

Royal College of Nursing response to Department for Business and Trade: Work Notice Guidance

With a membership of over half a million registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the United Kingdom and the largest professional union of nursing staff in the world.

The Royal College of Nursing (RCN) strongly opposed the Strikes (Minimum Service Levels) Bill during its passage and continues to oppose the laying of any regulations and guidance under the auspices of the Act. This Act curtails the freedom of nursing staff to lawfully withdraw their labour and places an onerous burden on trade unions to ensure compliance with work notices.

The RCN is committed to lawful strike action and has always been responsible in taking safe strike action, with concerns for patient safety at its core. During all phases of industrial action in to 2022/23 pay dispute, national derogations or emergency exemptions were agreed in addition to significant numbers of local derogations, which exempted thousands of our members from strike action and ensured patient safety was maintained.

The RCN considers these existing practices to be sufficient. The use of derogations and emergency exemptions were commitments based upon negotiations between workers and their employers. In contrast, the work notice allows for a unilateral imposition of minimum service levels. This signals a failure to commit to dialogue and negotiation through industrial relations and social partnership machinery.

The RCN do not believe these proposals will address the underlying long-term crisis in the NHS workforce. Tens of thousands of registered nurses are leaving the profession, following a decade long real terms NHS pay decrease, sustained staff shortages which has led to increasing demand for services and unsafe staffing levels.

The RCN will continue to strongly oppose this legislation and its implementation. Curtailing workers' freedom to participate in lawful industrial action is always undemocratic. The RCN have long campaigned for safe and effective staffing levels to be always legislated for and not only in extreme circumstances. This legislation, the requirement for work notices and the associated guidance is a distraction from the real issues of under investment, particularly in relation to workforce and retention. The RCN believes the Department's resources would be better spent delivering a strategy to remedy unsafe levels of staffing and poor morale.