

Industrial Action

FREQUENTLY ASKED QUESTIONS

Last updated 25 March – additions and changes are highlighted in yellow.

1. Context

1.1 Why are the trade unions undertaking strike action?

Trade unions are in dispute regarding pay and the pay award for 2022. This dispute is primarily aimed at the Government's approach to public sector pay awards and how they are below inflation. The dispute also recognises the current economic and financial pressures faced by everyone at this time.

1.2 Why NHSBT?

The dispute is primarily with the Government and its approach to public sector pay awards. Balloting for strike action is being taken across the NHS and wider health and public sector.

1.3 Do we have to recognise this?

Yes. NHSBT recognises five trade unions and through this recognition we accept and respect the role trade unions play in representing the views of their members. Trade unions are able legitimately to ballot for strike action and, should they receive the support and mandate from their members, they are able to undertake strike action.

1.4 Why should we recognise strike action given the critical work we do?

As above, all trade unions are able legitimately to ballot for strike action. We will be negotiating with our trade unions, who recognise the critical and lifesaving work we do, to ensure that any strike action does not put lives at risk.

1.5 How will we know when strike action is proposed to take place?

Unions are required to provide at least 14 days' notice prior to strike action commencing.

1.6 Do we know how long the strike action is for?

Trade unions ballot their members for a mandate for strike action over a period of time rather than a specific date. Once a trade union receives a positive mandate for strike action, that mandate will last for six months. Strike action can be undertaken at any time during this period of time, with appropriate notice. Strike action could be undertaken on multiple dates within the period of time identified within the mandate.

2. Preparing for strike action

2.1 As a manager or team leader, I am trying to plan appropriate resource levels on days of strike action - can I ask an individual or team if they are planning to take part in strike action?

As a manager, it is reasonable to attempt to understand the level of resource, or numbers of staff, who are available to work on any day of strike action. Therefore, it is reasonable that you may speak with individuals or teams to understand their availability at any time. However, individuals are not required or obliged to confirm if they will be taking part in strike action or not.

No member of staff should feel, or be put, under pressure to share or confirm whether they do intend to take part in strike action, however, we would ask staff, where possible, to advise managers of any decision to strike as this supports the delivery of safe strike action and delivery of our critical services.

2.2 Can I take annual leave rather than strike action?

No. If you are intending to take part in strike action, you will not be able to take paid annual leave as an alternative.

2.3 Can I book annual leave during strike action?

Once dates of strike action have been announced, any new annual leave requests will need to be discussed with your line manager. Recognising the additional pressures on our service delivery, annual leave requests on strike days will be agreed on an individual and exceptional basis.

2.4 If I have annual leave already agreed on a strike day, will I get paid?

Pre-existing and agreed annual leave will continue to be supported and paid, unless you are actively involved in strike action on that day.

3. During strike action

3.1 Will I get paid if I take strike action?

No. When staff take part in strike absence, there is no entitlement to pay. You will not be paid for any hours during which you are taking part in strike action.

3.2 If I work a shift pattern or non-standard working pattern, will I be paid if I take strike action?

No. When staff take part in strike absence, there is no entitlement to pay. You will not be paid for any hours during which you are taking part in strike action.

3.3 How much money will be deducted?

When staff take part in strike action, there is no entitlement to pay. You will not be paid the pay that you would normally have received for hours which you don't work due to being on strike. This will include basic pay and any other allowances which you would

normally receive for the hours during which you are on strike. You are also not entitled to claim additional enhancements for any hours that you don't work due to being on strike.

In order to understand how this may impact yourself, you can find hourly rates for all bands on [NHS Employers website](#). However, this does not take account of any additional enhancements or allowances you would usually receive.

3.4 Do I need to provide any notice if I intend to take part in strike action?

No. However, any unauthorised absence from work on a strike day will be treated as taking part in strike action.

3.5 What if I am sick on a strike day?

Staff are required to follow the normal reporting procedures to make their management team aware of their sickness absence.

3.6 If I am a member of a trade union which is taking strike action, do I need to take part in the strike?

No. Even if you are a member of a trade union which is taking strike action you have the choice as to whether you wish to participate in the strike action of your trade union or not.

It should equally be noted that there is no obligation to strike for the whole period of time of mandated action. Staff may for example choose to take strike action on one day and attend work on the second day (or vice versa) if strike action is over more than one day / shift

3.7 I am not a member of any trade union. Can I still take part in the strike action?

If you are not a member of any trade union, you are still able to take part in the strike action and will be covered by the same protection afforded to members of the striking union. You will not be paid for any hours during which you are taking part in strike action.

3.8 How would I record that a member of staff is absent due to strike action?

Staff absence as a result of strike action will be recorded through Nextra or EASY.

It is essential for absences to be recorded as quickly as possible, ideally on the day of the absence, as this will ensure we can accurately understand our staffing levels and review impact on our operational activity to provide a service to the NHS.

A tutorial and quick guide on how to record strike action using EASY will be made available for reference.

4. Picketing

4.1 Are picket lines part of strike action and what is a picket line?

Picket lines can form part of strike action but not every location of strike action will necessarily have a picket line. A picket line is where workers and trade union representatives stand outside a workplace to raise awareness and share information on why they, and their trade union, is undertaking strike action

4.2 Are picket lines going to be in effect at any NHSBT sites?

During days of industrial action picket lines are likely to be in effect at some locations. When we have confirmed locations for these we will share them on our [People First page for industrial action](#).

4.3 Should I be concerned about crossing a picket line if I am not partaking in the strike action?

No. Picketing should be conducted in a peaceful manner. Any picket lines organised by Trade Unions will be conducted in line with the [Code of Practice for Picketing](#) and will therefore facilitate safe working. All staff should feel safe and assured they can continue to access their place of work.

4.4 Can pickets stop deliveries?

No, pickets cannot impede essential deliveries and nor can they stop any supplier from entering.

4.5 Can I support the picket line during my unpaid breaks?

Yes. Staff can support colleagues on a picket line during their unpaid break or before / after your shift. Supporting the picket line is intended to be a show of solidarity to those on the picket line and different from joining the picket line. Joining the picket line is for those that have been balloted by their union and have a mandate to strike and non-union members who wish to join the picket line.

It is suggested that any staff wishing to support the picket line make themselves known to the Picket Supervisor as the picket line will need to be conducted in line with the Code of Practice for Picketing

5. Recording attendance and absence on strike days

5.1 How do I record that a member of my team is on strike?

These absences must be recorded as individual days, and **not** as absences spanning more than 1 day, even when the strike action does span a number of days.

They should be recorded on the day of the strike wherever possible; either in EASY or NextraSoft;

- Use Absence Type = Industrial Action, and
- Enter the actual number of hours not worked due to being absent on strike

Full guides are available on the Industrial Action page on People First

5.2 Can I claim unsocial hours for hours I am on strike?

No. You are only entitled to enhancements for unsocial or weekend working for hours you are at work.

5.3 What do I need to record in NextraSoft for sessions which might be cancelled due to strike action?

Blood Donation will be providing guidance about how to record a session cancelled due to Industrial Action in NextraSoft. You must also record any individual's absence on Industrial Action in EASY or NextraSoft (guidance above).

5.4 What do I record if the strike is an overnight shift which spans more than 1 day?

Night shift hours absent on strike should be recorded on the date/day in which the shift started, and as described above in 5.1.

5.5 What if I don't work hours of my shift before or after a shift I am on strike?

You should work any hours you are rostered to work before or after the time covered by the strike period. This might be used for things like mandatory or other training, or other tasks agreed with your manager. If it is agreed with your manager that you won't work hours that you are otherwise scheduled to work before or after a shift then you would be expected to work these hours at another time, to be agreed with you manager.

If you are absent any for time before or after the strike period, without the agreement of your manager, then this may be treated as unauthorised absence.

5.6 If I strike on a bank holiday do I lose my bank holiday entitlement?

Yes - if you are rostered to work on a bank holiday but don't work that day for any reason (including going on strike or sickness) then you will not be entitled to take an alternative day off for the bank holiday.

For colleagues who have bank holiday entitlement included in their annual leave allowance, a deduction of 7.5 hours (standard day) will be retrospectively deducted from your entitlement in EASY/NEXTRA.

6. After strike action

6.1 How will the impact on pay show on payslips?

Individuals will be advised of the reduction in pay in a message on their payslip for the month the adjustment is made.

Basic pay will be reduced by the number of hours absent on strike. This deduction may happen in the month after the strike action has taken place depending on the timing of the strike and payroll processing.

6.2 Can I work additional hours in a week I go on strike?

If a member of staff that has a mandate to strike by their union or is a non-union member that chooses to strike they are affectively withdrawing their labour for a number of hours. This is lawful strike action.

Such staff can undertake additional hours if they are available and if there is a service need.

These hours should be recorded and claimed as usual.

6.3 Is there an impact on my pay for any additional hours I worked in the week of a strike?

No, these hours should be recorded and claimed as usual.

6.4 Is there any impact on my NHS Pension?

If you are a member of the NHS Pension Scheme any days you were on strike are treated as “Disallowed days”, which are not pensionable (they are treated in same way as no-pay sick days). Disallowed days will be deducted from your qualifying and reckonable membership of the Scheme