

# Protect Our Pensions campaign

a million  
voices  
for  
public  
services



## Pensions Dispute FAQ's

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## **1. Why are we balloting for industrial action?**

In the event of a Yes vote, UNISON along with a large number of other unions such as UNITE and the GMB is planning an initial day of strike action on 30 November 2011 in opposition to proposals to change our members' public sector pension schemes. The industrial action we hope to take relates to the following proposals:

- that all but the lowest paid public service workers, pay on average 3.2% extra in pension contributions;
- an increase to retirement ages for all public service employees to match the state pension age (which will go up to 68 years);
- changes to the 'accrual rate' which means that the retirement income earned with every year's contributions could be as much as 25% lower; and
- changes that are suggested in the Hutton report from 'final salary' to 'career average' pensions which will reduce some workers' pensions further.
- The change (already implemented) to using the Consumer Price Index (CPI) instead of the Retail Price Index (RPI) to calculate cost of living rises will result in pensioners being around 10% worse off by 2017.

## **2. What stage are negotiations at?**

Negotiations are still going on. UNISON is completely committed to making negotiations work - but the government ministers have to be committed to the negotiations too if they are to be successful. So far that has not been the case.

## **3. The negotiations are still under way and we don't know the exact changes proposed yet, so why strike now?**

Strike action is very much a last resort for UNISON – we are not known as a strike happy union – quite the reverse.

We've negotiated patiently and in good faith, but we are not seeing any movement from proposals that will have a serious and detrimental effect on members' terms and conditions.

We may not have the detail yet, but the basic framework under discussion in the negotiations is perfectly clear – almost all pension scheme members will be asked to pay more, to work longer, and receive less.

We need to take action to strengthen our negotiating position. We have submitted detailed evidence which simply gets ignored. We believe that ministers assume that the myths surrounding our pensions will just be accepted by the general public and that they can just force through all the detrimental changes they like. Already we see pay freezes, attacks on other conditions of employment and growing numbers of redundancies. Ministers want us

to just accept that the pension plans are an economic necessity when in fact they are just another way of making public sector workers pay for the banking crisis.

Already the government has changed the rate at which pensions are index linked – moving from RPI to CPI indexation, without any negotiation at all. This will reduce the value of pension benefits by around 10% to 15% even by government estimations. We need to show the strength of our feeling now, before ministers start to lay down the relevant statutory instruments to change your pensions. Once that happens, it will be much harder for them to backtrack from these damaging proposals.

When people show the strength of their feelings in the ballot, we believe that ministers will begin to listen seriously to our arguments and will begin to negotiate in real terms. If we aren't able to make them re-think their stance then they will drive these proposals through and we may never be in a position to recover the ground we have lost.

That's why getting a resounding "yes" vote matters!

#### **4. What are the *specific* changes ministers are proposing?**

Government ministers have already changed the rate at which your pension is increased to account for inflation – from a link to RPI to CPI. This change alone will reduce the value of your pension by around 10% – 15% as CPI is usually significantly lower than RPI.

Each scheme is also being asked to raise employee contributions by an average of 3.2% per member. This will mean an increase of approximately 50% for many members.

On top of that, all schemes are being asked to review their benefits and to make broad changes to the way pensions are built up that will be detrimental to many. We don't know the specific details of those changes yet, but we know it will broadly mean members paying in more, working longer and getting less in return. For more information see our main pensions web pages which have briefings containing more information about each of the different schemes.

#### **5. What's happening in Scotland?**

The Scottish schemes are legally separate entities. So LGPS (Scotland) NHS Superannuation Scheme (Scotland).

The NHS scheme is similar to England but the LGPS is very different (for example different contribution rates). So calculators and other examples don't apply to Scotland.

Changes recently imposed by UK ministers to index pensions by CPI rather than the more generous RPI mean your pension is now worth less and you will receive less when you retire for all schemes.

For the Local Government Pension Scheme, Scottish Ministers have said they will not impose the UK Ministers plan to increase contributions. However, they have given no assurances on other changes including making you work longer and changing the way your pension is calculated so you will get a smaller pension on retirement. UK Ministers have

already cut the value of your pension when you retire and are also planning to impose further changes on Scotland through UK legislation.

Other schemes, such as the NHS and Civil Service ones, have not been exempted from the contributions increases – only LGPS.

The issue on “Fair Deal” does not apply to Scotland.

#### **6. What exactly will the pension changes mean to me (as an individual)?**

We know many - but not all - of the changes so we aren't able to answer that in detail yet. However, changes already announced or implemented will mean most people will be paying more, everyone will be working longer and everyone's pension in retirement will be worth less than it would have been.

We have a ready reckoner available on our website which helps people who work in the NHS to work out their own position. As soon as the detailed proposals are published, we will add a local government LGPS one.

#### **7. Will the strike make the government ministers change their mind?**

We certainly hope so and would not ballot people asking them if they agree to strike if we didn't think so. We are not a posturing or strike happy union – far from it. Strike action has always been a last resort in trying to force ministers to negotiate more seriously. On the rare occasion that we have gone on strike across the union in the past we have made gains on previous proposals. Although there is never a guarantee of all our demands being met, demonstrating the strength of feeling about our pensions is vital.

#### **8. Why is UNISON taking action on pensions when we haven't on cuts?**

The cuts are being implemented locally and therefore disputes have had to be local disputes – there have been local strikes and industrial action around the effect on terms of employment as the cuts directly affect employees locally. Current industrial action law means that it is unlawful to call a general strike. All disputes need to be related to actions that directly affect the terms and conditions of employees balloted. This is why we organised and took part in the hugely successful 26 March mass protest event about the cuts (which I'm sure you took part in).

However, the proposed attacks on pensions will be UK changes affecting our members contracts of employment and will be imposed by government ministers so a dispute across the UK administrations can be lodged as a dispute with the relevant ministers.

#### **9. The media keep saying our pensions are unaffordable for the country, how can we get our message out better?**

The media can be very biased sometimes and do not give the full picture. UNISON and other trade unions will be doing everything in our power to ensure that the public are told the real facts. You can help by writing to your local paper, phoning your local radio station any time there is a phone-in or a money programme, or setting up a stall in your local town centre and providing leaflets or talking to people. Remember to make sure your own family and friends know that the common line that public sector pensions are "gold-plated" is a myth! (see our Fact and Fiction myth buster).

### **10. Will the 3% hike in pension contributions improve my pension or make my pension scheme stronger?**

No. The wider scheme changes which are due to kick in in 2015 are about reforming the schemes themselves (and making further savings for the Treasury). However, the average 3.2% rise in contributions that most people will be paying is a separate initiative announced in the Spending Review by the chancellor, George Osborne and is being implemented by the relevant government ministers. The chancellor announced that he will be implementing progressive changes to employee contributions to make further savings of £900 million from the Local Government Pension Scheme and £1.8 billion a year from the other public service schemes, including the NHS scheme) by 2014/15 - equivalent to 3% for every contributing member (3.2% on average once those below £15,000 are removed as seems likely). This is on top of the recommendations in the "Hutton Report" which suggested ways to reform the scheme.

Most of the schemes are what are known as "unfunded schemes" in which contributions go to the Treasury directly and benefits are paid as and when they are needed rather than invested in a pension fund. The Local Government Pension Scheme is different. It is a funded scheme in which contributions from both employers and employees are invested in a managed fund. Investment returns are put back into the fund or reinvested.

For the LGPS, ministers have made it very clear that the savings made by the 3% increase in contributions (3.2% on average once those below £15,000 are removed as seems likely) should be spent in mitigating the effects of decreased central funding for services. So where the larger scale reforms suggested by Lord Hutton are at least in principle intended to strengthen the schemes AND make savings the short term savings are just about getting money directly or indirectly to central government.

**In effect this means that the separate announcement of a further 3% in contributions is simply going to directly or indirectly to the treasury.**

### **11. What is the "Fair Deal on pensions" and why should I be concerned?**

The Fair Deal on Pensions is a protection for your pension if your service is outsourced to a private company or the voluntary sector. It means you will either be able to retain membership to the same scheme or be entitled to join a scheme that offers a broadly similar benefits package. However, this is now under threat and could remove all pensions protection. This would mean protection to your pension could be lost.

Fair Deal does not apply in Scotland.

### **12. Is this the same as NHS “Choices” exercise?**

No. It is important to know that the current “Choices” exercise is about implementing the last round of pension reforms. The current dispute are about a whole new set of proposals that are detrimental to your pension and are entirely separate from the current “Choices” exercise.

### **13. What are other unions doing?**

We are not alone - most of the unions with members in public service pension schemes are also balloting over possible action or have already announced that they will be taking action.

### **14. What happens after the day of action on the 30<sup>th</sup> November – will there be more strikes?**

It is possible but at this stage we are planning just the single day of action. In the past this has brought the employers back to the negotiating table. The TUC unions will meet after 30 November to discuss further action.

## **I want to strike but I’m worried about....**

### **15. I can’t afford to strike**

Striking is our last resort. We are continuing to press for real talks so we can make progress and settle the dispute through negotiations. A high turnout and a high number of ‘Yes’ votes in the ballot may well make them see sense and start negotiating seriously.

But we may need to take action. UNISON understand your concerns and we know that you are feeling the rough end of the recession right now. But it’s important to think about what the proposed pension scheme changes could cost you in extra contributions, and the money you need in retirement to support yourself.

Public service workers have already had to put up a great deal and we are well aware there may be other very pressing difficulties you are being faced with right now on a local or personal level. Government ministers are relying on workers and unions in the public sector being too weak and too scared to put up enough of a fight against this attack on your pensions. We have to show them that they are wrong.

One of the most important things will be to get a very big turnout and a very clear “Yes” vote in the ballot. A low turnout would allow the employers and ministers to suggest that even our own affected members aren’t that bothered by the attack on their pensions. A strong turnout in the ballot will give a message in itself about the strength of feeling over these attacks. This will strengthen our hand in negotiations with the government ministers ahead of any planned action. A low turnout could make government ministers even bolder in their attacks on public sector workers in future.

**16. I'm a frontline worker - what about the clients I work with? They are vulnerable – I can't let them down.**

Of course we understand this concern. Most people work in public services because they care about the service users they work with and UNISON is committed to the best possible public services for everyone. There will be emergency cover available (branches have received written advice on this) and the important thing is that it is the employer's responsibility to provide this cover.

**17. I work for a Charity / Housing Association / Voluntary Organisation so why am I affected by public sector pensions?**

Although members in community and voluntary organisations and housing associations don't work in the public sector, many of them are in the public sector pension schemes.

When a public service is outsourced to the voluntary sector, the new employer has to provide a broadly comparable pension for employees who they take on from the public sector. Many employers fulfil this responsibility by participating in the Local Government or NHS Pension Schemes.

This means that many members working for a housing association or a community and voluntary organisation, are still in one of those public sector pension schemes. They make contributions just like everyone else, and they are subject in the same way to the changes that ministers are proposing to make to the schemes.

Aside from this dispute, some changes have already been imposed: the value of public sector pensions will be updated by the CPI measure of inflation, rather than the RPI. This will mean your pension is already worth less year on year in payment when you retire.

UNISON is therefore balloting thousands of members in voluntary sector employers and housing associations, so that you too can have your say, vote "yes", and make it clear to ministers that you will not accept what they're proposing to do.

**18. I am facing redundancy. Won't going on strike make it more likely I am made redundant?**

Many members are in a similar position and will share your concerns. However employees are protected from dismissal during the first 12 weeks of any lawful, balloted, official industrial action. During these 12 weeks the protection is absolute. Any dismissal regardless of how long the employee has worked, or their age, is automatically unfair unless a tribunal decides the dismissal was not to do with the industrial action. Employers know this and in the most part are not about to risk breaking the law. However, management may attempt to isolate - or indeed intimidate - individuals or small groups with the view to encouraging strike breaking. There may be threats concerning your careers or of disciplinary action. If this does happen make sure you report this to your Branch officers in the first instance. They will take this very seriously and act upon it.

(please note there are time limits for making a complaint - normally 3 months less one day - so let your branch know as soon as you receive a threat concerning your career or disciplinary action.)

**19. My employer is saying that a one day strike would be seen as a break in service and that my continuity of service would be broken – is this true?**

No. During a strike your continuous employment is treated as 'postponed'. This means that the period you were on strike for will not count towards your continuous employment, but it does not break the continuity of your period of employment.

**20. If I strike will that make my service be more (or less) likely to be outsourced?**

It is difficult to anticipate the actions of all employers and there is unfortunately a lot of outsourcing going on anyway. UNISON has members working on outsourced contracts and has recognition with most large contractors. Potential bidders for services may not find a strong staff group that is willing to stand up for their rights so appealing to bid for either!

**21. I'm in my first 12 months of employment – what are my rights?**

Employees are protected from dismissal during the first 12 weeks of any lawful, balloted, official industrial action. During these 12 weeks the protection is absolute. Any dismissal regardless of how long the employee has worked, or their age, is automatically unfair unless a tribunal decides the dismissal was not to do with the industrial action.

**22. What if I'm on sick leave?**

Workers who are absent on sick leave when a stoppage of work starts retain their right to statutory sick pay during the period of industrial action. If an employee reports sick on the day the action starts, the employer can be expected to make their own judgment as to whether they should be regarded as on sick leave or on strike.

For the purposes of statutory sick pay payable in the eight weeks after a period of strike action, average earnings will reflect the lower earnings during the period leading up to the illness.

**23. What if I take annual leave?**

UNISON does not regard anyone who takes annual leave on strike days to be participating in the strike action. If you can, we would like you to postpone your leave so that you can take part in any strike action.

#### **24. Are my pension contributions affected if I take strike action?**

If your employer decides to dock your pay for the day of action, the employers do not have to pay pension contributions during that period and you will not have paid your portion of contribution for that day. The impact on your final pension would be extremely small but you might want to consider replacing the lost contribution.

It is possible, with your employer's agreement, to pay a sum equal to the employee and employer contribution and receive full credit for the day's absence and continue to have full cover. Any member wishing to do this must inform their employer in writing before the absence takes place.

#### **Why should I strike when.....**

#### **25. I earn less than £15,000 so my contributions won't change so why should I strike?**

You are right that under the current proposals your contributions are unlikely to change, but negotiations are not concluded and until there is a final agreement we cannot guarantee that ministers will stick to their word. And if they do, the other proposals for long-term change to your pension scheme will still affect you. The recent change in the rate at which your pension is uprated in line with inflation each year is already going to mean your pension in payment will be around 15% less than it would otherwise have been and future proposals are likely to mean reduced benefits as well. And of course you may earn more than £15,000 in the future.

Also, if you are part time your contributions increase will be based on the salary of a full time equivalent position so you may earn less than £15,000 but still end up paying more if you are part time.

#### **26. Why should I strike when I can just leave the scheme?**

Whether you leave the scheme or not, the benefits you have accrued so far will be protected. The change in index linking will affect your pension either way as it is about how it is annually increased for future payment. The benefits you will be contributing to from now on will be the ones affected. Although we oppose the changes, and believe them to be grossly unfair, we would not advise anyone to leave their pension scheme as your benefits in service would still build up and be enhanced by further years in it.

## **27. Why should I strike when I'm not in the pension scheme?**

If you have been balloted, it is because you are entitled to join the scheme. Access to the pension scheme is part of your agreed terms and conditions and make up part of your benefits package. The fact that you are entitled to this benefit means you are potentially affected by the detrimental changes to it. Public service workers have already had to put up a great deal since the economic downturn caused by the banking crisis and we are well aware there may be other very pressing difficulties you are being faced with right now on a local or personal level. We consider that this an unnecessary attack on an important part of your terms and conditions of employment.

## **28. I think I'd be better off under the 'career average' (CARE) scheme so why should I strike?**

The change to a CARE scheme is just one proposal and whether it is fair or not will depend on the design of the scheme. However, the change in up rating mechanism for your pension from RPI to CPI will already have cost you around 15% in lost pension income and the additional contributions would mean you paying much more for whatever scheme eventually comes into force. We don't yet know the final detail of the final scheme changes but the increase in contributions and the change to CPI are already costing our members dear.

## **29. Do I have to strike?**

As a member of a democratic union we would hope that you would participate in a strike if there is a vote for strike action. You cannot be forced to do so, but it is part of belonging to a democratic union in which decisions are made collectively.

## **30. Would I still have to strike if I voted 'No'?**

If the majority of the people balloted vote 'yes' and a strike is called, we would hope you would join your trade union colleagues by participating fully in the industrial action, in line with UNISON's democratic decision-making process.

## **About the Ballot**

### **31. Will I get a vote?**

If your employer operates the Local Government Pension Scheme, the NHS pension scheme or the Principal Civil Service Pension Scheme, there will be separate ballots over possible industrial action. These pension schemes are part of your terms and conditions at work.

If you're in a job with some other pension scheme – if you work for a private utility company

or many of the pre-1992 universities for instance – you won't be party to a dispute about the three main public service schemes and you won't be balloted.

You also won't be entitled to vote if you're already retired or if you will have left employment before 30 November.

If you work in Northern Ireland, and you have just taken part in a separate vote on industrial action you won't be taking part in this ballot.

### **32. What's the ballot timetable?**

The ballot opens on 11 October and the ballot closes on 3 November.

If you haven't received a ballot paper by 17 October, and you think you should be included in the ballot, you can contact the ballot helpline on 0845 355 0845. You should do this before noon on **31 October**.

### **33. Are other unions balloting for action?**

Most of the unions with members in public service pension schemes are balloting over possible action.

### **34. If members vote 'yes' to industrial action, what happens next?**

The first day of action is planned for 30 November 2011, starting at midnight and continuing for 24 hours but you should not actually take part in industrial action until called to do so by the union. You and your branch will be notified if any further action is planned.

As always, UNISON will work with your employer to make sure there is emergency cover for essential services where necessary. However, it is for your employer to arrange the necessary cover - if you are needed to provide emergency cover the branch will be in contact.

### **35. Do I have to tell my employer if I am going on strike?**

No, if the day of action is confirmed in a ballot we will officially inform your employer and they should assume that all members will be striking. It is up to them to ask for any exemptions and to provide emergency cover (see questions on exemptions and emergency cover).

### **36. Will I lose pay and if so how much?**

If employers decide to deduct pay from those taking strike action, branches are advised to seek agreement at local level for deductions of no more than 1/7<sup>th</sup> of weekly income (i.e. 365<sup>th</sup> of annual income) for a single day of strike action. It is essential in these discussions that branches ensure that deductions are pro rata'd for people who work part-time or term-

time. Where branches already have existing local agreements on deductions for strike action then we would expect those agreements to be followed by the employer.

There are hardship funds within UNISON that you can apply to. Branches are able to make hardship payments to members in line with guidelines being issued by the National Executive Council. Part of your subscription will have gone into the hardship funds and they are for the exclusive benefit of members.

### **37. I'm not a member yet - can I join now and still take part in the proposed action?**

New members can join UNISON, and join the strike, right up to and including on the day of action. So the answer is very much YES you can join the strike - you just need to fill in an application form first and hand it to your local steward.

### **38. What should I do if I'm not involved in the ballot or any action?**

If you're not taking part in the strike because you're not part of the dispute, you can still support your colleagues who are. Show your support for public sector pensions by talking to friends and colleagues about the campaign, writing to your local MP and councillors and your local paper and wearing a sticker on the proposed day of action – 30 November. Speak up for public sector pensions!

## **Emergency Cover**

### **39. General Advice**

It is the responsibility of your employer to providing appropriate emergency cover. This will need to be negotiated locally.

For further advice please refer to the scheme specific information

### **40. LGPS**

#### **Advice for Branches**

#### **How to respond to employer and member's request for emergency cover if strike action is taken on 30 November**

At present UNISON is balloting members on whether they will take industrial action in the form of strike. The ballot will run from 11 October to 3 November. If there is a "yes" vote an initial day of strike action is planned for 30 November.

In the event of a strike, your employer is responsible for providing appropriate emergency cover. In the event of a "yes" vote on 3 November your employer will seek to negotiate emergency cover with you either directly or via your local joint consultative committee.

UNISON recommends that you engage in these discussions but until the ballot closes and the result is announced on 3 November it shouldn't be necessary to enter into detailed discussions with the employer.

### **Exemptions from strike action Local Government**

**If branches are contacted by employers on exemptions, NO agreement must be given without referral and approval by the region.**

If industrial action over the LGPS is to be effective, it needs to be hard-hitting and solid. The General Secretary has stated that exemptions are to be kept to an absolute minimum. Branches should not be making offers of exemptions to employers, **it is for the employer to request exemptions and we should not normally exempt members we have balloted.**

However it is common practice to ensure that staff in the following categories, who may suffer longer term financial loss from strike action, should be allowed to work normally on the day:

- Employees currently in their last year of service with their employer who are members of the Local Government Pension Scheme. However, those under threat of redundancy, but without a last day of service will not automatically be exempted.
- Pregnant women who have notified their employer of the expected date of birth (unless there is a clear commitment from the employer that the member will not suffer detriment as a result of her taking strike action).
- People whose state benefits may be affected if they take part in strike action.

Those members working under 16 hours a week may be entitled to Jobseeker's Allowance (JSA). Someone who is involved in a strike or trade dispute cannot claim JSA. Where that person is part of a couple, his or her husband, wife or civil partner may be able to claim JSA but will not receive any extra benefit in respect of the person who is on strike.

For members who are in receipt of tax credits, an employer can only stop paying tax credits when the period of absence due to strike action exceeds 10 consecutive days on which the employee should have been working. However the claimant must keep their benefits office aware of their circumstances.

Branches must advise members to get advice from the benefits office/CAB as it will depend on the individual's circumstances as to whether they should be exempted from the action.

Any members receiving exemptions should be asked to donate a day's pay to a strike hardship fund.

#### 41. NHS scheme members

As you know, UNISON is balloting your NHS members as to whether they will take industrial action in the form of strike action. The ballot will run from 11 October to 3 November 2011. If there is a “yes” vote an initial day of strike action is planned for 30 November.

In the event of a strike, your employer is responsible for providing appropriate emergency cover. In the event of a “yes” vote on 3 November, we anticipate that between then and the day of action on 30 November, your employer will seek to negotiate emergency cover with you either directly or via your local consultative committees. UNISON would recommend that you engage in these discussions, but until the ballot closes and the result is announced on 3 November, the priority across the union is to deliver a high turnout in the ballot. Further support and information about the steps which need to be taken will be given to all health branches in the event of a “yes” vote in the ballot. However, attached below is a Branch checklist which identifies things employers will need to consider and also the branch when preparing for industrial action.

Exemptions from strike action will be approved at regional level.

**Contact UNISON on 0845 355 0845 or visit [www.unison.org.uk](http://www.unison.org.uk)**

#### **Branch Checklist Actions – these are not in order of priority**

- Within the branch, identify colleagues with the right skills who can best take the lead on discussions around emergency cover.
- It is the responsibility of employers to discuss emergency cover in preparation for any potential industrial action and to engage with Staff Trade Unions.
- All staff side can participate in emergency cover discussions. However only those organisations taking industrial action can agree what is and is not appropriate cover. However, it is important to ensure there is maximum collaboration and coordination with the full Staff Side. **UNISON represents all staff groups (except Medical staff) so should be included in all discussions on emergency cover.**
- In the lead up to the strike day employers should make plans to ensure that those patients who can be discharged or go on temporary home leave will have services they may need put in place well in advance. Close liaison with neighbouring employers and other branches may assist with this.
- Common practice by employers is to recommend bank holiday cover when industrial action takes place. Employers should draw up a list of services where

such cover would and would not apply.

- Employers should identify services which are only provided by on call arrangements on a bank holiday.
- Employers should anticipate where deliveries/supplies are affected on the day(s) of action and arrange for wards, units & departments to ensure that they have adequate stocks in place.
- Employers should encourage staff to pre-plan their work and ensure that vulnerable adults are aware of the dispute and agreed emergency cover and have access to an emergency contact should they require assistance.
- Where employers seek to use agency/bank/private providers to maintain services further information is available for branches in the UNISON Industrial Action Handbook <http://www.unison.org.uk/acrobat/18193.pdf>
- It should be clear to members why we are taking this action - Branches should hold meetings with members and other staff and share with them employers' plans and proposals on cover, and seek their views.
- This may also be a good opportunity to recruit new members by letting them know that patient safety is a priority in any plan of action
- Information explaining why members are taking this action should be available for visitors and patients.