



Northern Ireland
Ambulance Service



Industrial Action (18 December 2019) Employee FAQs

Introduction

Trade Unions have notified the Trust of the outcome of their industrial action ballot and of their members' intention of have a day of industrial action on 18 December 2019. The specific action notified is industrial action in the form of a strike.

This industrial action is in response to a regional HSC wide dispute, which includes all HSC Trusts and Arm's Length Bodies. The issues of dispute relate to the failure of the Department of Health and HSC Employers to agree completion of the AfC Pay refresh and HSC safe staffing levels.

It is of note that **this is NOT a dispute specific to NIAS. It is not a dispute about NIAS AfC Banding issues or any issues of concern within NIAS.**

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. Equally, however our underlying duty and responsibility is to ensure any action taken does "**not endanger human life or cause serious bodily injury**". Management and Trade Unions are equally committed to this principle and have worked closely together to agree derogations (exemptions) from the strike action to enable our mutual obligations to be met.


This frequently asked questions' (FAQ) document has been compiled to provide employees of Northern Ireland Ambulance Service (NIAS) with information to assist them with the personal issues relating to the choice to participate in industrial action on **Wednesday 18 December 2019**.

If you have any queries in relation to these FAQ's you should contact your line manager, in the first instance, to discuss further. Additionally you can contact a member of the HR Team on 028 90 400715.

Frequently Asked Questions

	Question	Answer
1	WHY ARE WE TAKING INDUSTRIAL ACTION INCLUDING STRIKE ACTION?	<p>The industrial action as notified to NIAS is part of a regional HSC wide dispute, which includes all HSC Trusts and Arm's Length Bodies. The issues of dispute are:-</p> <ul style="list-style-type: none"> - failure of the Department of Health and HSC Employers to agree completion of the AfC Pay refresh; and - HSC safe staffing levels. <p>This is <u>NOT</u> a dispute specific to NIAS. It is <u>NOT</u> a dispute about NIAS AfC Banding issues.</p> <p>NIAS Management and Trade Unions are continuing to work together towards resolution of NIAS AfC Banding issues and remain hopeful for resolution early in 2020.</p>
2	WHAT ACTION IS PLANNED FOR 18 DECEMBER 2019?	<p>NIAS have been notified by 3 of its 4 recognised Trade Unions of their intention to call on its members to take a day of strike action on Wednesday 18 December 2019. Whilst there is no statutory definition of a 'day of action', we have been notified that a 'day of action' constitutes the following for the purposes of the strike:-</p> <p><u>UNISON</u> To commence 07:00hrs on 18 Dec 19 for a 24 hr period.</p> <p><u>UNITE</u> To commencing 07:00hrs on 18 Dec 19 for a 24 hr period.</p> <p><u>NIPSA</u> To commence 00:01hrs to 23:59hrs on 18 Dec 19.</p>
3	CAN WE TAKE STRIKE ACTION AS AN EMERGENCY SERVICE?	<p>NIAS fully recognises and respects an individual's legal right to participate in industrial action. It also recognises that this is a decision not entered into lightly by any individual, particularly when working for an emergency service.</p> <p>The Trust has a responsibility to provide a service. In addition Trade Union Members have a responsibility under the Trade Union and Labour Relations (NI) Order, to ensure any action taken does "not endanger human life or cause serious bodily injury". We have therefore been working closely with the Unions to agree a list of derogations (exemptions) that will be protected from strike action in order that our mutual obligations are met.</p> <p>Details of derogations (exemptions) to the strike action will be advised to you by your Trade Union. A full list of derogations (exemptions) are also provided in Appendix 1 for ease of reference.</p>
4	I VOTED FOR FULL STRIKE ACTION	<p>Yes, as a Trade Union member you have a responsibility to comply with the direction provided to you by your Trade</p>

	<p>WITH MY TRADE UNION, SHOULD I COMPLY WITH THE AGREED DEROGATIONS (EXEMPTIONS) TO THE STRIKE ACTION AS APPENDIX 1?</p>	<p>Union in respect of the agreed derogations (exemptions). The responsibility to ensure any action taken does ‘not endanger human life or cause serious bodily injury’ extends to you as an individual employee/trade union member.</p> <p>Further guidance will be provided to you by your Trade Union.</p>
5	<p>AS A MEMBER OF A TRADE UNION, DO I HAVE TO STRIKE?</p>	<p>It is entirely an individual 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 your Trade Union voted in favour of the action.</p> <p>If you are not on strike you will be expected to work your normal hours that day unless you have been granted leave in advance by your manager.</p> <p>If you simply fail to attend for work, or fail to notify the Trust that you will be absence from work, we will assume that you are on strike and your salary will be reduced accordingly (refer to FAQ 11 below).</p>
6	<p>I AM NOT A MEMBER OF A TRADE UNION – CAN I TAKE PART IN INDUSTRIAL ACTION?</p>	<p>As a non-Trade Union member, if you take industrial action you have the same rights as Trade Union members, provided the industrial action is lawful (official), in line with the Trade Union and Labour Relations (NI) Order 1995.</p> <p>Should you choose to take part in the strike action, the responsibility to ensure that any action you take does ‘not endanger human life or cause serious bodily injury’ extends also to you as an individual employee and therefore you must adhere to the agreed derogations (exemptions) as detailed in Appendix 1.</p>
7	<p>I AM A MEMBER OF A TRADE UNION THAT HAS CALLED FOR STRIKE ACTION ON 18 DECEMBER 2019, HOWEVER MY TRADE UNION IS NOT RECOGNISED BY NIAS. AM I STILL ENTITLED TO TAKE ACTION?</p>	<p>If the action called upon is lawful (official), you have the same right to take the action called upon by your own Trade Union. Should you choose to take part in the strike action, the responsibility to ensure that any action you take does ‘not endanger human life or cause serious bodily injury’ extends also to you and therefore you must adhere to the agreed derogations (exemptions) as agreed to by your Trade Union.</p> <p>NIAS has been notified by RCN of its intention to call its members within NIAS to take part in a strike action on 18 December 2019. This is lawful (official) industrial action and NIAS respects the right of these staff to take action in line with the direction of their own Trade Union as above.</p>
8	<p>IF I TAKE PART IN STRIKE ACTION WILL THIS IMPACT ON MY</p>	<p>If you are an HCPC Registrant taking part in industrial action, the behaviours set out in the HCPC Standards of Conduct, Performance and Ethics still apply. You are therefore</p>

	<p>PROFESSIONAL REGISTRATION?</p>	<p>advised to link directly to the HCPC website for further information.</p> <p style="text-align: center;"></p> <p style="text-align: center;">Taking part in industrial action (2).url</p> <p>Registrants of all professional bodies, including HCPC, should familiarise themselves fully with their responsibilities as advised by their professional body.</p>
<p>9</p>	<p>I DON'T AGREE WITH THE STRIKE AND WANT TO COME TO WORK BUT WHAT WILL HAPPEN IF I AM FACED WITH A PICKET LINE?</p>	<p>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, if you wish to.</p> <p>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 Union side that this will be the case.</p> <p>If you are have any difficulty reporting for work, due to picket lines, or feel uncomfortable crossing a picket line on the day of action you should contact your line manager who will attempt to make necessary arrangements to enable you to report for work.</p>
<p>10</p>	<p>CAN MY MANAGER ASK ME IF I PLAN TO TAKE PART IN INDUSTRIAL ACTION?</p>	<p>Your manager can ask you if it is your intention to take part in the industrial action, however you are under no obligation to advise your manager of your intentions.</p> <p>Management and Trade Unions have been hard working together and are committed to ensuring patient safety is maintained during strike action. We would therefore encourage you to advise your manager of your intentions in advance, for planning purposes. Trade Unions have endorsed this position.</p>
<p>11</p>	<p>WILL I GET PAID IF I GO ON STRIKE?</p>	<p>Staff, who fail to report for work due to taking strike action, will not be paid for the period of strike action. Salary deductions will be evident in January 2020 salaries.</p> <p>Staff taking strike action but who report for work to undertake duties associated with the agreed derogations (exemptions), in order to maintain the Trust's critical functions, will be paid in line with normal arrangements. No deductions to salaries will be made.</p>
<p>12</p>	<p>I AM A MEMBER OF THE HSC PENSION SCHEME – WILL PENSION CONTRIBUTIONS BE COLLECTED</p>	<p>If you contribute to the HSC Pension Scheme, no pension contributions will be collected on days when you are on strike. The period cannot reckon on pensionable membership for benefit purposes. The number of days lost will be recorded as disallowed days.</p>

	WHEN I AM ON STRIKE?	
13	IS MY CONTINUOUS EMPLOYMENT WITH THE TRUST AFFECTED IF I PARTICIPATE IN INDUSTRIAL ACTION?	Taking industrial action does not break your continuous employment with NIAS/HSC however, the days of action will not count towards your total length of service. Therefore your continuous employment is treated as 'postponed'. For example, if you started working with the Trust on 01 November 2019 and over the course of a year you spend 3 days on strike, your starting date for continuous employment would be 04 November 2019.
14	I HAD BOOKED ANNUAL LEAVE FOR THAT DAY. WILL IT BE CANCELLED GIVEN THE ANTICIPATED STAFF SHORTAGES?	<p>Any existing leave applications made and leave requests granted will be honoured by the Trust. Should you wish to cancel your leave and report for duty (and not take strike action) given the anticipated staff shortages this would be welcomed.</p> <p>Any further leave applications, however will now not be granted unless in exceptional circumstances. If you require short notice leave for 18 December 2019 for any exceptional circumstance, you should discuss this directly with your line manager/RMC in line with normal arrangements.</p>
15	I HAD BOOKED ANNUAL LEAVE FOR THAT DAY. CAN I CANCEL IT SO I CAN COME IN AND STRIKE?	<p>If you have already booked annual leave, it is your choice whether you take the annual leave as planned, or whether you agree with you manager in advance that it can be cancelled.</p> <p>If you take your annual leave as planned, you will be paid in the normal way. If you decide to cancel your leave and go on strike, payment will be made in line with 11 above.</p>
16	I AM DUE TO BE ON A STUDY DAY/ AT A WORK-RELATED CONFERENCE ON THE DATE OF THE STRIKE. CAN I STILL ATTEND?	You should discuss this with your line manager. If there is a shortage of staff in the department, managers may request that you attend work to cover duties.
17	IF I STRIKE, WILL THIS GO ON MY RECORD AND REFLECT POORLY ON MY REPUTATION?	<p>The Trust recognises that staff may wish to express their concerns through official strike action organised within legal requirements by the Trade Union(s).</p> <p>Staff will not be treated any less favourable if they decide to participate in the strike. Records of those participating in strike action will be held for pay and pension purposes only and to enable the Trust to respond to enquiries relating to the industrial action itself.</p>
18	IF I DO NOT TAKE PART IN THE STRIKE ACTION	Given the level of staff shortages expected you may be required to work flexibly, in order to help maintain critical

	WILL I BE REQUIRED TO UNDERTAKE OTHER WORK ON THE DAY OF THE STRIKE?	<p>functions, as part of the Trust's contingency planning arrangements.</p> <p>Staff may be asked to work flexibly outside of existing job description but will not be instructed to do so. No one will be asked to do anything that is not within his or her level of competence.</p>
19	CAN I WORK FROM HOME ON THE DAY OF INDUSTRIAL ACTION?	<p>Ad hoc or periodic home working should not be allowed during strike days because this could create more difficulties in maintaining services already being curtailed by the industrial action. However, if you are sent home because it is not possible to gain access to your own or an alternative work place, you may be asked to work from home where this is possible. Any discussions regarding home working should be with your line manager.</p>
20	I AM AN AGENCY WORKER – CAN I PARTICIPATE IN INDUSTRIAL ACTION?	<p>No, only staff directly employed by the Trust can participate in industrial action.</p> <p>In line with (9) above, if you have difficulty attending your place of work you should contact your line manager.</p>
21	WHAT SHOULD I DO IF I AM ASKED BY THE MEDIA TO COMMENT ON THE STRIKE?	<p>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.</p>

NIAS Derogation Request to Trade Union

NIAS requests trade union derogation of the following services/functions on the basis of the potential impact on Life Preserving Services* of strike action.

*** Life Preserving Services Definition:**

- Emergency intervention for the preservation of life or for the prevention of permanent disability;
- Care required for therapeutic services without which life would be jeopardised or permanent disability would occur;
- Urgent diagnostic procedures and assessment required to obtain information on potentially life-threatening conditions or conditions that could potentially lead to permanent disability

Area / function to be considered for derogation	Rationale for requested derogation in relation to potential impact on life preserving services	Level of cover requested	Trade union decision
<p>999 Calls Category 1 and 2</p> <p>Related functions include:</p> <ul style="list-style-type: none"> • Call taking • Call dispatch • Response 	<p>Direct role in ensuring operation of front line care in order to ensure the provision of life preserving services Category 1 and 2.</p>	<p>EMDs</p> <p>DCM</p> <p>Control Officers</p> <p>Paramedics, EMTs, RRV</p> <p>Paramedics, HEMS Paramedics</p> <p>ACAs involved in provision of A&E support</p>	<p>Derogated</p> <p>A&E staff will report on duty and respond to Category 1 and 2 calls.</p> <p>Control staff will answer all 999 calls and despatch Category 1 and 2 calls.</p>
<p>999 Calls Category 3</p> <p>Related functions include:</p> <ul style="list-style-type: none"> • Call taking • Call dispatch • Response 	<p>Related contingency planning has identified limited assurance of an effective timely / clinical response to patients in these categories.</p> <p>In particular there is potential significant risk if Category 3 calls are not responded to under normal protocols.</p>	<p>EMDs</p> <p>DCM</p> <p>Control Officers</p> <p>Paramedics, EMTs, RRV</p> <p>Paramedics, HEMS Paramedics to calls identified as time sensitive / time critical</p> <p>ACAs on A&E support</p>	<p>Derogation Not Agreed</p> <p>TU agreed process to identify exceptional Category 3 calls that are clinically time sensitive and upgraded on this basis.</p> <p>This process will involve individual review of calls by a clinician in the control room setting in a transparent manner to facilitate subsequent evaluation.</p>

Area / function to be considered for derogation	Rationale for requested derogation in relation to potential impact on life preserving services	Level of cover requested	Trade union decision
<p>999 Calls Category 4</p> <p>Related functions include:</p> <ul style="list-style-type: none"> • Call taking • Call dispatch • Response 	<p>Related contingency planning has identified limited assurance of an effective timely / clinical response to patients in these categories. There is potential risk if Category 4 calls are not responded to under normal protocols.</p>	<p>EMDs</p> <p>DCM</p> <p>Control Officers</p> <p>Dispatch of Paramedics, EMTs, RRV Paramedics, HEMS Paramedics to calls identified as time sensitive / time critical</p> <p>ACAs involved in provision of A&E support</p>	<p>Derogation Not Agreed</p> <p>TU agreed process to identify exceptional Category 4 calls that are clinically time sensitive and upgraded on this basis.</p> <p>This process will involve individual review of calls by a clinician in the control room setting in a transparent manner to facilitate subsequent evaluation.</p>
<p>Clinical Support Desk</p>	<p>CSD undertakes secondary triage including identification of calls requiring emergency upgrade on clinical basis.</p> <p>There is clinical risk if calls requiring a higher response are not identified, or if calls are not identified as suitable for alternative transport in order to increase availability of emergency response tier.</p>	<p>CSD manager</p> <p>CSD paramedics</p>	<p>Derogated</p> <p>Normal cover to be provided.</p>

Area / function to be considered for derogation	Rationale for requested derogation in relation to potential impact on life preserving services	Level of cover requested	Trade union decision
HCP Call taking and response allocation	HCP call taking patients assessed by a GP or HCP as urgent to include high priority patients. This will include Inter-Facility Transfer requests.	2 RPCC Call Takers required per shift to undertake normal prioritisation process of all HCP calls	Derogation Not Agreed NIAS Management advised to review the potential for temporary staff or others not participating in the action to provide contingency.
Senior On Call	Cover Critical Incidents / staff welfare	1 manager	Derogated
Officer On Call	Cover Critical Incidents / staff welfare	5 on call officers required to support regional cover	Derogated
Operational Management	Direct role in the management and co-ordination of crews involved in the delivery of life preserving services.	2 managers per division	Derogation Not Agreed NIAS Management advised to review the potential for staff not participating in the action to provide contingency.

Area / function to be considered for derogation	Rationale for requested derogation in relation to potential impact on life preserving services	Level of cover requested	Trade union decision
Palliative, renal and cancer-related calls	Direct response and management of life preserving care	PCS/A&E staff as appropriate	Derogated. Staff involved in these calls either on the road or in NEAC will provide normal service.
HART	Direct response and management of life preserving care	2 day shift & 2 night shift	Derogation Not Agreed. TU advised no specific derogation – Cat 1 and 2 cover will be provided
HALO's	Vital role in facilitating offloading / turnaround of crews at ED in order to preserve level of emergency response.	1 per emergency department on both day and night shift	Derogation Not Agreed.
IT	Maintenance of critical control and communication systems	Emergency cover for EAC / NEAC / telephony systems	Derogation Agreed

Area / function to be considered for derogation	Rationale for requested derogation in relation to potential impact on life preserving services	Level of cover requested	Trade union decision
Major Incident Response	Direct response to ensure life preserving services where a major incident has been declared for an incident which does not directly relate to NIAS Industrial Action	All available clinical and support staff to respond as per normal protocols	Derogated as described.
Inter-hospital Transfer for PCI (for patients with Acute Coronary Syndrome) requiring in patient Cath lab procedures.	Direct response and management of life preserving care	Inclusion in agreed response by A&E/PCS/ Control staff as appropriate	Derogated
NISTAR	Direct role in transferring critically ill patients for specialist intervention	1 crew for both day and night shift	Derogation Agreed
Fleet	Essential response to broken down / VOR vehicles to maintain operational response	Emergency callout	Derogation Agreed
Stores	Emergency response for drug restocking / arrangement of vehicle decontamination	Emergency callout / activation of external vehicle decontamination	Derogation Agreed