



Northern Ireland Ambulance Service Health and Social Care Trust

INDUSTRIAL ACTION 21 & 22 SEPTEMBER 2023 Frequently Asked Questions

1	Can NIAS staff take strike action given we are providing an emergency service?
	<p>NIAS fully recognises and respects individuals' legal right to participate in industrial action and recognises that this is a decision not entered into lightly by any individual.</p> <p>Management and Trade Unions do, however have a mutual obligation under Article 240 of the Trade Union and Labour Relations Order (NI) to ensure any action taken does "not endanger human life or cause serious bodily injury". We have therefore been working closely together to agree a list of derogations in order that these mutual obligations can be met.</p> <p>If you are taking strike action, you have a responsibility to comply with the derogations as directed by your Trade Union. Details of all derogations will be advised to you by your Trade Union and are available on NIAS SharePoint.</p>
2	What are derogations and how are they decided?
	<p>Derogations are exemptions from industrial action which are agreed between management and trade unions. Exemptions are applied to certain services / functions / people in order that life preserving care can continue on the days of strike action.</p> <p>It is important to remember that working, as per an agreed derogation, is still a way of demonstrating support for the strike.</p>
3	What derogations have been agreed for NIAS?
	<p>A full set of derogations for the day of action is attached to this document. Derogations are also available on NIAS SharePoint. If you wish to take industrial action and are unsure about what the derogations mean for you, you should discuss this directly with your Trade Union representative(s).</p>
4	If a member of staff chooses to take strike action what will happen to their pay?
	<p>The contractual right to be paid is based upon you being ready and willing to work.</p> <p>If you choose to participate in strike action, report for work and comply with the agreed derogations, no deductions from salary will be made (as you are willing to work).</p> <p>If, however you choose to take strike action and not report for work, you are <u>not</u> entitled to be paid for any period during which you are on strike (as you are not willing to work). Appropriate deductions will be made from your salary including any enhancements normally paid on that day.</p>

5	How is a staff member's pension affected should they choose to strike?
	If you contribute to the HSC Pension Scheme, no pension contributions will be collected on days when you are on strike. Therefore, the period cannot reckon for pensionable membership for benefit purposes. The number of days lost will be recorded as disallowed days.
6	Can a member of staff be asked if they intend to go on strike?
	Yes, you can be asked if it is your intention to go on strike. You are not, however obliged to advise of your intentions. <u>Management and Trade Unions are committed to ensuring patient safety is maintained during strike action, so you are encouraged to advise your manager of your intentions in advance of the day of action, for planning purposes.</u> If at a later date, you change your mind you are at liberty to do so. Again, you are encouraged to notify your manager in advance.
7	If a member of staff chooses to support industrial action by reporting for work to work to the agreed derogations, what are the booking-on arrangements?
	During the period of strike action normal booking-on arrangements apply. In addition, staff will be required to advise of the derogations they are working to for the duration of their shift.
8	If a member of staff is not comfortable crossing a picket line, whether a trade union member or not, what should they do?
	Colleagues who are on strike may form a picket line outside Trust premises, and if they do, you may have to walk past them to get into work. You should not be prevented from coming into work by those on the picket line. The Trade Union(s) who organise the picket are responsible for ensuring that picketing is carried out peacefully, and the Trust have received assurance from Trade Unions that this will be the case. If you have any difficulty reporting for work due to picket lines or feel uncomfortable crossing a picket line on the day of action, you should discuss this with your line manager who will attempt to make necessary arrangements to enable you to report for work or to work from home, where possible.
9	Do members of trade unions have an option to strike or not?
	It is entirely your choice whether to take part in the strike action or to report to work as normal. This is the case even if the majority of Trade Union members voted in favour of the action.
10	If a member of staff chooses to work overtime during strike action, are they required to undertake their full range of duties or do they only work to the agreed derogations?
	Any member of staff choosing to work overtime during strike action is required to undertake their full range of duties.

11	Can staff who are not in a trade union take part in strike action?
	The only employees who can lawfully strike are those that have been balloted and are referenced in the Notice to Strike. Any other employee (whether a non-TU member or a member of a different union not referenced in the Notice to Strike) who takes strike action will be taking part in unofficial strike action, which is unlawful.
12	Can managers re-allocate the duties of striking staff to non-striking staff?
	If you are not taking strike action, you can be asked to cover essential work, shifts, or moved to other locations to cover striking staff as part of business continuity planning arrangements. Any requests should be reasonable in all the circumstances, taking into account the work concerned and the capability and qualifications required to undertake the work.
13	Should staff be allowed to work from home on strike days?
	If you normally work from home, you will be allowed to work from home unless required to attend the workplace to cover duties. It is important that you inform your manager of your intentions for the day of strike action to ensure the appropriate recording of industrial action and processing of pay. If you are unable to gain access to your own workplace or an alternative workplace, then you may be asked to work from home where this is possible.
14	What should staff do who have booked annual leave prior to the notification of a day of strike action and now wish to change in order to participate in the strike action?
	You should discuss your request with your line manager and every effort should be made to accommodate this to protect your right to strike.
15	What happens if a member of staff is on sick leave on a strike day?
	If you are on a period of certified sick leave before industrial action starts you will be assumed to be on sick leave providing your medical certificate covers the day of action. If you phone in sick on the day of strike action will be treated as being on sick leave.
16	Can agency staff be used to cover staff who are on strike?
	No, agency staff cannot be used to cover industrial action including strike action. However, if specific posts were filled by agency staff BEFORE the industrial action started, they can continue to be used.
17	What should I do if I am asked by the media to comment on the strike?
	The majority of staff will not be routinely asked to handle media enquiries. If you decide to comment in a private capacity, you must make this absolutely clear to the journalist. If you are commenting to the media on behalf of another organisation, such as your Trade Union, you should also make this clear. All other media enquiries should be handled through the Trust's Communications Team.