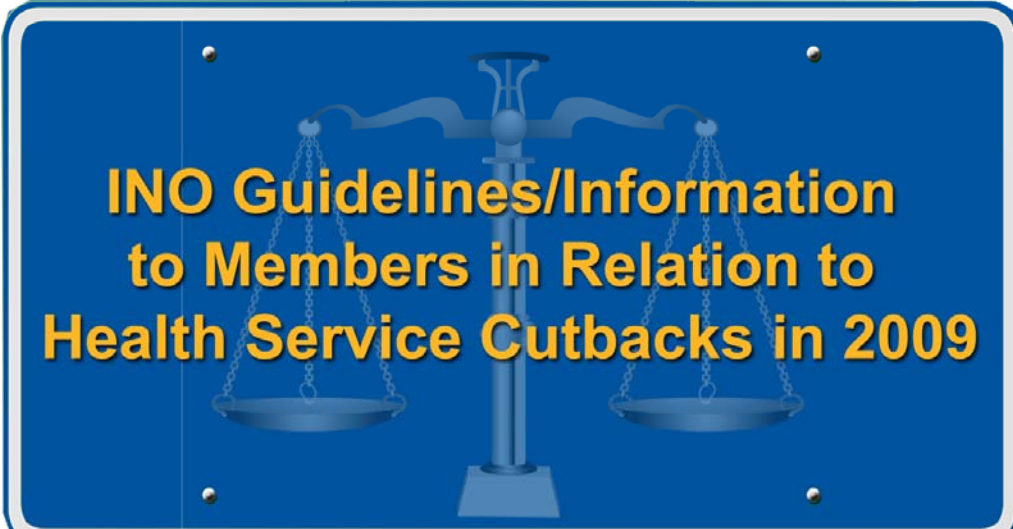
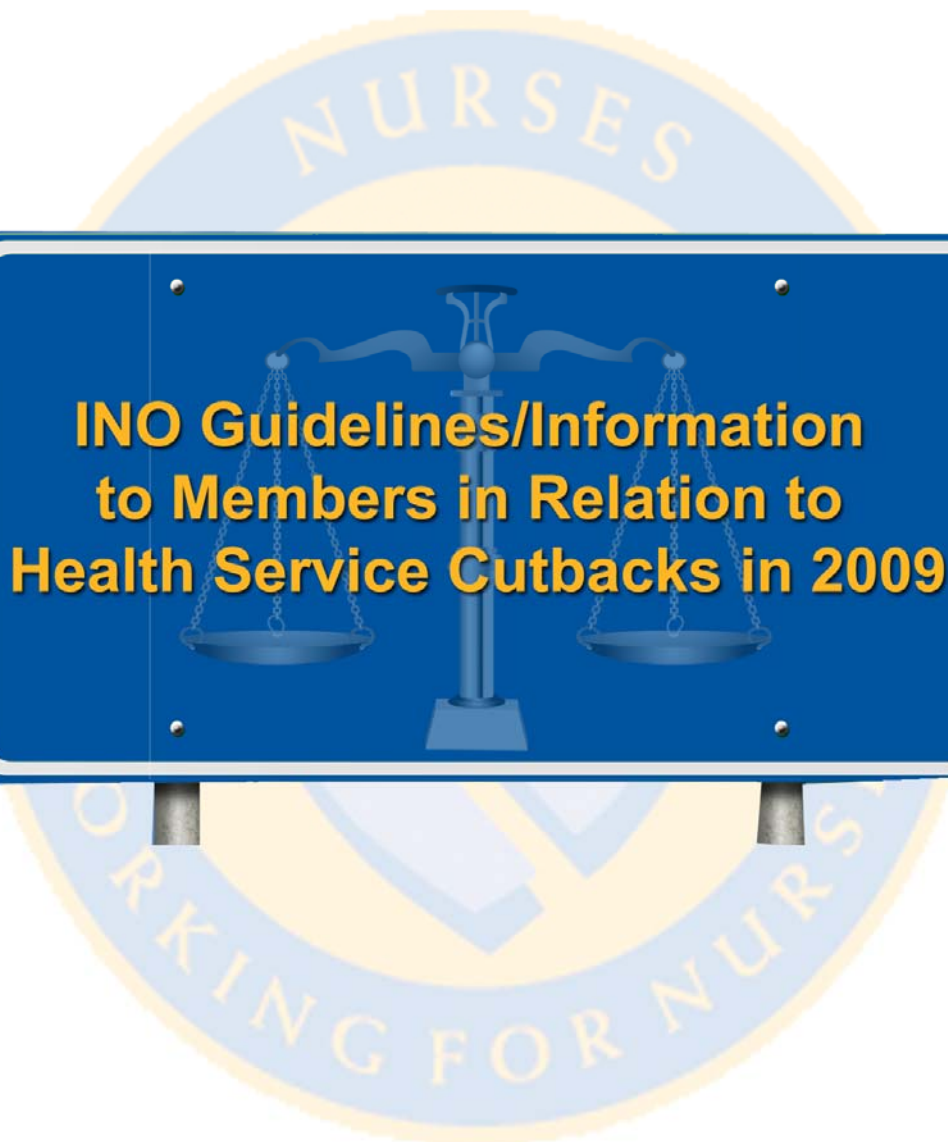




# IRISH NURSES ORGANISATION



**INO Guidelines/Information  
to Members in Relation to  
Health Service Cutbacks in 2009**

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## 1. CONTEXT

The HSE has indicated that it will be required to deliver services with a budget reduced by over €500 million and possibly up to €1.27 billion in 2009. The scale of this curtailment is of a magnitude not previously witnessed in Ireland. For example, each large Dublin hospital operates on an annual budget of under €300 million, the closure of between two and possibly up to four such hospitals would equate to the projected shortfall.

In pay terms it could represent approximately 10 to 12 thousand jobs. No amount of value for money initiatives, or trimming of costs, could address the projected deficit. No service will be immune and these guidelines are designed to assist nurses, midwives and their local representatives respond consistently when faced with cutback proposals.

Negotiations on cutbacks should, as far as possible, be conducted on a multi-union basis.

## 2. NO PRIORITIES IN ANY DISCUSSIONS REGARDING CUTBACKS

1. Maintain and protect safe standards of care.
2. Maintain the maximum number of jobs - both temporary and permanent.
3. Maintain all existing rates of basic pay, allowances, premium pay and on call payment rates.

## 3. YOUR RIGHTS REGARDING PRIOR CONSULTATION

Under the legally binding Information and Consultation Agreement with HSE Employees (Provision of Information and Consultation) Act 2004, you are entitled to be consulted. The HSE has recognised this should be at least 21 days in advance of the proposed cutback. This consultation must be with a view to **reaching agreement and must allow for alternative proposals to be tabled and considered.**

The consultation must provide the following:

- identification of all the parties likely to be affected by the proposed change;
- details of how and when those likely to be affected will be affected;
- consultation with those likely to be affected and their trade union representatives;
- an impact analysis to identify the effects (both positive and negative) of introducing the proposed change;
- possible impact of the proposed change on established workplace practice and terms and conditions of employment;
- allow the parties, or their representatives, to fully engage with the preparation for and implementation of change;
- allow staff and their trade union representatives contribute ideas views and solutions;
- provide for alternative proposals from staff and their representatives.

#### **4. WHAT ANY PROPOSAL MUST INCLUDE**

1. The analysis supporting implementation of the curtailment measures.
2. Assurances regarding the protection of the quality and safety of patient care.
3. A full outline the changes will have on human resources, numbers of staff, rosters and earnings.
4. The duration of the proposed curtailment.

If the proposal is implemented by agreement, or otherwise, it should be subject to review on a monthly basis, using the following criteria:

- effectiveness relative to its stated objective;
- quality of patient care;
- costs; and
- assessment of continuing need.

#### **5. MAINTAIN AND PROTECT SAFE STANDARDS OF CARE**

Nurses and midwives carry a heavy burden of responsibility with regard to the quality of care they provide and the overall safety of their patients. No nurse or midwife should be forced to accept and work in circumstances which they consider to be ethically wrong or to pose a risk to the safety or welfare of their patient. Equally no nurse or midwife should be forced to accept a situation which poses an unacceptable risk to the health and safety or welfare of themselves or a colleague.

Relevant statutory provisions for the protection of Patients and Nurses or Midwives are:

- An Bord Altranais Scope of Practice and Fitness to Practice Guidance and Procedures.
- Health Information and Quality Authority (HIQA) Standards of Care.
- HSE Procedures on Protected Disclosures of Information in the Workplace.

There is an obligation on management, in their proposals, to provide written assurances with regard to patient safety, welfare and quality of care. Where an individual nurse or midwife, or group of nurses and midwives, consider that the assurances given are not adequate to protect the quality or safety of patient care, and feel pressurised into accepting the curtailment they should:

- seek a written instruction with regard to the situation that they are expected to stand over; and
- should record a complaint with one or all of the Statutory Bodies mentioned above.

Additionally they are advised to complete an INO disclaimer form and submit it to Management.

**Where a collective group of INO members decide, by majority, that the proposed curtailment or closure of a service is unacceptable, the INO will support them in resisting the proposed curtailment or closure.**

## **6. MAINTAINING MAXIMUM NUMBER OF JOBS BOTH TEMPORARY AND PERMANENT**

The legal right to be consulted is part of a suite of employment protection regulations based on European Directives. When it comes to dealing with an employer's need to curtail costs, the laws introduced in Ireland require that such consideration must be applied in an even handed and fair manner right across the entire workforce. Relevant legislation in this regard is:

- The Protection of Employees (Fixed Term Work) Act 2003;
- The Protection of Employees (Part Time) Work Act 2001;
- The Redundancies Acts;
- The Unfair Dismissals Act.

## **7. TEMPORARY EMPLOYEES**

HSE statistics indicate that there are 14,084 WTE positions filled on a temporary basis. 4,191 of them are in the nursing and midwifery professions. Temporary nurses or midwives can be regarded, whether by contract or their de facto position, as being fixed term workers with the protection of the relevant Act. Members in such a position cannot be discriminated against purely based on their employment status. Management proposals, therefore, to dispense with the service of all temporaries without having regard to the specific purpose for their employment in the first place would more than likely be an infringement of their legal rights.

Temporary nurses or midwives with more than one year's continuous service are covered by the Unfair Dismissals Act and any dismissal, based purely on their temporary status alone, would likely be an unfair dismissal.

Temporary or fixed term workers with more than two years (104 weeks) continuous service will have an entitlement to statutory redundancy payments under the Redundancy Payment Acts. Continuous service is defined in those acts.

Members are advised to consult with their local representatives/IRO for further clarity on these issues.

## **8. PART TIME AND JOB SHARING WORKERS**

HSE statistics indicate that there are 14,393 whole time equivalent posts filled on a part time basis and a further 3,123 posts filled by persons on the job sharing scheme. 6,129 whole time equivalent part time nursing and midwifery posts and 1,475 job sharing nursing and midwifery posts exist at this time. Nurses and midwives in these categories are protected under the Protection of Employees (Part Time) Work Act 2001 and cannot be singled out for lesser treatment than their full time counterparts in any proposed

cutbacks. All HSE, public, voluntary and private sector employees enjoy the full protection of the Unfair Dismissals Acts.

## **9. MAINTAIN ALL EXISTING RATES OF BASIC PAY, ALLOWANCES, PREMIUM PAY AND ON-CALL PAYMENT RATES**

**The rates of pay of nurses and midwives are agreed on a national basis.** Salary scales and incremental points, overtime rates of time plus ½ and double time, allowances in the nature of pay, including specialists and location allowances, acting allowances etc., premium pay in respect of unsocial hours and on-call payments **are all national agreements which cannot, in any circumstances, be the subject of negotiations in local employments or services as part of cost curtailment measures.**

**Contact your INO Industrial Relations Officer immediately if any such proposals are put forward.**

## **10. WHERE NEGOTIATIONS FAIL TO REACH AGREEMENT**

### **(i) *Where there has been no consultation:***

If, following the announcement of a plan, employers fail to engage in consultation with a view to reaching agreement, or simply announce a plan and implement it, they will be in breach of the Information and Consultation Agreement. In this context members should:

- approach their Industrial Relations Officer with a view to making a complaint to the Labour Relations Commission;
- members are free to participate in a ballot for industrial action designed to resist implementation unless agreement is reached; noting
  - industrial action must be sanctioned by the Executive Council.

### **(ii) *Where there has been consultation:***

- Where, following consultation, which has allowed at least 21 days to explore all of the alternatives, the employer indicates that it intends to proceed without agreement, you should contact your Industrial Relations Officer immediately.
- Where members wish to oppose, and to take industrial action to prevent the curtailment or closure of a service, a ballot should be commenced following consultation with your local Industrial Relations Officer.

## **11. PRIVATE SECTOR EMPLOYMENT**

Members working in the private healthcare sector also enjoy the rights and entitlements detailed in this booklet.

In particular members working in isolation, in small employments, should protect their interests by consulting with the INO whenever they are faced with cutbacks.

Members are asked to **read** and **retain** this booklet for information, advice and guidance.

If you have any queries please contact your local nurse/midwife representative or your IRO:

REGION	INDUSTRIAL RELATIONS OFFICER
Dublin - East Coast Region	Philip McAnenly (01 6640629 or <a href="mailto:Philip@ino.ie">Philip@ino.ie</a> )
Dublin - Northern Region	Edward Mathews (01 6640646 or <a href="mailto:Edward@ino.ie">Edward@ino.ie</a> )
Dublin - South West Region	Lorraine Monaghan (01 6640635 or <a href="mailto:lorraine@ino.ie">lorraine@ino.ie</a> )
Midland Region	Derek Reilly (01-6640635 or <a href="mailto:derekreilly@ino.ie">derekreilly@ino.ie</a> )
Mid-West Region	Mary Fogarty (061 308999 or <a href="mailto:maryf@ino.ie">maryf@ino.ie</a> )
North East Region	Tony Fitzpatrick (01 6640644 or <a href="mailto:tony@ino.ie">tony@ino.ie</a> )
North West Region	Noel Treanor (091 581818 or <a href="mailto:noel@ino.ie">noel@ino.ie</a> )
Southern Region	Michael Dineen (021 4865633) or <a href="mailto:Michael@ino.ie">Michael@ino.ie</a> Patsy Doyle (021 4865633 or <a href="mailto:patsy@ino.ie">patsy@ino.ie</a> )
South East Region	Liz Curran (061 308999 or <a href="mailto:liz@ino.ie">liz@ino.ie</a> )
Western Region	Noreen Muldoon (091 581818 or <a href="mailto:noreen@ino.ie">noreen@ino.ie</a> ) Regina Durcan (091 581818 or <a href="mailto:regina@ino.ie">regina@ino.ie</a> )

Or through our office network:

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Telephone: 021-4865633 Fax: 021-4865493 Email: [rosemary@ino.ie](mailto:rosemary@ino.ie)
  
- **Limerick:** Unit 4B Courtfields, Raheen, Limerick.  
Telephone: 061-308999 Fax: 061- 309035 Email: [Karen@ino.ie](mailto:Karen@ino.ie)
  
- **Galway:** 76 Westside Business Centre, Old Seamus Quirke Road, Galway.  
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# Irish Nurses Organisation



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