Report of the meeting of Trade Union Committee held on 21 November 2019

1.1 We held a teleconference on 21 November 2019.

**Ballot for industrial action in the State of Guernsey**

1.2 We received a formal application from the South East (SE) Board seeking approval for RCN members working for the States of Guernsey to undertake a ballot on industrial action.

1.3 The application had been submitted in line with the RCN Code of Practice on Industrial Action.

1.4 We were pleased to welcome representatives from both the SE Board and Guernsey Branch to the teleconference to answer any questions.

1.5 We were reminded of the differing context in Guernsey, which as a self-governing dependency does not form part of the UK. It has a separate health and social care structure and pay system loosely based on Agenda for Change rates.

1.6 There has been increasing dissatisfaction with nursing pay terms and conditions in the State since 2011 centred on a disparity in pay equity with civil servants in comparable jobs and with nursing pay in neighbouring Jersey.

1.7 Long running pay negotiations with the employer have yet to deliver a pay offer that was acceptable to the trade unions.

1.8 Two pay offers made for 2019 have been rejected on the grounds they did not meet the RCNs minimum ask of a 10% rise to help close the pay gap in lieu of a longer term review planned to harmonise terms and conditions of State employees.

1.9 The member ballot on the latest two-year pay offer had been soundly rejected at 92%, with 90% of those members supporting a move to industrial action.

1.10 Conciliation talks were continuing with the Industrial Disputes Officer following the declaration of a formal dispute in October, with a notional 11 December end date.

1.11 Guernsey members remained resolved to progress to industrial action however as it was not anticipated that sufficient progress would be delivered under the conciliation process.

1.12 The SE Board had therefore supported the Guernsey Branch request to seek approval from Council to ballot on industrial action to be conducted at the conclusion of the conciliation process if no further suitable offer was secured.

1.13 Council approval of the application would also serve as an additional lever to apply further pressure on the employer to seek a resolution.

1.14 Guernsey members were continuing to publicly campaign for fair pay to good public response, including an online petition and recent march.

1.15 The Committee expressed concern over the risk to Guernsey members in taking industrial action, with limited legal protection in place due to an
absence of statutory regulation of industrial action in the State. It was highlighted that members taking industrial action could face disciplinary action for breaching their contracts of employment.

1.16 It was advised that a comprehensive risk analysis would be undertaken should the application to ballot be approved.

1.17 Guernsey members would also be able to access RCN support through reps in their workplaces and via Legal Services as part of the standard member offer.

1.18 Legal counsel advice was also being sought on a potential legal precedent from a recent fire fighters strike on the island to ensure members had as much legal protection as possible and the ability to make an informed decision on the risks of taking industrial action.

1.19 We asked that the recommendation contained within the report be strengthened to be clear that any forthcoming offer from the conciliation process would need to constitute a significant improvement on those previously put forward.

1.20 **Decision:** the Committee agreed to recommend to Council that the RCN moves to ballot members employed by the States of Guernsey and working for the Guernsey Office for the Committee of Health and Social Care (HSC) for industrial action, including action short of strike action and strike action if no further significantly improved offer is secured during conciliation.

1.21 We extended our congratulations to the Guernsey Branch for their hard work, particularly in securing such good member and public engagement in their campaign. Thanks were also passed onto the SE Board.

1.22 We outlined our support for Guernsey members in moving to the next stage of their campaign and in their commitment to reinvigorating and future proofing nursing as a profession on the island.

### RCN industrial dispute handbook

1.23 We considered a draft RCN handbook on industrial action which aimed to ensure compliance with trade union legislation and policies and procedures during periods of industrial action.

1.24 This was within the context of Council having last week authorised a plan of industrial action including strike action in Northern Ireland (NI) starting at the beginning of December.

1.25 We had undertaken an initial review of the draft handbook documents via email the previous week, and the feedback received had been incorporated into the draft before the Committee.

1.26 It was confirmed that the content had been written and reviewed jointly by staff working in ERD and Legal Services.

1.27 The handbook was a UK wide document.

1.28 It would be reviewed after the NI dispute had been resolved.

1.29 We suggested that separate handbooks would be required going forward for the different countries and crown dependencies.

1.30 We noted that the handbook was to support members and officers involved in industrial action and asked that consideration be given to producing an abridged public version in the interests of openness and transparency.
1.31 We expressed concern that the level of detailed information provided in the handbook might be intimidating for members and suggested that signposting be included to where members could get further assistance with any outstanding queries.

1.32 We noted the proposed decision making and management arrangements covering the processes for both approving and managing industrial action and strike action. These aimed to fit with our arrangements and ensure clarity of roles between governance and decision making, and delivery and management.

1.33 We suggested that Pay Sub Committees be renamed Dispute Sub Committees to reflect that disputes were not always related to pay.

1.34 Concern was raised over the proposal to restrict Country/Regional Board members from also sitting on Industrial Action Dispute Committees.

1.35 It was noted that this could cause a capacity issue in Northern Ireland as they entered a period of industrial action.

1.36 The rationale behind this clear separation of governance oversight and operational roles was explained in order to avoid potential conflicts of interest. It also allowed the Board to focus on ongoing dispute negotiations.

1.37 It was agreed that staff would meet with Fiona Devlin offline to further discuss this issue.

1.38 We noted that members from across the UK had expressed interest in supporting NI members in their industrial action.

1.39 Whilst this support was welcome, the risk was identified of these members inadvertently contravening the rules prohibiting members not directly involved in a dispute forming part of a picket.

1.40 We felt that the handbook was clear on this point but agreed the value of a member briefing setting out appropriate ways that members could demonstrate their support for those taking industrial action, such as utilising social media to share key messages etc.

1.41 We asked for a number of other minor changes and points of clarification to the handbook. A revised version would be circulated to the Committee via email.

1.42 This final version would then be submitted to Council on 27 November for final approval.

1.43 Decision: the Committee agreed to recommend to Council approval of the draft RCN industrial action handbook.

Committee Membership
Lors Allford (South West) (Chair)
Tracey Budding (West Midlands) (Vice Chair)
Michael Appleby (Northern) – apologies
Diane Coleman (Scotland)
Fiona Devlin (Northern Ireland)
Carol Evans (Eastern)
Liz Jeremiah (South East) – part of meeting
Gaynor Jones (Wales) – apologies
Clare Manley (Student)
Karen Pike (Health Practitioner) - apologies
Karen Sanders (London) - apologies
Neil Thompson (East Midlands)