

# Unite in Health guidance on industrial action in the health sector

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Unite the union health sector members have been undervalued by Government for many years and despite the words of gratitude from politicians and the overwhelming support from the general public our members still find that their earnings fall further behind, as the cost of living rises.

Trade unions always try to resolve disputes through negotiation. But when that doesn't work, industrial action may be needed as a last resort.

The industrial action members probably hear most about is going on strike. But there are other actions health workers can take, such as working exactly to the requirements of their contract of employment, taking their breaks and refusing bank shifts or overtime.

In Britain, the right to strike is governed by complex and restrictive industrial action laws. In summary, to count as 'protected industrial action', a strike must:

- relate to a work dispute with your own employer
- be supported by a valid secret postal ballot with independent scrutiny, in which at least half of the balloted workers have voted (in other words, "not voting" counts as a vote against the strike). In addition, strikes involving workers who provide what the government calls an "important public service" can only be lawful if at least 40% of the workers balloted over the action vote in favour of it.
- be carried out with notice

The law protects employees participating in strike action and action short of a strike from dismissal. The withdrawal of their labour is a fundamental human right.

Unite are campaigning for £3000 or 15% pay rise for our members and as part of that campaign the health national industrial sector committee may seek your opinion on lawful industrial action to further the aims of this campaign. We fully understand that the thought of this may place some doubts in our member's minds regarding the impact that this will have on the patients and clients that they serve.

Unite will follow due legal process if members decide industrial action is appropriate.

Our members may be concerned about the impact of any industrial action on people they provide care/ services to. Members who are regulated by a health care regulator, may have further concerns about the impact any action could have on their registration.

Professional regulators state that like other professions their registrants have a right to take part in lawful industrial action. However, they must always behave in a professional manner and in keeping with the requirements detailed within their professional Codes or Standards. Some of the professional regulators have provided guidance for registrants in considering industrial action including:

- The General Medical Council:  
<https://www.nhsemployers.org/~media/Employers/Documents/Need%20to%20know/GMC%20advice%20for%20doctors%20in%20England%20considering%20industrial%20action%20%20FAQ%204%20November%202015.pdf>
- The Health & Care Professions Council:  
<https://www.hcpc-uk.org/media-centre/position-statements/taking-part-in-industrial-action/>
- The Nursing & Midwifery Council:  
<https://www.nmc.org.uk/news/news-and-updates/update-on-industrial-action/>

Unite will work with members to ensure patient safety is paramount in the context of the action that they take.

The most important consideration for members is to keep in touch with Unite through their local representatives and branches, ensure their personal contact details are up to date in order that Unite can seek their opinion on any pay offer or proposals for industrial action and finally for members to know that they are one of many, that they are not alone and that their union, Unite is with them and supporting them in ensuring they receive the rewards they deserve.

Unite issued previous guidance in 2013: 'Unite guidance on cover in the NHS during Industrial Action' which can be accessed via: <https://www.unitetheunion.org/media/3796/unite-guidance-on-cover-in-the-nhs-during-industrial-action.pdf>