide emergency and essential cover. The SoR view is that this should be equivalent to the service that would be provided on Christmas Day. Detailed information has been sent to all members and is on the website.

Q. My management say I have to tell them if I intend to strike, is this right?

A. No, you do not have to tell them – they can ask but you are not obliged to answer.

Q. What is the position of students on clinical placements?

A. Any students due on a clinical placements during a period of industrial action should seek advice from their HEI and Clinical Educators.

Q. I was not a member at the time of the ballot but now am. Can I participate in the Industrial Action?

A. Yes, you can you have the same protection as a member who was balloted.

Q. I am a non member but want to participate, can I?

A. Yes you can, if you are in a category of employee who would have been balloted had you been a member.