

## NIPSA STRIKE 12 DECEMBER 2022

9.00am to 5.00pm

The NIPSA ballot for Industrial Action returned a 92.62% vote for strike action, the NIPSA Health Panel, which represents all branches in Health & Social Care and Health Arms Length bodies has therefore authorised strike action on the 12 December.

While the time and length of action may vary across Trusts and workplaces the panel believe members voices must be heard.

### FREQUENTLY ASKED QUESTIONS

#### **Why are we taking industrial action including strike action?**

This action has not been taken lightly and acknowledges this will be part of the Long Term Strategy with the **Action Short of Strike (work to rule) which began 5 December 2022** and (previously notified to members) on a continuous basis to address NIPSA Members concerns around Pay, Safe Staffing and Travel Reimbursement.

The ongoing impact of a rising cost of living with inflation beyond 10%, increased mortgage costs, unsustainable energy and fuel bills, this has resulted in many members continuing to have their salaries reduced by under inflation Pay rises amounting to Pay Cuts.

The historical ineffectiveness of workforce planning has made a bad situation worse, with continued high levels of vacancies across the HSC adding to excessive workloads and leaving members exposed to chronically unsafe staffing levels across both Health and Social Care.

Spending hundreds of millions of pounds of scarce public money on Agency Staff at every level only compounds these systemic problems.

NIPSA along with National Trade Unions have continually supported the call for an “Inflation Busting” pay rise needed to address the current crisis in Health and Social Care.

The response via the Pay Review Body (PRB) recommendation of £1400 or 4% is completely inadequate and was rejected outright by the Panel. Despite this offer being implemented in England and Wales, Northern Ireland has yet to receive an offer with the result we are again forced to take Industrial Action.

As part of NIPSA's ongoing campaign to defend jobs, pay, terms and conditions it has been agreed to put in place industrial action on the 12 December in the form of strike action.

### **Who is being called on to strike on 12 December?**

All NIPSA HSC & Arms Length Bodies members covered by the AFC pay agreement are being called out for strike action across the 12 December. If you were balloted you are included in the action. The notified employers are Belfast, Northern, Western, Southern and South Eastern Health and Social Care Trusts; Business Service Organisation and Business Service Organisation (IT); Health and Social Care Board; NI Ambulance Service Trust; NI Blood Transfusion Service; NI Guardian Ad Litem Agency; NI Medical and Dental Training Agency; NI Practice and Education Council for Nursing and Midwifery; NI Social Care Council; Patient Client Council, Public Health Agency; Regulation and Quality Improvement Authority;

### **Members who normally work from home, on day of, strike action:**

If you are scheduled, to work from home, on 12<sup>th</sup> December 2022 you should still take strike action. Strike action, involves withdrawal of labour, so the place of work is irrelevant. Hopefully, members will also be able to attend a picket line, for some period.

### **What should I do if I am an Agency Worker or I work for an organisation that is not part of the action?**

If you are an **agency or contract worker**, you are not part of the industrial action. You may wish to speak to your agency/employer in advance if you feel that the strike action means you may be unable to carry out your normal duties or if you wish to not work on the day of strike action. Even if you are not taking part in the strike action you can still support your striking colleagues. Please don't undertake any duty of a striking worker unless you are instructed to do so. Please show your support for the pickets on the day. You could also show your support by writing to your local MP, MLA and councillors and your local paper.

### **Money is so tight at the moment**

NIPSA understands your concerns. But it's important to think about what you could gain and the money you need in retirement to support yourself. Any pay gained through an increased offer may or may not offset what you lose in the immediate term through strike reductions.

- Any gains we make mean that the starting point for **ANY** future pay rise is higher than it would otherwise be;
- The value of **ANY** future increment is higher than it would otherwise be;
- The value of the pension pot accumulating is higher than it would otherwise be.

Our employer is relying on us being too weak or too scared to put up a fight against this attack on your pay and terms & conditions. We have to show them that they are wrong. We need to make sure they know we are prepared to fight.

That's why getting a high turn on 12 December matters!

### **Will the strike make the Employer change its mind?**

It is really important that we get a very big turnout on 12 December. A low turnout would allow the employers to suggest that members are not bothered by the attack on their pay, staffing levels and Travel. A strong turnout will give a message in itself and about the strength of feeling over these attacks. It puts NIPSA in a better position to defend jobs and conditions. A low turnout could make the employer even bolder in their attacks.

### **Do I have to tell my employer if I am intending to take strike action?**

You should not, and are not required to declare in advance to your manager and/or HR than you will strike. NIPSA has provided all the information that is legally required. If asked, you should respond: ***“my union has advised me that I am not required to let you know my intentions prior to the start of any industrial action.”*** You need only declare that you took part if you are asked after the strike day.

### **I voted against strike action or didn't vote. Do I have to take part?**

Whether you voted for strike action and/or action short of strike action or not, you are expected to respect the democratic decision of the members and support your union. The majority of members balloted voted “yes” to strike action so we would hope you would join your trade union colleagues by participating fully in the industrial action, in line with NIPSA's democratic decision-making process. You cannot be forced to do so, but it is part of belonging to a democratic union in which decisions are made collectively. We recognise that taking strike action is very serious which is why NIPSA asks you and every other member to observe the strike. Every member who does not will undermine our bargaining power and make it harder for us to protect all our members.

## **EMPLOYMENT MATTERS**

### **Does a day strike count as a break in my employment?**

Being on strike does **not** break your service. During a strike your continuous employment is treated as 'postponed'. This means that the period you were on strike for will not count towards your continuous employment but it does not break the continuity of your period of employment.

### **Is a strike a breach of contract and could I be dismissed for taking part?**

A strike is a breach of contract and in return employers do not normally pay you. You may get an official notice that you will be in breach of contract but you should not be alarmed. You cannot be dismissed for industrial action if:

- It is called as a result of a properly organised ballot

- It is about a trade dispute between workers and their employer
- A detailed notice about the industrial action (which is legally required) has been given to your employer at least 7 days before it begins.

NIPSA has carried out a lawful statutory ballot. The law protects workers from dismissal whilst taking part in lawful industrial action at any time within 12 weeks of the start of action.

### **I'm in my first 12 months of employment – what are my rights?**

Employees are protected from dismissal during the first 12 weeks of any lawful, balloted, official industrial action. Any dismissal for taking part in industrial action in the 12 week period regardless of how long the employee has worked, or their age, is automatically unfair. Those who are still on probation are likely to have their probation period extended by the number of strike days taken.

### **What if I'm on sick leave?**

Workers who are absent on sick leave when a stoppage of work starts retain their right to statutory sick pay during the period of industrial action. If an employee reports sick on the day the action starts, the employer may require proof.

### **What if I take annual leave?**

NIPSA does not regard anyone who takes annual leave on strike days to be participating in the strike action. If you can, we would like you to postpone your leave so that you can take part in strike action.

If your planned leave coincides with the strike and you have no option, you can ask your employer to treat you as on strike for the day.

### **What if I am not contracted to work on the day of the Strike?**

You can only take part in the strike action if it coincides with a day you are due to be at work. You can however join the picket lines on 12 December to lend your support to your striking colleagues.

### **What if I'm part time?**

Any deduction of pay must be pro rata for part time staff. The deduction must be only for your contracted hours.

### **Will taking strike action affect my entitlement to maternity, adoption or shared parental leave pay?**

Rates of pay for the aforementioned is calculated based on earnings during a specified prior to taking this leave, so unpaid absence may affect this but the amount would be minimal.

### **Is my pension affected if I take strike action?**

A strike is regarded as unauthorised absence and is therefore non-reckonable service. It will not count towards your pension. The impact on your final pension, however will be extremely small.

### **Will I lose pay if I take strike action?**

Yes, you can expect your employer to refuse to pay you for taking strike action. The law makes it clear that employers can deduct pay when staff are on strike.

### **Will I receive strike pay for striking on 12 December?**

Strike pay will not be paid.

### **What if I have external work commitments on the day of the strike?**

If your commitments are part of your normal work for your employer, you should not attend them. This includes answering e-mails, taking calls or working from home.

### **I'm not a member yet – can I join now and still take part in the proposed action?**

New members can join NIPSA and join the strike right up to and including the day of the strike. You just need to fill in an application form and hand it to your local rep. If you are unsure who to contact please call NIPSA HQ on 02890661831. Application forms will also be available on the picket line.

### **What should I do during a strike?**

Your branch will organise picket lines at the entrance to your workplace. We would encourage all members to support the picket line even for a short while.

NIPSA will forward details of all picket lines imminently.

### **What happens after 12 December 2022 – will there be more strikes?**

NIPSA is willing to try to resolve this dispute but equally our members have made it very clear to us that they are committed to further action, as necessary. The NIPSA Health Central Panel and Strike Committee will continue to meet regularly to review the action and to decide what happens next.

### **NIPSA Members will revert back to Continuous Action Short of Strike as previously notified when Strike action on 12 December ends.**

Further branch bulletins will be issued advising of further action accordingly.

Please continue to regularly review correspondence at [www.nipsa.org.uk](http://www.nipsa.org.uk) and notify NIPSA membership of changes in your contact details or Mobile Phone details for Text updates.

PROTECT YOUR FUTURE AS A HEALTH AND SOCIAL  
CARE WORKER  
***SAFE STAFFING SAVES LIVES***