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Ballot FAQs



What has happened in Northern Ireland?

In 2018 RCM members in England, Scotland and Wales voted to accept a three year pay deal combining a pay award and reform of Agenda for Change (AfC) from 01 April 2018- 31 March 2021. The reforms improved starting salaries and made it quicker to reach the top of the band. Funding for these increases was from the Treasury, with the expectation that equivalent money would be made available in Northern Ireland through the Barnett Formula. In February 2019 the Department of Health imposed a one year pay uplift in Northern Ireland; this however did not achieve pay parity for RCM members in Northern Ireland in line with the other UK countries and did not address the reform of Agenda for Change. Despite numerous meetings with the Department of Health and employers during 2019 the RCM were unable to agree an offer put forward by the Department of Health and employers as it did not achieve pay parity for HSC staff in Northern Ireland.

Why are you balloting us?

In November 2018 the RCM consulted on pay and almost 95% of you who responded said that you would be willing to take industrial action up to and including strike action. The RCM Board met in November 2019 and approved an industrial action ballot of midwives and MSWs in Northern Ireland over pay. During November 2019, the RCM held workplace meetings across Northern Ireland during these meetings you told us again that you are willing to take industrial action to achieve pay parity. Industrial action is always a last resort and we only ask because we believe it is absolutely necessary. We want to achieve the same in Northern Ireland that we were able to achieve in England, Wales and Scotland. This is a fundamental attack on your pay and we have to take a stand. We believe that if midwives and maternity support workers in Northern Ireland stand together and vote yes, you are prepared to take industrial action then we will have the best chance of getting a fair deal for RCM members in Northern Ireland.

What are we trying to achieve?



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We are campaigning for a negotiated settlement that is at least as good as the pay awards and reform of Agenda for Change achieved in England, Scotland and Wales.

Why is this important?

This is an unprecedented attack on HSC pay in Northern Ireland because:

- Pay in Northern Ireland has now fallen seriously behind England, Wales and Scotland.
- RCM members in England, Scotland and Wales agreed a three year pay deal in 2018 that increased starting pay and pay on promotion, and decreased the number of incremental pay points in bands to make it quicker to reach the full rate for the role.
- Demoralised staff can not give the quality of care that women and babies deserve, investment in staff is an investment in care; and Midwives, maternity support workers and other HSC staff have faced nine years of pay restraint. Fair pay is overdue for RCM members in Northern Ireland.

When does the ballot start?

The ballot will start on Monday 6 January 2020. You will receive your ballot paper by post.

When does the ballot close?

The ballot closes at midday on Wednesday 29 January 2020. You have to send your ballot paper back in the envelope provided by post, the envelope is prepaid so you don't need to put a stamp on it. To make sure the ballot paper arrives by midday on Wednesday 29 January we recommend you put it in the post as soon as you can.

How will I get my ballot papers?

The ballot papers will be sent to you by post to your home address. They will be issued to you from an organisation called Civica Election Services (formerly known as, Electoral Reform Services), they are independent Scrutineers' who administer ballots and elections on behalf of trade unions and other membership organisations.



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Why does the return envelope have a different address from the one stated on the ballot paper?

The reason the address details on the envelope and ballot paper differ is due to the large volumes of pre-paid post Civica Election Services receive. The pre-paid envelopes have the address details of a local Royal Mail sorting office for delivery, whereas the company registered postal address appears on the ballot paper.

I haven't received my ballot paper what should I do?

The ballot will open on Monday 6 January, the papers will take 1-3 days to arrive, if you haven't received your ballot paper shortly after this date and are employed in the HSC under Agenda for Change terms and conditions in Northern Ireland please ring 0300 303 0444 or email paycampaign@rcm.org.uk . The last date that Civica Election Services will be able to issue papers is Friday 24 January, so please get in contact with us before then.

I've accidentally thrown my ballot paper away or lost my ballot paper, can I get another one?

Yes, please ring 0300 303 0444 or email paycampaign@rcm.org.uk and we will ask Civica Election Services to send you another paper. The last date that Civica Election Services will be able to issue papers is Friday 24 January, so please get in contact with us before then.

How do I respond?

You can only respond by post. You just need to answer each of the questions and then send the voting paper back to Civica Election Services. You don't need to put a stamp on the envelope as the postage is prepaid for you. We recommend you post it back to us as soon as possible.



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What questions will I be asked?

You will be asked two questions:

1. Are you prepared to take strike action? Yes/No
2. Are you prepared to take action short of a strike? Yes/No

We are recommending that you answer yes to both questions.

How do I complete the ballot paper?

You need to place a cross in either the yes or no box for each question (and we are recommending that you vote yes to both questions). Please do not mark the ballot paper anywhere else because this could mean it does not count.

I've accidentally ticked the box rather than a cross, will it still count?

Civica Election Services have said that as long as they can ascertain a genuine vote has been made, a tick or a cross, it doesn't matter and it will be accepted accordingly.

If I accidentally spoil my ballot paper can I have a new one sent to me?

Civica Election Services have said that if you accidentally spoil your ballot then they can re-issue a paper but if you can clearly mark out the incorrect vote and put a cross/tick in the correct one and a signature, then that will be accepted as long as Civica Election Services can ascertain clear voting intention.

What does the RCM recommend?

The RCM is recommending that you vote yes to both strike and action short of a strike. We are making this recommendation because we believe that taking action is our only chance to get a fair deal. We are proposing that we start our action with a short stoppage. We are also proposing that we then take action short of a strike which will highlight the goodwill that you give to the HSC every day, for example all the times you work unpaid overtime and miss your breaks. We are asking you to vote yes to both strike action and action short of a strike because this will enable us to take the forms of action we have highlighted.



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Do I have to vote?

Please make sure you use your vote. We want to send a strong message to the Department and employers that midwives and maternity support workers deserve fair pay.

Can I respond online?

No, the laws governing trade union ballots are very strict and require that all the ballots are sent to you by post and that you respond by post.

Who can vote?

We can only ballot members who can be called to take industrial action. This means that we will only consult with members who are currently employed in the HSC in Northern Ireland under Agenda for Change terms and conditions. Therefore, we will not be consulting with:

- students;
- agency staff who are not also employed in the HSC;
- members who are not currently employed; and
- members who work outside the HSC.

I work on the bank, can I vote?

Yes, as long as you are a midwife or maternity support worker employed in an HSC trust in Northern Ireland on Agenda for Change terms and conditions you can vote in the ballot.

I am not a member of the RCM, can I vote?

No, we can only consult with our members. However, if you join the RCM, you will get a vote. Please be aware that the last date which Civica Election Services can issue papers is Friday 24 January so ensure you join in plenty of time before then to allow for processing. We are stronger together and it will send a powerful message if every midwife and maternity support worker votes, so please join the RCM today. You can join online by clicking here: <https://www.rcm.org.uk/join-rcm/> If you have any questions about joining the RCM you can contact RCM Connect on 0300-303-0444.



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Is my vote anonymous?

Yes, your vote is anonymous and secret. The ballot is run by Civica Election Services who are an independent organisation and have a legal duty to keep the voting anonymous and secret. Your employer will not know how you vote.

I have a friend who isn't an RCM member but wants to vote what shall I tell them?

Ask them to join! Please be aware though that the last date which Civica Election Services can issue papers is Friday 24 January so ensure they join in plenty of time before then to allow for processing. We are stronger together and it will send a powerful message if every midwife and maternity support worker votes in the ballot. They can join online by clicking here: <https://www.rcm.org.uk/join-rcm/> If they have any questions about joining the RCM they can contact RCM Connect on 0300-303-0444.

What happens if I don't respond?

If we get a very low turnout the Department of Health and employers will assume that you don't care about your pay so please make sure you use your vote so we can send a strong message that midwives and maternity support workers deserve fair pay. We are recommending that you vote yes to both strike action and action short of a strike. We believe that if midwives and maternity support workers in Northern Ireland stand together and vote yes, you are prepared to take industrial action, then we will have the best chance of getting a fair deal for RCM members in Northern Ireland.

If we vote yes are we guaranteed to win?

We cannot make any guarantees about winning; however we can guarantee that we won't get a better deal if we don't even try.

I am off work at the moment (e.g. maternity leave/long term sickness) should I vote in the ballot?

Yes, we may be taking industrial action by the time you return to work so you are eligible to vote in the ballot.



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I am planning on retiring/leaving employment in February 2020, can I vote in the ballot?

You will be sent a ballot paper as you are still currently eligible to vote, however if you are planning to leave employment in February 2020 you shouldn't vote in the ballot.

When will I know the result of the ballot?

The ballot closes at midday Wednesday 29 January. We will announce the result that afternoon. We will post the results on social media, our website and we will send you an email. We will communicate the result to your employer and we will send a briefing to our Workplace Representatives.

What is industrial action?

Industrial action involves members of a trade union working together to achieve a goal, in this case we are trying to achieve a fair pay deal for midwives and maternity support workers. You can only take part in industrial action if you are a member of a trade union and your trade union has balloted you for industrial action and achieved a yes vote in that ballot. There are two types of industrial action, strike and action short of a strike.

What kind of industrial action will we be taking?

We will most likely start our action with a short stoppage and take action short of a strike which will highlight the goodwill that you give to the HSC every day, for example all the times you work unpaid overtime and miss your breaks. This is similar to what we did in Northern Ireland in 2015 and England in 2014 but will be kept under review. We are asking you to vote yes to both strike action and action short of a strike in the consultation.

Can midwives go on strike, what about our NMC Code of Conduct?

If we do take industrial action we will not put women or babies at risk and will not ask you to break your code of conduct. It is not against the NMC code of conduct for midwives to take industrial action. The NMC put out a statement confirming this. It says: "Like many other professions, nurses, midwives and nursing associates have the right to take part in lawful industrial action, including strike action." You can read the rest of this statement on the NMC website <https://www.nmc.org.uk/news/news-and-updates/update-on-industrial-action/> . Our



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Workplace Representatives will work with managers to ensure there is cover during the stoppages (intended to be similar to the cover on a bank holiday).

Will this affect the care that women or babies receive?

Our industrial action will not put women or babies at risk and will not ask you to break your code of conduct. When taking action in 2014 and 2015 we maintained safe services. Our Workplace Representatives will work with managers to ensure there is cover during the stoppage which is intended to be similar to the cover on a bank holiday. We believe that the treatment of HSC staff in Northern Ireland will affect care because staff that are demoralised cannot deliver the quality of care that HSC users, including women and babies, deserve. We believe that investing in staff is an investment in better care.

What does 'action short of a strike' mean?

'Action short of a strike' is a form of industrial action that is not a strike. We are proposing to take action short of a strike that will highlight the goodwill you give to the HSC every day, for example all the times you miss your breaks or work unpaid overtime. Action short of a strike can be just as disruptive to your employer as a strike so just as effective and we have chosen action that will cause disruption to your employer and the Government but not disrupt women and their babies.

When the result is in who makes the decision to call us to action?

The RCM Board will meet on the 30 January following the announcement of the ballot result to make a decision on calling action. Whether you are called to action will, of course, be based on the result of the ballot so please make sure you use your vote and we are recommending that you vote yes to both strike action and action short of a strike.

If we vote yes when will we take action?

After the ballot closes on the 29 January the RCM Board will meet and make a decision on calling action. We will send notices to employers seven days before the action starts. Legally we must take action within 28 days of the ballot closing. We expect the action to start in the middle of February.



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Why does the Ballot Paper say if you take part in industrial action you may be in breach of contract?

By definition, industrial action is almost always a breach of your contract of employment, however the RCM is given immunity for inducing this breach of contract by running a lawful ballot for industrial action and achieving a yes vote. RCM members taking part in industrial action which has been called as a result of our lawful ballot have some protection against dismissal. Any dismissal where the reason for the dismissal is that the individual took part in lawful industrial action is automatically unfair if it takes place within 12 weeks of that individual starting to take part in the action, and may be unfair if it takes place later. However, while the ballot gives immunity for breach of contract it doesn't give you immunity from breaking your code of conduct, which is why we are stressing that any action we call you to take will not ask you to break your code of conduct or put women and babies at risk.

If I vote yes do I have to take part in the industrial action?

We are recommending that you vote yes in the ballot and if you vote yes you should be prepared to take part in the action. However, as we will need members to ensure there is cover during the stoppage (which is intended to be similar to the cover on a bank holiday) some members will be required to work through the stoppage as we have a priority to ensure that no women and babies are put at risk. Our Workplace Representatives will work with managers after the ballot result and before the action starts to put contingency plans in place to determine how many staff members they need to cover the safe service. If you are required to work during the stoppage to provide that essential cover you can wear one of our 'Fair Pay Overdue' stickers.

If I am asked to cover the service during the stoppage do I have to? Can't I join in with the stoppage?

We have to make the safety of women and babies a priority during the action. Our dispute is not with the women we care for but with employers. If you vote yes you should be prepared to take part in the action, however the RCM Workplace Representative will agree with the Head of Midwifery the cover for your service. If you are asked to cover service during the stoppage (which has been agreed by the RCM) you should cover the service.



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If we conduct a work stoppage doesn't that just mean we will end up being even busier the rest of the time?

No, the idea is that during the contingency planning before the action the Head of Midwifery and the Workplace Representatives work together to work out what is essential cover for your service (we imagine this would look similar to the type of cover you normally provide on a bank holiday). This may mean that some planned appointments, classes or clinics are postponed to a time after the stoppage. Your employer will have to make arrangements to provide those appointments later in the day, this could mean bringing in extra staff later. It wouldn't be acceptable for an employer to expect you to make up the appointments in the rest of the day without extra cover as this would be relying on goodwill to cover the service. In addition to conducting a work stoppage we will also be asking you to take action short of a strike that will highlight the level of goodwill you give to the HSC every day, for example all the times you work unpaid overtime.

What should I do if I am approached by a member of the press for a comment?

Your own employer will have rules about talking to the Press so you should make sure you understand your trust's rules before you speak to the Press. If you are not sure you can speak to your Workplace Representative or you can ask the journalist to call the RCM's press office on 0300 303 0444.

Do we get paid while we are on industrial action?

We will be conducting a short stoppage so your employer could choose to reduce your wages for the time you have taken part in the stoppage. Pay is not normally deducted for action short of a strike.

If our pay is affected for taking part in industrial action will this affect some staff more than others?

We will be conducting a short stoppage and your employer could choose to reduce your wages for the time you have taken part in the stoppage. Pay is not normally deducted for action short of a strike. There will be some members who will continue to work during the stoppage to provide essential services and we wouldn't expect an employer to reduce their wages for the time of the stoppage. This could mean that some staff will have their pay affected and others won't. However, under the Department's and employer's current plans everyone's pay will be affected for years to come. We believe if you vote yes that we can send a strong message that midwives and maternity support workers deserve fair pay.



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How long will the action go on for?

Campaigning for fair pay, terms and conditions is part of our day to day work and we have had great successes in our campaigns. The 'Fair Pay Overdue' campaign will continue until we successfully end the current pay inequality for RCM members in the HSC.

What are the rules about picket lines?

It is lawful to picket, but there are limitations on what can be done. You can only picket at or near your own place of work, the Code of Practice says that in general the number of pickets should not exceed 6 people at any entrance to, or exit from, the workplace and that, frequently, a smaller number will be appropriate. Therefore, if there are multiple entrances, there can be more than 6 pickets. Pickets are allowed to peacefully persuade workers and others not to cross the picket line but anyone who decides to cross the picket line must be allowed to do so. Some members will need go in to workplaces to provide cover during the stoppage, they should be allowed to do so.

Can I wear my uniform on the picket line or demonstration?

You should check locally for the rules on whether you can wear your uniform on the picket line or demonstration and ensure you comply with local hygiene guidelines.

I am an agency midwife, can I participate in the industrial action?

Unfortunately, we cannot ballot members who are solely agency midwives. If you work as an agency midwives and are also employed in an HSC trust in Northern Ireland then you will be balloted because you are an employee of a trust that we are in dispute with. Legally, we can only ballot members who are employed by an employer who we are in dispute with. If you have not been included in the ballot then you cannot participate in the industrial action, however, we would expect agency midwives to not undermine the action by coming in to cover for midwives who are taking part in the stoppage or are taking part in the action short of a strike. It is not acceptable for an employer to attempt to diminish our action by bringing in agency midwives.



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I am a student, what do I do during the industrial action?

As a student you are not able to take part in the industrial action, the laws about industrial action are very strict and we were only allowed to ballot members who are employed by an employer we are in dispute with. As you have not been balloted you will not be able to take part in the industrial action. Therefore, you should not join the picket line and should work the shifts you are due to work. You should do nothing to undermine the industrial action of RCM members for example working beyond the role of a student. However, if you are not due to work that day you may join the demonstration off the hospital grounds (but not the official picket line).

My employer has asked me if I will be taking part in the action, do I have to answer?

Your employer may ask you if you plan to take part in the action but you do not have to answer them.

I don't think this is going to make a difference, why bother?

Taking industrial action works

When we took action in England in 2014 we got the Department of Health and employers to the negotiating table. They agreed significant improvements to the original offer. We are now campaigning for a negotiated settlement in Northern Ireland that is at least as good as the settlement achieved in England, Wales and Scotland

Treating HSC staff unfairly hurts HSC users

There is clear clinical evidence that shows HSC staff who are demoralised cannot deliver the quality of care that HSC users, including mothers and babies, deserve. HSC staff have to be valued and fairly rewarded for the work they do. Investing in staff is an investment in better care

Pay in Northern Ireland has now fallen seriously behind England, Wales and Scotland

A midwife in Northern Ireland may now be earning up to £2,000 less than their colleagues in England and even less when compared to midwives in Scotland. You can see a full



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comparison of pay across the UK by visiting our website
<https://www.rcm.org.uk/supporting/fair-pay-overdue-in-northern-ireland/>

There is currently a shortage of midwives

There is a shortage of midwives in Northern Ireland and many more are telling us that they want to leave midwifery. In order to retain and recruit midwives to deliver high quality safe maternity care to women and their families in Northern Ireland we must ensure they are paid equally and fairly in line with their colleagues in the rest of the UK for doing the same job.

#FairPayOverdueNI

Investment in midwives is an investment in high quality safe care