MEMBER FAQS

HSC PAY BALLOT ‘YES’ VOTE

NORTHERN IRELAND INDUSTRIAL ACTION

For the latest information check
www.rcm.org.uk/pay
WHAT HAS HAPPENED IN NORTHERN IRELAND?
On 6th February, nearly 11 months after the publication of the NHS Pay Review Body’s report, the Health Minister in Northern Ireland rejected the recommendation in that report for a 1% pay uplift for HSC staff in Northern Ireland. The Health Minister has said that staff who are at the top of their pay band will receive a non-consolidated (temporary) 1% uplift and staff who are not at the top of their pay band will receive no uplift. There has been no announcement about the uplift for 2015/16.

WHY ARE WE TAKING INDUSTRIAL ACTION?
We have never asked members in Northern Ireland to take industrial action before and we only asked because we believe it was absolutely necessary to say enough is enough. As a result of our campaigning and industrial action in England we were successful and negotiated an improved offer. We want to achieve the same in Northern Ireland. This is a fundamental attack on your pay and we have to make a stand. We believe that if midwives and maternity support workers in Northern Ireland stand together and take action, we will have the best chance of getting a fair deal for RCM members in Northern Ireland as we did in England.

WHAT ARE WE TRYING TO ACHIEVE?
We are campaigning for a negotiated settlement that is at least as good as the settlement achieved in England and Wales e.g. an above inflation pay rise for 2015-16 and a commitment to the NHS Pay Review Body to determine future pay uplifts in the HSC in Northern Ireland.

WHAT HAVE WE BEEN DOING TO CAMPAIGN OVER PAY?
The RCM has run a very successful campaign in England. As a result of our campaigning and industrial action in England we negotiated an improved offer. We negotiated an offer in Wales before the need to take industrial action, and the recommended pay uplift was paid automatically in Scotland (as it should have been) we have been waiting for an announcement in Northern Ireland. We believe that if midwives and maternity support workers in Northern Ireland stand together and take action, we will have the best chance of getting a fair deal for RCM members in Northern Ireland as we did in England.

WHY IS THIS IMPORTANT?
This is an unprecedented attack on NHS pay in Northern Ireland because:
- RCM members in Wales were paid the uplift straight away; a negotiated agreement was made in Wales and England. Northern Ireland is the only country that hasn’t reached an agreement or negotiated an offer;
- Demoralised staff can not give the quality of care that women and babies deserve, investment in staff is a investment in care; and
- Midwives, maternity support workers and other HSC staff have faced four years of pay restraint. Enough’s enough.

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, 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 start our action with a four hour stoppage on 30th April at 8am and take action short of a strike which will highlight the goodwill that you give to the HSC every day by asking you to only work overtime that it is agreed you will be paid for and asking you to take all the breaks you are entitled to. The action short of a strike will take place from 1st May to 8th May. This is similar to what we did in England but will be kept under review. We will announce further dates of action in due course.

ISN’T ‘ACTION SHORT OF A STRIKE’ WEAKER THAN STRIKE ACTION?
‘Action short of a strike’ is a different form of industrial action that is not a strike. Action short of a strike can be just as disruptive to your employer as a strike and just as effective, and we have chosen action that will cause disruption to your employer and the Northern Ireland Executive, but not disrupt women and their babies.

HOW LONG WILL THE ACTION GO ON FOR?
The ballot and industrial action are part of our wider pay campaign. Campaigning for fair pay terms and conditions is part of our day to day work and we have had great successes in our campaigns, not just with the industrial action in England last year but also in 2012-13 we successfully campaigned against a group of employers who joined together to attempt to move away from the nationally agreed terms and conditions. Our current ‘Enough’s Enough’ campaign will continue until we successfully end the current pay restraint in the HSC.

WHAT TIME DOES THE FURTHER ACTION START AND END?
The further action starts on 1st May and finishes 8th May. During that time we are asking you to only work overtime that it is agreed in advance that you will be paid for it and to take any break you are entitled to. You should should your overtime through the normal local mechanism for doing so. As part of our campaigning work we want to keep a total of how many hours overtime you work during this period (this is paid overtime - you should not agree to work any overtime unpaid). We would like you to complete an RCM timesheet recording all time you work over your contracted hours - there is no minimum threshold. You should then email the completed timesheet to paycampaign@rcm.org.uk. This will form an important part of our campaigning work as we will be able to demonstrate that the value of goodwill is higher than the 1% pay uplift that you have been denied.

CAN MIDWIVES GO ON STRIKE?
We are campaigning for a negotiated settlement that is at least as good as the settlement achieved in England and Wales e.g. an above inflation pay rise for 2015-16 and a commitment to the NHS Pay Review Body to determine future pay uplifts in the HSC in Northern Ireland.

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: “We recognise that many nurses and midwives are members of trade unions and respect their democratic right to express support for their trade unions and to lobby on a wide range of issues. This does of course include their right to support and take part in strike action… The code does not prohibit nurses and midwives from taking part in lawful industrial action”. In England our Workplace Representatives worked with managers to ensure there was cover during the stoppages (it was intended to be similar to the cover on a bank holiday). The same process will be followed in Northern Ireland.

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 England we maintained safe services. Our Workplace Representatives will work with managers to ensure there is cover during the stoppages 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.
I AM AN AGENCY MIDGEY, CAN I PARTICIPATE IN THE INDUSTRIAL ACTION?

Unfortunately, we cannot ballot midwives who are solely agency midwives. If you work as an agency midwife and are employed in an HSC trust in Northern Ireland, you will be balloted because you are an employee of a trust that we are in dispute with. Legally, we can only ballot midwives 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 midwives who are taking part in the stoppage or are taking industrial action in any other way. It is not acceptable for an employer to attempt to diminish our action by bringing in agency midwives.

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 midwives who are employed by an employer we are in dispute with. As you have not been ballotted 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).

HOW CAN TAKING THE BREAKS WE ARE ENTITLED TO AND BEING PAID FOR OVERTIME BE CONSIDERED INDUSTRIAL ACTION?

Taking the breaks you are entitled to and being paid for overtime, amounts to industrial action because it is action being taken collectively, acknowledging that there will be disruption occasioned to employers (but not to mothers accessing midwifery services).

HOW DO YOU EXPECT US TO TAKE OUR BREAKS? WE NEVER TAKE THEM NORMALLY!

The industrial action involves doing things collectively that you wouldn’t normally do; for example you wouldn’t normally collectively stop work for four hours. Our Workplace Representatives are working with managers to put contingency plans in place and as part of those discussions they talk to managers about the further action. Managers should make sure their units are correctly staffed so that midwives and maternity support workers are able to take their breaks. We need to have an impact to make our voices heard and taking your breaks is one way of maximising impact.

HOW DO YOU EXPECT US TO ONLY WORK OVERTIME WE ARE PAID FOR?

In England we asked members to record how many hours of paid overtime they were doing during the period of industrial action on our special industrial action timesheets. The timesheets collected from the Industrial Action in England, showed that on average RCM members work about three hours extra each week. At this rate it would take just over four weeks to earn the equivalent of 1% of your salary. Refusing to work unpaid overtime has a financial impact on employers that if continued, could have an economically significant impact. However, it is this another reason why it is important for you to be paid for the overtime you work.

THE BANK HOLIDAY COVER IN OUR UNIT IS THE SAME AS ON A NORMAL DAY, WHAT WILL THE COVER DURING THE STOPPAGE LOOK LIKE?

Using the term ‘bank holiday cover’ is a useful way of describing how cover might look in the HSC during industrial action and it is a term that the majority of unions use. However, services/activities will vary locally and will be based on the individual needs of the service. Our Workplace Representatives will work with managers to determine contingency plans for your unit following extensive guidance from the RCM. The guidance sets out key priorities and principles that should be followed to determine which services/activities will be exempted and which services/activities will be postponed till after the stoppage. Some units may not operate a different level of service on a bank holiday but this does not mean that all services/activities in that unit will be exempted from action; the principles in the guidance should still be followed to determine which services/activities should be postponed. We are taking industrial action so it will not be business as usual.

IF I AM ASKED TO COVER THE SERVICE DURING THE STOPPAGE DO I HAVE TO? CAN I JOIN IN WITH THE STOPPAGE?

We have to make the safety of women and babies a priority during the action. Taking the break you are entitled to and being paid for overtime, amounts to industrial action because it is action being taken collectively, acknowledging that there will be disruption occasioned to employers (but not to mothers accessing midwifery services).

I DON’T WANT TO TAKE PART IN THE ACTION, DO I HAVE TO?

The RCM has achieved a yes vote in our ballot so we are expecting you 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 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 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. 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 a worse deal than other staff as not everyone will have worked. However, under the Executive’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.

MY EMPLOYER HAS SAID THEY WILL DEDUCT A FULL DAYS PAY FOR TAKING PART IN THE FOUR HOUR STOPPAGE. CAN THEY DO THIS?

Your employer could choose to reduce your wages for the time you have taken part in the stoppage, we expect that employers will be proportionate and deduct for the time taken during the stoppage and not for any longer. If your trust are threatening to deduct more please email mypaycampaign@rcm.org.uk. Pay is not normally deducted for action short of a strike. Our further action asks you to not work any unpaid overtime from 1st May to 8th May so during those seven days you may work any time over your contracted hours you should get paid for it. If our action is successful we will gain an pay in the long term.

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 and the code of practice says that a picket should be six or less people. 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 to go to workplaces to provide cover during the stoppage, they should be allowed to do so.

MY TRUST PROVIDES CROSS BORDER SERVICES, CAN I STILL TAKE PART IF I AM PERFORMING DUTIES THAT ARE OUTSIDE OF NORTHERN IRELAND?

If you are employed in a trust that we are in dispute with then you can take part in the action, regardless of where you are performing your duties.

WHO HAS MADE THE DECISION TO CALL US TO ACTION?

The RCM Board have delegated the authority to call RCM members to action to Cathy Warwick, the Chief Executive Officer. Following the result of the ballot Cathy met with the Board and consulted with them before calling you to action. Rest assured that Cathy and the Board are all registered midwives so fully understand maternity services and midwifery.

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.

MY EMPLOYER HAS DEDUCTED A DAYS PAY FOR TAKING PART IN THE INDUSTRIAL ACTION. CAN THEY DO THIS?

Your employer could choose to reduce your wages for the time you have taken part in the stoppage, we expect that employers will be proportionate and deduct for the time taken during the stoppage and not for any longer. If your trust are threatening to deduct more please email mypaycampaign@rcm.org.uk. Pay is not normally deducted for action short of a strike. Our further action asks you to not work any unpaid overtime from 1st May to 8th May so during those seven days you may work any time over your contracted hours you should get paid for it. If our action is successful we will gain an pay in the long term.

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MY EMPLOYER HAS SAID THAT MIDWIVES AREN’T ALLOWED ON THE PICKET LINE, IS THAT CORRECT?

No, your employer cannot determine who is on the picket line. As previously, there are limitations on what can be done on the picket line, you can only picket at or near your own place of work and the code of practice says that a picket should be six or less people. Your Workplace Rep should co-ordinate the picket line with other trade unions to ensure there are no more than six people but there can, and should, be RCM members on the picket line.

I AM NOT ON DUTY ON THE DAY OF THE ACTION, WHAT CAN I DO?

There will be some local demonstrations that you can join, please check with your Workplace Representative. If there is a local demonstration it would be great to have a large midwifery presence so please join in! We have stickers, badges, flags, placards and flyers for the day so action you can make your presence felt!

I AM ON NIGHT SHIFT WHICH FINISHES AT 6AM ON 30TH APRIL, HOW CAN I TAKE PART?

If your shift finishes at 8am on 30th April it would be great if you could join in on the demonstration before you go home!

I AM ON ANNUAL LEAVE ON THE WEEK OF THE ACTION, CAN I TAKE PART?

If you are already booked on annual leave employers may withhold pay as they would for a member of staff taking part in the stoppage but this will depend on whether there is evidence that you have been taking part in the industrial action. Your employer should inform you if they are planning on doing that. Members on annual leave can join in the demonstration off the hospital grounds (if there is one). However, if you have not booked annual leave and are considering doing so please take part in the industrial action instead and take part in the stoppage.

MY EMPLOYER SAYS THAT MY AREA OF THE SERVICE IS ESSENTIAL BUT MY WORKPLACE REPRESENTATIVE DOESN’T AGREE - WHAT SHOULD I DO?

You should speak to your Workplace Representative and follow what she/ he has agreed. Our Workplace Representatives are working with managers to put contingency plans in place following extensive guidance from the RCM. It is important to note that all RCM members should be taking part in the stoppage and it is for our Workplace Representatives to agree what services are exempted from the action (i.e. they are an essential service).

There will be some services/activities that are not exempted and are postponed till after the stoppage. These services/activities will vary locally and will depend on the individual needs of the service. The Workplace Representative can escalate decisions to their Regional Officer or RCM HQ if they are unsure.
WE HAVE GIVEN EXEMPTIONS TO AREAS OF THE SERVICE AND NOT PEOPLE.

We have given guidance to our Workplace Representatives that states that they may, in exceptional circumstances, grant exemptions to members who may suffer long term financial hardship from taking industrial action, for example someone who is in their last year of service before retiring or someone whose state benefits may be affected by taking industrial action.

Mainly the exemptions are for areas of the service. We have made exemptions to guarantee three absolute priorities:

- safety for women and babies must be ensured
- a women’s choice of birthplace must be ensured
- RCM midwife members should not break their NMC Code of Conduct.

We have exempted areas to guarantee those priorities as the effectiveness of any industrial action will be negated if we lose public support or receive negative publicity for our industrial action. We expect all RCM members working in non-exempted areas to take part in the action. It is really important that our action is as effective as possible as we believe that if midwives and maternity support workers stand together and take action we have the best chance of getting a better deal for HSC staff. We expect all RCM members to take part in the further action and no areas of the service have the best chance of getting a better deal for HSC staff. We expect all RCM members who are not providing essential services to be able to take part in the action without being pressured.

MY EMPLOYER HAS SAID THAT I AM NOT ALLOWED TO TAKE PART IN THE INDUSTRIAL ACTION. CAN THEY SAY THAT?

No, as an RCM member the only person who has authority to call you to take action or suspend the action is Cathy Warwick, the Chief Executive Officer. We have given guidance to our Workplace Representatives and to the Heads of Midwifery about contingency planning during the stoppage, so if the RCM Workplace Representative has agreed with the Head of Midwifery that you are needed to cover service during the stoppage you should cover the service. If your employer tells you that you are not allowed to take part in the action please report this to your Workplace Representative who will confirm if you are in one of the areas that has been exempted. Your employer may say things to you to try and persuade you to come into work but the RCM has achieved a yes vote in our ballot which means you are able to take industrial action as set out in the guidance that was sent to your home address.

MY EMPLOYER HAS SAID THAT TAKING ACTION IS AN UNAUTHORISED ABSENCE, IS THAT CORRECT?

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, which we have done. 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.

MY EMPLOYER IS BEING QUITE INTIMIDATING AND SAYS I MUST COME TO WORK ON THE DAY OF ACTION. WHAT SHOULD I DO?

You have a legal right to take industrial action; the RCM achieved a yes vote in our ballot so our members can take part in the action. Your employer may try to put pressure on you to work through the stoppage and continue to give goodwill to the HSC. If you feel under pressure you can politely inform your employer that you have a right to take action and you will inform your Workplace Representative that they have put you under pressure.

The RCM will not tolerate bullying of any kind; we have worked very hard with employers and managers to maintain safety and we have allowed some RCM members to work during the stoppage to provide essential cover. Therefore, we would expect RCM members who are not providing essential services to be able to take part in the action without being pressured.

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.

MY EMPLOYER SAID THE DISPUTE IS NOTHING TO DO WITH THEM THE DECISION WAS MADE BY THE NORTHERN IRELAND EXECUTIVE SO TAKING INDUSTRIAL ACTION ISN’T FAIR ON THEM. IS THAT RIGHT?

No, our dispute is with employers and the Northern Ireland Executive. We believe this was a politically motivated decision but employers have made the decision to not award the 1% uplift to all HSC staff that was recommended by the independent NHS Pay Review Body.

ARE WE SUPPORTED BY THE PUBLIC?

Yes! In 2014 the RCM commissioned ComRes to conduct a poll of members of the public and 80% of the British public support giving NHS/HSC staff the 1% pay rise that was recommended by the Pay Review Body and that we are campaigning for. 63% of British adults would back midwives taking industrial action, provided arrangements are made to ensure that any pregnant woman in need of immediate care continues to receive it during any action.

Under our plans for industrial action contingency plans will be put in place to ensure there is cover during the stoppage (intended to be similar to the cover on a bank holiday) and action short of a strike so that will ensure that no women and babies are put at risk and no midwives break their code of conduct.

I DON’T THINK THIS IS GOING TO MAKE A DIFFERENCE, WHY BOTHER?

As a result of taking action in England we negotiated a better offer. We believe that if midwives and maternity support workers in Northern Ireland stand together and take action we have the best chance of getting a better deal for HSC staff.
MY QUESTION ISN’T INCLUDED HERE!
HOW CAN I GET MY QUESTION ANSWERED?

You can ask your Workplace Rep who should be able to help you; you can also call us on 0300 303 0444 or email paycampaign@rcm.org.uk

I WOULD LIKE TO DO MORE THAN JUST STRIKE, HOW CAN I HELP THE CAMPAIGN?

- Spread the word with the public - Use social media to explain why fair pay is important to you. If you are on Twitter use the hashtag #HSCpay
- Send us your pictures - On the day of action please take lots of pictures of you and your colleagues on the picket lines and demonstrations and email them to paycampaign@rcm.org.uk If you are on Twitter please tag @MidwivesRCM
- Help us with media interviews - We are looking for midwives and maternity support workers in Northern Ireland who can tell their story about why they are taking action for fair pay. If you would like to be involved please contact us by emailing paycampaign@rcm.org.uk
- Send a message to local decision makers - An effective part of our campaign in England was that members wrote to their local MP to ask for support. We would like you to write to your local Assembly Member and your local MP to ask for their support. In your letter please include:
  - that you are a midwife/maternity support worker, the name of the trust you work in and why you enjoy working as a midwife/maternity support worker;
  - that you have voted YES to take industrial action for the first time to get fair pay and why fair pay is important to you;
  - that Northern Ireland have been singled out, every other country have reached an agreement and that you want the Northern Ireland Executive and employers to negotiate an agreement with the RCM and other HSC Trade Unions; and
- End your letter by asking them for their support.

You can find the details of your local MLA by visiting the website https://www.writetothem.com/

Before the General Election you can find details of your local candidates for MP by visiting the website https://yournextmp.com/

After the General Election you can find details of your MP by visiting the website https://www.writetothem.com/