



Irish Nurses and Midwives Organisation
Working Together

General Guidelines for Members in Relation to Industrial Action and Strike Action

FORWARD

Dear Members

Over the past number of years, the INMO have engaged on several national campaigns to improve the terms, conditions and working environment of nurses and midwives who work within the Irish health service.

The INMO has during this period, balloted and notified intention of engaging in industrial action nationally, and the Industrial Relations Sub-Committee of the Executive Council revised the guidelines for members in these circumstances. They developed this guideline document for members, which sets out the organisation of local strike committees, and the invaluable role that strike committees play in ensuring that essential services remain in place, as is the Organisation's policy.

These guidelines begin by outlining legislation and agreed national procedures, that underpin strike action, namely the Industrial Relations Act of 1900 and the Dispute Resolution in the Health Services (Framework Agreement). The role and responsibility of each member, including our student nurse members, are explained, as is the balloting procedure and picketing guidelines.

In 2016, the Executive Council endorsed these guidelines to ensure the maximum degree of consistency of approach when organising a national/local dispute. The main objective of these guidelines is to present a clear process for strike committees to follow, which allow the committee some discretion in local decision making. Furthermore, by following these guidelines, and by observing the invaluable work of the strike committees, all members can see, and benefit from, a fair and transparent process, which benefit all members and the persons to whom they provide care, by provision of essential services during any dispute.

The guidelines also focus on and provide a clear pathway to manage any escalation in a dispute, at local, regional and national level, and clear guidance should any industrial/strike action extend over a long period of time.

The guidelines main purpose is to ensure the maximum degree of consistency of approach, when organising a national dispute, but can also be used, and adapted, during a dispute in a specific local care setting.

Following ratification of these guidelines at the INMO Annual Delegate Conference, in May 2017 in Wexford, I, as President, together with the General Secretary, are delighted to formally share these with you as the endorsed policy guidelines for members in relation to industrial action and strike action.

I trust you will find these guidelines helpful and that they explain the INMO's methodology and process in relation to all industrial/strike action.

Yours sincerely

MARTINA HARKIN-KELLY
President

PHIL Ni SHEAGHDHA
General Secretary

INTRODUCTION

In preparing for a national dispute the following guidelines have been prepared by the INMO Executive Council. The document's main purpose is to ensure the maximum degree of consistency of approach when organising a nationwide dispute.

These guidelines should be used by Strike Committees.

Any questions that might arise should be referred to the Executive Council through the full-time official of the INMO.

This document covers the following areas:

1. Industrial Relations Act 1990.
2. Dispute Resolution in the Health Services (Framework Agreement).
3. The Role of the Strike Committee.
4. The Role and Responsibility of the Member.
5. The Role of Student Nurse/Midwife Members.
6. Miscellaneous Matters.
7. Balloting Procedure.
8. Picketing Guidelines.

1. INDUSTRIAL RELATIONS ACT, 1990

The Irish Nurses and Midwives Organisation is a registered professional Trade Union in accordance with the Trade Union Act, 1941. This Act gives the Organisation the right to negotiate on the pay and conditions of nursing and midwifery staff in all their working environments.

The Industrial Relations Act, 1990 confers an immunity from legal liability on members of the Organisation who engage in strikes, or other industrial action, provided the following conditions are met:

- (a) the strike or other industrial action is in contemplation or furtherance of a trade dispute;
- (b) the strike or other industrial action is supported by a secret ballot;
- (c) not less than one week's notice of the strike or other industrial action is given to the employer;
- (d) adhered to union rule book covering strike action; and
- (e) obtained the necessary two-thirds majority of votes cast in favour of dispute action.

2. DISPUTE RESOLUTION IN THE HEALTH SERVICE Framework Agreement (2002)

The INMO is party to the Framework for Dispute Resolution in the Health Services.

In accordance with this agreement contingency arrangements must be agreed as follows:

Contingency Arrangements

- (a) *Both parties recognise the essential nature of the health service generally and furthermore recognise that in the event of any form of industrial action certain services are indispensable.*
- (b) *In the case of industrial action, each formal notice of the intention to take action will contain an offer to meet immediately to agree contingency arrangements. The objective of the meeting will be to agree contingency arrangements not later than 14 days in advance of the proposed commencement of industrial action. Such arrangements will continue for the duration of the action and will ensure:*
- that services, where interruption or cessation could endanger life will be protected;*
 - the life and dignity of the patient/service user will not be put at risk;*
 - the ability to respond to unforeseen emergencies; and*
 - the provision of emergency services required on humanitarian grounds.*
- (c) *Both sides will endeavour to ensure that the first meeting,*

to agree contingency arrangements, will take place within 48 hours of the notice being served. Where the parties encounter difficulties in finalising arrangements under sub-paragraph (b) above, both parties will seek the assistance of the Labour Relations Commission (now Workplace Relations Commission) who will respond to the request urgently. Discussions at the Commission will explore all options including a cooling off period.

- (d) The trade union(s) will establish a Strike Committee at each location and the names of committee members will be advised to management. The composition and arrangements for Strike Committees will be the responsibility of the trade union(s) concerned. Appropriate facilities will be provided to Strike Committees. Where appropriate, requests from members of Strike Committees for time off to participate in contingency planning will be facilitated. Communication from management representatives will only be directed to agreed, designated union representatives.*

- (e) It is agreed that any industrial action will be suspended in the event of a Major Emergency Plan being activated.*

A national meeting between the INMO and representatives of Management regarding contingency planning will be requested and should take place within 48 hours of notice of industrial action being served on the employers.

The INMO at national level, having served notice, will meet the HSE, and Voluntary Hospital representatives, to agree contingency arrangements in any national dispute.

The INMO will, in the event of notification of work stoppages, advise management of the emergency services that will be provided.

All local Strike Committees will be immediately communicated with, by the INMO, and advised of all agreements reached regarding national contingency plans.

3. THE ROLE OF THE STRIKE COMMITTEE

In a situation where the Organisation is going to engage in industrial action, particularly involving withdrawal of labour, a local Strike Committee must be formed.

The main functions of such a Committee are as follows:

1. To ensure that its membership is sufficiently broad to cover all areas of the Hospital/Community Care Areas where nurses/midwives work. A guide number for a strike committee membership is 14-16. INMO members representing all areas of the workplace should be represented including nursing/midwifery management.
2. To elect a Chairperson, Secretary and Communications Officer for each committee.
3. To notify hospital management, as soon as possible, of the names of its members.
4. To liaise very closely, with their local Industrial Relations Officer, who will be available to it on an ongoing basis.
5. Following communication from the INMO regarding outcome of national contingency meeting, the Committee is required to hold a meeting, with local management, with a view to applying the nationally agreed contingency plans.
6. To seek to ensure local contingency plans are agreed 14 days prior to the dispute commencing.
7. To have a roster of Strike Committee members, covering the entire 24-hour period, for the duration of the dispute.

This roster and contact details must be made available, to all members in dispute in that workplace, in advance of the

dispute commencing and also to management and the INMO official.

9. The drawing up, and management, of dispute rosters for work stoppages.
10. The drawing up, and management, of picket duty rosters.
11. The drawing up of contingency plans to deal with unforeseen emergencies:
 - This is to comply with the Organisation's key policy that we will always maintain essential services in acute/emergency situations - the key reference point here would be the hospital's 'Major Accident Procedure'.
12. To liaise with other unions/workers within the institution/community care areas.
13. To secure, from hospital management, the use of an office, in a location easily accessible to members, complete with an internal and external telephone line/internet access/email for the full duration of the dispute.
14. To ensure, as soon as possible, that an agreed internal network of communication is established which is made known to all members:
 - This may be through the use of the internal telephone system or a bleep system or through the use of mobile phones.
15. To effectively manage the dispute at local level for the duration of the dispute and become the local controlling unit of all of the Organisation's activities. All members, in dispute must take instruction from the Strike Committee only.

16. To review as required and, where necessary, in conjunction with INMO Executive Council, amend the format of dispute action where such changes would yield a more effective strategy.
17. To schedule daily meetings with management during the dispute.
18. To ensure, prior to the dispute commencing, management are fully advised of the consequence of the Work to Rule from a rostering point of view, i.e. staffing shortfalls.
19. To seek evidence that the service will be reduced to match the available numbers of Nursing/Midwifery staff.

These measures must demonstrate the actual staffing numbers available and management must then reduce the services to match the available nursing/midwifery staff available during the dispute.

20. To ensure all requests from media outlets are, in the first instance, redirected to the INMO media office.

4. THE MEMBERS RESPONSIBILITIES

The following represent the core obligations of individual members if, and when, the Organisation is involved in a dispute in their work location:

- (a) They must accept the absolute authority of the Strike Committee to determine their work roster/picket obligations for the duration of the dispute.
- (b) They must co-operate with the Strike Committee in the drawing up of detailed work regimes, particularly in specialist areas, for the duration of the dispute.
- (c) They must accept that no annual leave will be allowed for the duration of the dispute, and where any dispute clashes with previously planned holidays, they must be prepared to furnish proof of bookings made etc.
- (d) No member will be given days off for the duration of the dispute (this includes members on nights off following night duty).
- (e) If a member is ill during the dispute, then same should be notified to the Strike Committee who will have the right to request confirmations of same.

The member will continue to be classed as "on strike" in all communications with the employer's side. Members on long-term sick leave may be considered on an individual and separate basis.

- (f) For the duration of the dispute all members will be equally available to the Strike Committee for the purposes of emergency cover or picket duty, regardless of whether they work whole time, part time or in a job-sharing capacity

- (g) No member should engage in dialogue, with either media or local management, without the prior approval of the Strike Committee.

5. STUDENT NURSE/ MIDWIFE MEMBERS

- (a) Student nurses/midwives, in fourth year, undertaking the 36-week internship, are in dispute as is the case with all INMO members who are public service employees:
 - however, the reflective practice hours built into the programme should be utilised during the period of work stoppage to limit and minimise the effect on clinical placement hours for the student in question; and
 - this means that fourth year students should be rostered for self-directed learning/reflective practice hours during the dispute period. The Strike Committee should take this into account.
- (b) First to third year student nurses/midwives should be requested to attend self-directed learning during the period of dispute.

6. MISCELLANEOUS MATTERS

In the context of any dispute, it will be the policy of the Organisation to ensure the following:

- (a) The minimal level of disruption to the general public:
 - This should be achieved through a strong media campaign and a demand on the employing authority to cancel all elective work, including outpatient and day hospital services, at least one week before the planned commencement date of the action (see area specific section of this document).

- (b) The provision of essential services to the reduced patient population:
 - This must not include the many ancillary and additional tasks currently performed by nurses/ midwives as a matter of routine.

- (c) Members providing such services will be receiving payment from the employer:
 - However, the levels allocated, for nursing/midwifery cover, should be minimal, without exposing a patient to any undue risk and as determined by the Strike Committee.

- (d) The Strike Committee will effectively manage the dispute for INMO members, for the duration of the dispute and all members must adhere to, and abide by, their instruction at all times.

- (e) Should any member of the General Management Team seek to interfere with the decisions or actions of the Strike Committee, such developments should be responded to by

an escalation, where possible, of the industrial action.

- (f) If any member engages in strike breaking activity or seeks to undermine the dispute, such action will be dealt with by the Executive Council in accordance with Rule 14 of the INMO rule book.

7. BALLOTING PROCEDURES

Section 14 of the Industrial Relations Act 1990 requires trade unions to conduct a secret ballot of their members prior to engaging in strike or other industrial action. Requirements for a secret ballot include the following:

- All members of a trade union, who it is reasonable to believe will be called upon to take industrial action, are entitled to vote.
- The trade union must take reasonable steps to ensure that members can vote without interference or constraint by the union or any of its members, officials or employees and that members are given a fair opportunity to vote.
- The majority of those voting must answer yes to the appropriate question.
- The INMO rule requires a two-thirds majority.
- As soon as practicable after the ballot, the trade union must take reasonable steps to inform those people entitled to vote of the number of:
 - ballot papers issued;
 - votes cast;
 - votes in favour of the proposal;
 - votes against the proposal; and
 - spoilt votes.

Conducting Ballot

- Prior to balloting members, the member's name and membership number will be checked against the INMO's membership listing.

- If the member has recently moved employment, this should be checked on the INMO PROMMs system, to determine current membership status.
- Change of location form should be completed by the member to bring the membership listing up to date.

Check the Members Eligibility to Vote

- All members up to and including Director of Nursing/ Midwifery grade are eligible to be balloted.
- Only members working in the public health service are eligible to be balloted.
- Fourth year rostered students are employees and are entitled to vote.

The Balloting Procedure

- Each strike committee will be supplied with an identified INMO ballot box which is locked.
- Prior to the balloting commencing, adequate notice of the balloting date, venues, and times within the particular area, will be notified to members who are entitled to ballot.
- A roster of INMO representatives, who will be present and conducting the balloting process, will be drawn up in each balloting location. This will be drawn up in conjunction with the full time official IRO.

In accordance with the Industrial Relations Legislation members are entitled to:

- A secret ballot.

- To have their ballot paper presented to them once their entitlement to be balloted is established by the representative and a suitable private location, as far as possible, must be made available in order for them to cast their ballot.
- During the balloting period, and in-between balloting times, the ballot box, membership listing and ballot papers must be held in a safe place by the designated INMO representative.

The ICTU advice booklet on the Act should be noted. The following is an extract from same:

"While the legislation provides that workers must be allowed vote without interference, this would not operate to prevent Unions from making a recommendation on how their members should vote, nor would it prevent them from publicising documents or leaflets, calling on their members to vote in a certain way. All that would be required is that members be given an opportunity of voting, on a simple ballot paper, which asks them whether or not they are in favour of going on strike or taking industrial action, in reasonable privacy".

Ballot Count

In respect of this campaign of action:

- Date by which all ballots are to be completed by will be identified in advance.
- Counts are to be conducted on a date to be set out in advance.
- All ballot boxes are to remain sealed and in a secure location up to the date of the count.

- At the count, the box is to be opened under the supervision of at least two branch officers/INMO representatives.

The count by agreement with the Executive Council IRO can either be:

- At workplace level conducted by two INMO representatives, supervised by two ordinary members. The result then notified on the INMO result sheet* to Head Office. The result sheet should be signed by the representatives and ordinary members conducting and witnessing the count. The counted ballot papers should then be returned to the relevant regional office or INMO Headquarters.

OR

- The sealed ballot box returned to the Regional office or INMO Headquarters in adequate time to allow the count be conducted on the identified date.

Sanction will then be considered by the Executive Council

***Please note the result sheet will require recording of:**

- total number of ballot papers issued;
- total number of votes cast;
- number in favour;
- number against; and
- spoilt votes.

8. PICKETING - GUIDELINES

The Object of a trade union picket is to inform employees that there is a dispute with the employer whose premises is being picketed and to call on members of the trade union to respect that picket. The purpose of a picket is to call on all workers to respect that picket.

The Industrial Relations Act 1990 sets out the conditions and the conduct that must be observed for picketing to be lawful.

Picketing must be carried out in contemplation or furtherance of a trade dispute.

Picketing must be conducted for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

The right to picket is confined to employees of the employer in dispute and the officials of the trade union to which those employees belong.

Employees may picket at a place where their employer works or carries on business or where that is not practicable, at the approaches to a place where their employer works or carries on business.

Employees may picket a site where they have never worked but where their employer works or carries on business.

A trade union official may accompany any member of his/her trade union whom he/she represents.

The number of employees picketing should not exceed what is considered adequate for the purpose.

It is the responsibility of the trade union in dispute to ensure that

the number of members on picket duty is consistent with achieving the objectives of the picket and should not in any case be such as to cause intimidation or embarrassment to workers not involved in the dispute or workers in other employments.

The strike committee, in consultation with the trade union official, will determine the number and rosters of employees who will participate in picketing.