

## Fighting for fair pay for NHS staff

05 January 2016

### **Advice for UNISON members working in the NHS during the period of industrial action and action short of strike action by Junior Doctors**

#### **What is new?**

The BMA have announced new dates for industrial action following a breakdown in talks between the BMA and the government over contract reforms to the Junior Doctor contract. <http://oneprofessionbmaorguk.c.presscdn.com/wp-content/uploads/2016/01/Dr-Johann-Malawana-to-Danny-Mortimer-4-Jan.pdf>

This circular is an updated version of a special UNISON health circular issued on 26 November. The last periods of industrial action did not take place after an announcement that the action would be suspended for 4 weeks while talks with the government would be held through ACAS.

#### **Why are junior doctors taking industrial action?**

The BMA have been in negotiations with the Government over a new contract for junior doctors. However, the government has threatened to impose a new contract that the BMA does not believe is acceptable. In a turnout of 76.2 per cent, junior doctors have voted overwhelmingly for industrial action. More information can be found here: <http://oneprofession.bma.org.uk/>

#### **What action is taking place?**

Junior Doctors will be taking the following action:

- Emergency care only – 8am Tuesday 12 January to 8am Wednesday 13 January (24 hours)
- Emergency care only – 8am Tuesday 26 January to 8am Thursday 28 January (48 hours)
- Full withdrawal of labour between – 8am and 5pm Wednesday 10 February

#### **Is UNISON supporting the action by junior doctors?**

Yes. UNISON has made clear that it supports the action taken by junior doctors.

<https://www.unison.org.uk/news/press-release/2015/11/unison-supports-industrial-action-by-junior-doctors/>

#### **What should I do if I am working on these dates and times?**

Our advice, similar to that of the BMA, is to work as normal, however If at any point you believe patient safety may be at risk and planned care cannot go ahead, you must have urgent discussions with your clinical manager. You should not be coerced into carrying out unsafe procedures and should always stay within your professional boundaries.

#### **What if I am asked to do take on additional responsibilities during the strike?**

It is very important to remember at all times to act within your role. While you may feel pressure to take on extra duties, it is vital that during the industrial action you do not work beyond your role or capability. You should not undertake work that would be done by a striking worker. At all

times you must not undertake any task that you have not been trained to do, or that you cannot complete safely. No one should pressurise you do anything you are not confident in undertaking. If you feel you are being pressurised to do this you should contact your clinical manager and UNISON rep as soon as possible.

### **How might this affect my professional registration?**

It is important that members should not undertake work, or be instructed to undertake work, outside of their competency or professional code of conduct. You cannot be told by your manager, or any other person, that you are competent in a role or task that you have not undertaken before. Only you can use your professional judgement to decide if you are competent to undertake tasks, having considered your training, development, competencies, skill set and your duties and obligations of your HCPC or NMC code of conduct. Do not place your registration at risk.

### **What is the position on overtime?**

Our advice is that our members should not undertake voluntary overtime if it is to cover the work of striking colleagues. The same applies to bank or agency work to cover the work of those involved in the industrial action. It is the employer's responsibility to plan appropriate cover arrangements.

### **Should I cross a picket line?**

Picket lines have to be peaceful to comply with the law. You can support picketing workers by joining them before and after your working day and during unpaid breaks.

### **I am on a day off but still want to support the junior doctors, what can I do?**

Details of picket lines should be available from the BMA. They will be able to tell you how you can be involved. If you have further questions, please visit <http://oneprofession.bma.org.uk/>

### **Can I join the junior doctors in industrial action?**

Only those people who were included in the industrial action ballot are able to take industrial action. If you take action then you may face disciplinary by your employer and not have legal protection.

### **Where can I find out more information?**

You can get information from the BMA <http://oneprofession.bma.org.uk/>

NHS Employers [http://www.nhsemployers.org/news/2016/01/junior-doctors-strike-days-announced?ec\\_as=920F5CC889094C9293B453EB801D8441](http://www.nhsemployers.org/news/2016/01/junior-doctors-strike-days-announced?ec_as=920F5CC889094C9293B453EB801D8441)

NMC Code of Conduct <http://www.nmc.org.uk/standards/code/>

HCPC Standards of conduct, performance and ethics <http://www.hpc-uk.org/aboutregistration/standards/standardsofconductperformanceandethics/>

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