

Industrial Action by Other Unions: advice for RCN members



Introduction

Occasions may arise where RCN members are employed in a workplace where colleagues in other unions are involved in industrial action. This document outlines what approach RCN members should take relating to their own contract of employment, while ensuring they do not undermine the lawful industrial action taken by trade union colleagues.

It covers the issues arising out of lawful industrial action and does not cover action that might be described as 'wild cat' industrial action; ie action that is not supported by a lawful statutory industrial action ballot.

It is highly likely that an employer will be fully prepared for the industrial action undertaken by its staff. The employer will have been informed of the union ballot, who has been balloted, the result of the ballot and the action that the union will be taking. An employer may not know the name of every employee involved in the action, but the information supplied by the union will be sufficient to understand the nature of the action, the workplaces participating and the category of workers likely to be involved in it.

The employer will have had sufficient time to plan for the action and to take appropriate

- Members **should** report any difficulties or concerns in delivering care to their manager immediately. They should also notify their RCN representative as soon as possible.
- Members may wish, in their own time, to support the action of colleagues by attending demonstrations or signing petitions, etc.
- Members **should not** ask fellow workers to undertake work that they are not clinically competent to undertake.
- Members **should** work within the NMC Code at all times.

Joint membership

RCN members may also be a member of another union. If the other union undertakes industrial action and RCN members have voted in the ballot on the basis of their membership of that union, then they will make a decision as to whether or not they undertake the action called by that union. The member must also understand that they are undertaking the action based on their membership of the other union and the action is unrelated to their RCN membership.

If they are subject to any detriment for taking lawful action with another union, assistance should be sought via the union taking the action and not the RCN.

Employers seeking exemptions of union members from industrial action

When a union calls for industrial action, employers may ask the union(s) to exempt some of its members from the action to ensure delivery of some essential task or service. Essentially, employers will be asking the union to allow the member(s) to work as normal. Unions are not legally required to grant exemptions from industrial action. Therefore, the decision to approve the request sits with the union and the responsibility for maintaining safe services remains with the employer.

If an employer has concerns regarding the delivery of a service, it is their responsibility to discuss it with the striking union. It is not appropriate for the employer to ask the RCN to engage in discussions about how that work is covered. Neither should unions undertaking industrial action divert the issue away from themselves onto the RCN. RCN representatives should not be involved in this discussion, and they should refer the matter back to the unions taking the action.

Picket lines

The law allows those undertaking industrial action the opportunity to ask those continuing to work to support their action with activity such as: refusing to attend work, not enter a particular building, not deliver goods or not provide services to the employer.

There is no legal limit on the number of people on a picket line. The codes of practice for picketing recommend six people on a picket line, however, if the picket is peaceful, striking colleagues can gather to picket with more than six people. The official picket line can only consist of workers who are on strike at that workplace where the picket is located. However, the law permits a picket supervisor to be any official or member of the union who is familiar with the provisions of the Code of Practice on picketing and appointed by the union to support the members in the role of Picket Supervisor. Other workers and members of the public are also free to show their support in a demonstration of peaceful protest.

Health and Safety Act: serious and imminent danger

Employers have a duty to protect the mental and physical health of their employees.

screr1. oe1o d.88dkr(i)11.2 (l)21 (: s)wt wrr()6. (i)11.2 (n)22ks.1m(ees)1.1 (. n1 (h)1.6 (y)11 ((i)6. (n w)2.8 (h)2d))10

I have been asked to provide cover for a striking colleague

The RCN represents nurses and nursing, promotes