

## QUESTIONS & ANSWERS – GENERAL INFO

1. The following information has been collated to help members and SoR representatives to understand the process and address many of the more routine questions that may be asked. This is not an exhaustive list and there will be others that may need to be addressed. Please send any further enquiries via [ballot2011@SoR.org](mailto:ballot2011@SoR.org).
2. It is important that representatives attend any joint meetings in the workplace to discuss this strike. Failure to attend could mean that decisions about our service during the strike may be taken without our knowledge or consent. (Please note that further advice to reps will be published on this website.)
3. The SoR would expect that SoR representatives refuse attempts by employers to agree terms for the strike as these are matters that can be considered after the result of the ballot is known. All unions have been given the same instruction.

(Please note that in accordance with TUC principles, the SoR is obliged to ensure that there is an emergency service for the department for the duration of the strike. See SoR link to principles on SoR website.)

4. Representatives may wish to organise workplace meetings to discuss the strike and consider any concerns. Please use the website to post any questions that are not answered by this briefing. Every effort will be made to answer your enquiry as soon as possible. There is information about the reasons for this strike on the SoR website. UNISON are conducting a number of road shows on the general issues raised by the dispute that are open to all other unions to attend
5. The ballot timetable is thus;

Distribution of the ballot papers	28 <sup>th</sup> Oct
Ballot return	14 <sup>th</sup> Nov
Day of action	30 <sup>th</sup> Nov

[NB; The ballot will be conducted for the SoR by the Electoral Reform Services.]

Please refer to the dedicated section on the website for updates on progress and further information. [www.sor.org]

## **GENERAL MATTERS ABOUT THE DISPUTE**

### **1. Why take industrial action?**

Despite attempts by the TUC and the public sector unions, for some months, the Govt and the employer refuse to change course and accept that to increase contributions and raise the age for entitlement will seriously erode incomes at a time when members are already feeling the pinch with increases in the cost of energy and a two year pay freeze. To increase pension contributions will place an unreasonable future burden on the state as it is likely that many will not have enough income to meet their needs in retirement.

### **2. Why take this action if the government is still talking to us?**

The Govt will always say that they are open to discussion. But discussion has to be meaningful and in partnership. The discussions with the govt so far have not changed their view to increase contributions and retirement age and there is no indication that they will do so soon. The argument that 'we are still in discussions' is in our view misleading and a deliberate attempt to undermine any action we have to take to bring the Govt back to the negotiating table.

### **3. We are the only trade union taking industrial action in our hospital – is there any point in striking?**

It will be unfortunate if the SoR is the only union able to motivate members. If this is the case then this will raise the profile of the dispute. As key personnel in the diagnostic service we can make a real impact because 80% of patients who attend the hospital will use our services. Other TUC unions who may not be on strike will be asked not to undertake work that will undermine our action.

### **4. Will there be further days of action?**

If the action on the 30<sup>th</sup> is ignored by the govt or the employers or attempts are made to undermine union activity, there will almost certainly be further days of action and further protests.

**5. I want to protest but not strike, what do I do?**

You may want to organise or participate in a lunch time or after work protest; organise a meeting with the local MP to air your views; create a local fund to assist members who are on strike.

**6. I want to be sure that my patients understand why I am taking action, how can I do this?**

Members can direct patients to the SoR website. The distribution of leaflets or literature must be with the consent of the employer.

**7. Will the SoR support us if we are sacked?**

The SoR will provide full support to any member who is sacked or discriminated against and who is in dispute with the employer in official action.

**MEMBERSHIP ACTIVITY AND LEGAL MATTERS**

**8. What about radiographers who are not members in my department?**

Non members will not be supported by the SoR if they take action and are disciplined or dismissed. The most effective action is for all to belong and to take part. This is why non members should be encouraged to join the SoR. Non members must also accept that should they participate in duties that undermine or compromise the strike that this is likely to place a strain on departmental relationships and trust.

**9. What about members of another union but not members of the SoR?**

They will be balloted and will need to take instruction from their union.

**10. Are members allowed to picket the department/place of work?**

There is govt guidance that states that there should be only 6 pickets at the place of work. It is stressed that this is guidance and not an instruction. In the event of a yes vote the employer will need to consider what effect the strike will have on service

delivery and protests on the day. They will need to do this with all the unions and we suggest that this is agreed with employers' at the most appropriate local forums.

**11. Some of my members do not want to take part in industrial action and will continue working – what do I do?**

The decision to take action or not will be an individual one. No one can be forced to take part. If they do not want to take part they should not undermine the actions of others and may protest in other ways such as joining lunchtime demos, writing to or visiting the local MP to voice any concerns over the proposed changes.

**12. Some of my members do not agree with the strike and will not participate – what do I do?**

This is individual choice and if the majority of those voting vote in favour of action they will need to consider their position when the rest of their colleagues who are on strike and they are not. They should be advised that although we respect their view they cannot take action to undermine the strike.

**13. The department wants to use the Assistant Practitioners (APs) to do the work in our department – what do we do?**

APs will be balloted if they are members of the SoR. No AP is able to work outside of the AP scope of practice and without supervision from HPC registered radiographers. An employer or manager who permits and allows APs to do so is providing an unsafe service for patients. Managers may be reported to the HPC (or other relevant statutory registration body) if they encourage and allow unsafe practices.

**14. We have been given a letter from lawyers saying that our action is unlawful what do we do?**

You must contact the SoR at HQ immediately and send us a copy of the letter. We have advised our lawyers to be on call for any attempts by employers to undermine the action or intimidate staff.

**15. The employer wants me to cover for other staff on strike – what do we do?**

If you are not involved in the strike it is up to you to carry out normal duties,  
and not undertake any work that would normally be done by anyone on strike.

**16. We have come into work, but the employer will not let us work – what do we do?**

You will need to have this instruction in writing from the employer and send this to HQ. The employer is obliged to provide you with work and if they cannot do so or refuse to allow you to work and you are not in dispute than they are obliged to pay you.

**17. The employer has insisted that we book patients on 30<sup>th</sup> November – what do we do?**

This is matter for the employer. The SoR will have advised your employer that there is the potential threat of action on the 30<sup>th</sup> and if they continue to book patients with this knowledge they will have to manage the service. Members are only obliged to advise the employer that there is the potential for action and that it may not be wise to assume that they will still have a full service. You should do this in writing.

**18. The employer has said that they will not pay me if I do not come into work – can they do this?**

Yes, in a legitimate dispute where the employee is on strike, the employer is legally entitled to withhold payment.

**19. I want to take annual leave on 30<sup>th</sup> November, but the employer has told me that I cannot – can they do this?**

Yes they can. As with all applications for absence managers are not obliged to grant any request.

**20. We cannot take strike action, but want to do something – what can we do?**

You may want to organise or participate in a lunch time or after work protest; organise a meeting with the local MP to air your views; create a local fund to assist members who are on strike.

21. **I work on the mammography vans and the employer has continued to invite patients to be scanned – what do I do?**

This is matter for the employer. The SoR will have advised your employer that there is the potential threat of action on the 30<sup>th</sup> and if they continue to book patients with this knowledge they will have to manage the service. Members are only obliged to advise the employer that there is the potential for action and that it may not be wise to assume that they will still have a full service. You should do this in writing.

22. **I am a manager and want to take part in the strike– can I do this?**

This is a matter for individuals. There is no reason why a manager cannot participate in industrial action if they have been subject to the formal balloting process

23. **I am a manager wanting to support my staff but have been told I must maintain service what do I do?**

This is a matter for individuals to consider. If the employer is insisting that the service must be maintained the manager can give notice of intent to participate in the strike or advise on the level of service that is feasible with the staff available.

24. **I am already on annual leave on the 30<sup>th</sup> which has been granted but want to support the action, can I do anything?**

Yes, you can write to your MP; attend the picket line if this is possible.

25. **I am on an unsocial hours shift on the 30<sup>th</sup> [not 9–5] what am I to do.?**

If the service is listed as emergency and you have agreed to cover the workload, you will not be expected to participate in the strike.

26. **Do I have to attend the workplace and demonstrate or can I just stay home on the 30<sup>th</sup>?**

This is a matter for individuals to decide.

**27. My employer says I will be in breach of my contract is this true?**

Yes – There is no right to strike in the UK. However, although to strike is a breach of contract as long as the formal process to ballot the members has been followed the employer is not entitled to discriminate or penalise individuals for taking part.

**28. Can the employer discipline me if I take part in the strike?**

If the formal process is followed the employer is not entitled to discriminate or penalise strikers.

**29. We normally have students during the week, what do we do if they are in the dept?**

We will advise education centres of the action. It is also the case that HEIs and universities are included in this action. The University and College unions and other education unions have already balloted their members. This dispute is across all of the public sector. Students can not be used as labour and should not be used to undermine collective action. In the past if students have attended the dept during strike action they are encouraged to use this time to study.

**30. What if I do not want to take strike action but would prefer to work to rule?**

The question on the ballot paper will not give the option to do anything but take strike action. We do not intend to ask members to do less because this will be less effective and impossible to manage. Work to rule and action short of strike is also more open to legal challenge than taking strike action.

### **BALLOT ACTIVITY**

**31. What if members are not normally expected to work on the day of action– should they still vote?**

Yes. This dispute is not about a local issue but about an entitlement that can affect every member.

**32. I thought this was a secret ballot so why is my ballot paper numbered?**

The ballot is secret and no one member can be identified by the return. We conduct the ballot via a third party who distribute and collate the result for us. They will distribute a number of ballots and the numbers will identify our return.

**33. Can members who are not in the NHS scheme vote?**

Yes. The dispute is about entitlement and even if the member may not currently be in the scheme they still reserve the right to join.

**34. What do we do if we do not receive a ballot paper?**

We will advise members of the timetable for the release of the ballot and information about what happens if a ballot paper is not received or sent in error.

**35. Will the SOR pay our wages whilst on strike?**

The SOR does not hold sufficient income to create a strike fund. The SOR will therefore not make a payment or contribute to lost income during the strike.