# Frequently Asked Questions for Industrial Action by Junior Doctors (version 1.2)

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|  | **Question** | **Answer** |
|  | **ABOUT INDUSTRIAL ACTION** | |
| 1 | What is a picket line? | Picketing occurs when a group of people gather outside a workplace and may try and speak with others e.g. non-strikers, temps, suppliers, to take some form of industrial action. It is an indirect form of industrial action that is protected by the law. Picketing enables BMA/HCSA /and their members to publicly and peacefully communicate the reasons and purpose of the industrial action. |
| 2 | Will there be picket lines in place if strike action goes ahead? | When known, the location of any picket lines will be shared. Employees who approach a picket line may be spoken to, given a leaflet and the reason for the strike may be explained to them in a polite manner. The picket does not have the power under law to require people to stop or to compel them to listen. A person who decides to cross a picket line must be allowed to do so. |
| 3 | Can employees cross a picket line? | Yes, employees wishing to enter the premises must be allowed to do so. Pickets should not stop employees who are attending for work. |
| 4 | If a member of staff refuses to cross a picket line, whether a trade union member or not, could he/she be disciplined | Disciplinary action will not be taken against employees because they have refused to cross a picket line However, if an employee does not attend for work due to industrial action they are not entitled to be paid and appropriate pay will be deducted. |
| 5 | Are BMA / HCSA allowed to picket outside council buildings or only health buildings? | Lawful picketing must be limited to attendance at, or near, an entrance to or exit from the place at which the picket works. This may mean picket lines located at council buildings. The location of picket lines will be shared when known. |
| 6 | Will continuity of service be broken by the day of action? | Continuity of service is not broken by unpaid service due to Industrial Action. However the length of service will be reduced by the number of days the employee was on strike which may impact calculations such as pensionable service and redundancy payments. |
| 7 | Can managers reallocate the duties of striking staff to non-striking colleagues? | Yes, non-striking employees can be asked to cover essential work, shifts, or voluntarily move to other locations to cover striking employees. However, any requests to do this would need to be reasonable, taking into account the work concerned and the capability and qualifications required to undertake the work. Employees attending work will not be asked to work out-with their job scope and role. |
| 8 | Can employees be asked to undertake other duties on day of strike as a result of colleagues not attending for work? | Yes - employees working on the day of action can be requested to undertake other duties in accordance with their contract of employment to help maintain essential services. |
| 9 | If undertaking other duties what will the rate of pay be? | Rates of pay will be as per existing National T&Cs or extant Local Agreements. |
| 10 | If taking strike action, can employees work a Locum / Bank Shift instead? | No - if taking Strike action, employees cannot work a Locum / Bank Shift at the time they have been at work |
| 11 | Do members of the trade unions involved in the industrial action have an option to strike or not, and if they decide against can the trade unions take disciplinary action? | The decision to strike is a personal choice and employees who wish to work can do so. It is up to individuals to decide whether they will take strike action or not.  Any response to union members crossing a picket line will be a matter for the Trade Unions to determine. |
| 12 | Can different trade unions take different action at different times/days? | Yes, different trade unions may take different action at different times however they may also co-ordinate their actions to take place at the same time. |
|  | **ABOUT PAY** | |
| 13 | Will employees who choose to strike be paid? | No, employees who choose not to attend for work on any day, or part day of Industrial Action will not be entitled to pay (including basic pay, banding supplements etc). Appropriate arrangements will be made between Human Resources, Supervisors, Managers and the Pay Department to record, report and enact the unpaid status of employees taking Industrial Action. |
| 14 | Will Maternity / Paternity / Parental leave Pay etc. be affected by the industrial action? | Maternity and Paternity Pay etc. will not be affected by Industrial Action. Staff due to go on maternity leave or due to retire within the next 12 months may seek exemption from taking industrial action. |
| 15 | Will Sickness Absence Pay be affected by the dates of action? | Employees on Long Term Sickness Absence will not be affected unless they choose to return to work that day then go on strike. Employees who report sick will be required to notify absence in accordance with sickness absence notification processes, and their absence will be supported with in accordance with the NHS Scotland Workforce Attendance Policy. |
| 16 | Does the employer have to record attendances / absences for staff on the day of action, and how is this done? | Yes, it is very important that all attendance and absence information is captured, recorded and if necessary fully explored to ensure that employees are paid/not paid appropriately for the day, according to their attendance/absence and reasons for absence. Local guidance will be agreed by each Board. |
| 17 | What is the impact of taking day(s) of strike action if working in the UK on a health and care visa? | It is an employee’s responsibility to check for any implications.  UK Visas and Immigration contact centre Telephone: 0300 790 6268 - select option 2 Monday to Thursday (excluding bank holidays), 9am to 4:45pm Friday (excluding bank holidays), 9am to 4:30pm |
|  | **ABOUT LEAVE** | |
| 18 | Can employees take annual leave on the day of any proposed strike? | Requests for annual leave will require to be made and considered in accordance with normal policy. However once strike action has been declared annual leave will not be approved for the strike days for medical staff unless in exceptional circumstances.. |
| 19 | What should employees 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? | Employees have a right to strike. If they choose to, every effort should be made to accommodate the change of leave. However, service needs will need to be met and the principles relating to carry forward of leave applied and reallocation of annual leave will be in accordance within normal provisions. |
| 20 | What happens if someone phones in sick that day? | Employees who report sick on days of industrial action will be required to notify absence in accordance with sickness absence notification processes, and their absence will be supported in accordance with the NHS Scotland Workforce Attendance Policy. |
| 21 | What about employees who are already on long-term sickness absence? | Employees who are already on long-term sickness absence should continue to be supported in accordance with the NHS Scotland Workforce Attendance Policy. |
| 22 | If an employee does not report for duty, what happens? | Where an employee does not report for duty and no contact is made with their line manager/or agreed point of contact regarding the reason for absence, managers should attempt to make contact with the employee as soon as possible to ensure their wellbeing and clarify the reason for their absence. |
| 23 | What about allocation of any request for Special Leave or Carers Leave? | Managers will undertake this in line with normal policy giving consideration to service continuity. |
| 24 | What should employees do who are intending to be on a study day on a day of strike action | Employees should discuss the issue with their line manager. If there is a shortage of employees in the department, managers may need to request that staff do not attend the study day but attend the workplace to cover duties. Discussions will follow to explore reallocating the study day where possible. |
|  | **ABOUT THE DAY ITSELF** | |
| 25 | Is a day of industrial action considered to be from midnight or would it follow a shift pattern e.g. 7pm – 7am? | Industrial action will commence at 7.00am on Wednesday 12th July 2023 and finish on Saturday 15th July 2023 at 7.00am BMA have advised that if someone has commenced their shift prior to 7.00am eg been on overnight, they will continue to complete their shift. |
| 26 | What happens if a service / building is not open on a day(s) of Industrial Action? | At present, there are no planned service or building closures. In the event a service is stopped or reduced on the day of action employees should contact their Line Manager who will clarify what is required on the day. |
| 27 | Is there a central number to call to get advice before and on the day? | Advice is available from [Doctors and Dentists in Training (junior doctors) - NHSGGC](https://www.nhsggc.scot/staff-recruitment/hrconnect/doctors-and-dentists-in-training-junior-doctors/) |
| 28 | When do employees have to tell their employer if they will be on strike? | Whilst there is no requirement it is hoped that employees will advise their Line Manager (Boards to clarify Named Contact) of their intention to be at work during any period of industrial action at the earliest opportunity in the interest of maintaining emergency and essential services. Contingency plans have been updated and submitted to plan as effectively as possible and minimise any risks and impact on patients. |
| 29 | Can a manager ask an employee if they intend to be at work during any period of industrial action? | It is not appropriate to ask an employee if they are a member of a trade union. However managers can and should ask employees if it is their intention to be at work on a day there is proposed industrial action. |
| 30 | Should SSTS / normal attendance sheets be used to record employees being on strike - how should this be recorded for pay purposes? | Any days of strike action should be recorded by managers in Placement Boards. The way in which this will be recorded will be confirmed prior to any days of action.  Within NHSGGC templates have been created and will be emailed out to service and medical managers prior to any strike days. These will be returned to DDiT team for inputting on SSTS |
| 31 | What happens if strike action starts in the middle of a shift? | Employees do not have the right to leave their workplace in the middle of a shift to take industrial action. For example, if rostered to work from 7pm on Tuesday 11 July to 7am to Wednesday 12th July, an employee must finish their shift. |
| 32 | What if I am on strike however have committed to secondary employment e.g work at a concert and/or event? | Employees are required to seek the permission via their line manager/Head of Department/Director before taking up secondary employment. The same approval process would apply during any periods of strike action. |
| 33 | What is the stipulated level of emergency cover that the trainees need to maintain? | Currently no essential and emergency areas, also known as derogations, have been agreed. Any derogations will be agreed nationally. |
|  | **BUSINESS CONTINUITY** | |
| 34 | What business continuity arrangements will be in place on day of strike? | In line with any other business continuity situation a ‘command and control’ structure with local and strategic control rooms will operate throughout the period of industrial action as necessary. |
| 35 | What happens if there is a major incident on day of strike? | In the event of a major incident or other significant event e.g. incident involving high number of injured persons there will be an agreed communication mechanism between senior managers and senior trades union representatives to ensure appropriate staffing is in place to maintain essential services. |
| 36 | Will Placement Board managers be asked to submit sit reps (situation reports) on day of strike? | Sit reps will be required on the day(s) of action. It is anticipated that Scottish Government may request information on staff levels e.g. numbers on strike, sick leave, annual leave either on the day or quickly thereafter. It would therefore be advisable for Placement Board line managers to ensure that they have robust recording mechanisms in place. Further guidance will be provided on this as necessary. |
| 37 | How do you know if you are an essential area? | No derogations are currently planned as such the planning assumptions are life and limb cover.  Should any essential and emergency areas, known as derogations, be agreed this will be communicated to services by the Industrial Action Planning Group. |