

THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
HUMAN RESOURCES POLICIES AND PROCEDURES

INTERRUPTION OF WORK DURING PERIODS OF INDUSTRIAL ACTION

POLICY STATEMENT

This policy applies to all staff employed by the Newcastle upon Tyne Hospitals NHS Foundation Trust.

In view of the prospect of a ballot for strike action in the public services, including the NHS, the Trust considers it necessary to explain its policy in relation to a number of potential issues concerning absence from work during any periods of industrial action and its effect upon the employment relationship.

When the outcome of union ballots are known, the Trust will discuss with staff side the proposed arrangements to protect patient care

Point of principle

The overriding objective of the Trust is to provide patients with the highest quality of healthcare and safe services. During any periods of industrial action, it will be necessary for Trust management to implement contingency plans in order to pursue that objective. Staff side have given an undertaking that they will give the Trust as much notice as possible of any intended industrial action to enable the Trust to plan its emergency cover and protect the interests of patients; staff side will cooperate with the Trust to ensure the safety and urgent care of patients is not compromised. Professional staffs understand their obligations in respect of the principles outlined in their codes of practice.

Pay and industrial action

Subject to any exceptional circumstances set out in this policy statement, staff who fail to attend work on any day when a strike has been called (“a strike day”) will not be entitled to pay for that day, or for any part of the strike day when they are not at work.

Duties such as overtime and unsocial hours working, which carry enhanced rates or special allowances, and which are not undertaken, will not be paid for. In action short of a strike where normal working is disrupted or partly performed due to industrial action the Trust will not accept or pay for partial performance of the contractual duties.

In either case, staff offering partial performance will be advised in advance of taking such action of any impact on pay and terms and conditions.

Absence for other reasons on strike days

Except in cases of recognised continuing sickness absence, the Trust will require medical evidence in support of any claim for sick pay from staff who are absent for reasons of sickness on a day when industrial action is taking place. The employee will be required to attend a return to work interview on their return and provide the medical evidence. Failure to provide satisfactory evidence will result in the absence being treated as unauthorised and sick pay withheld.

Maternity pay for staff on maternity leave at the time of the industrial action will not be affected by the strike.

The Trust recognises that some staff may experience difficulties with care responsibilities and other disruption to their domestic arrangements caused by industrial action in other public services. Staffs who anticipate such difficulties should discuss in advance with their line manager and make every effort to make alternative arrangements so that they can attend work. Requests for annual leave to cover such eventualities will be considered on an individual basis.

Any unauthorised absence during the period of any industrial action will be treated as participation in the industrial action, and for such reasons will not be paid

Requests for annual leave, lieu days, etc. which have been granted in advance of notification of industrial action will be paid for in the normal way. New requests for annual leave or lieu days after industrial action has been notified will not be granted.

Annual leave entitlement will not accrue during periods of industrial action for which no payment is made. Pensions (superannuation) contributions will not be made and superannuation entitlement will not accrue for that period.

Whilst continuity of employment is not in general broken by strike action, periods which are not paid for as a consequence of industrial action will not count towards such benefits as redundancy payments, statutory maternity pay, etc.

Use of the Trust's premises and facilities

During periods of industrial action, facilities normally offered to trade unions will be withdrawn from the members of staff participating in the dispute, except in areas designated by management.

Equipment and facilities belonging to the employer, other than those which are available for public use, may not be used by staff taking industrial action.

Staff who refuse to cross a picket line, or otherwise fail to attend their place of work on any strike day will be regarded for pay and all other purposes as participating in the industrial action, regardless of whether they have been balloted and called upon to strike.

Whilst it is acknowledged that peaceful picketing is for the purpose of exchanging information, pickets will not be allowed to operate on or use the Trust premises for

any purpose, except by express permission of Trust management. There is a Government Code of Practice in relation to picketing arrangements.

Colleagues cannot be forced by pickets to stop and listen to them nor prevent them from attending work.

This policy statement is not intended to be an exhaustive list of the Trust's legal entitlements in respect of withholding pay and other benefits from staff who participate in industrial action. The Trust reserves the right to take such lawful action as it sees fit in individual circumstances.

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