



Wales workplace  
reps industrial action  
**campaign  
pack**



Royal College  
of Midwives



# Introduction

Thank you for being a workplace representative for the Royal College of Midwives (RCM). RCM members in Wales have voted overwhelmingly for industrial action short of strike (95.14% in favour) and for strike action (91.46% in favour), with 55.39% of eligible members turning out to vote.

RCM members feelings on the NHS pay award in Wales have been made clear. There is a workforce crisis in the NHS, fair pay is essential to the retention of midwives and Maternity Support Workers. You can find more background information on the RCM's pay hub here: [www.rcm.org.uk/pay-hub/wales-pay-information/](http://www.rcm.org.uk/pay-hub/wales-pay-information/)

## Contents of campaign pack

In this campaign pack, you will find information on

- Contingency planning during the work stoppage
- Contingency planning during the further action
- Engaging with members
- Staff side relationships
- How to get resources and further information on the campaign

## Support for you

RCM Wales is here to support you during the industrial action. If you have any questions or need any advice you can:

- Contact your National Officer/Organiser
- Phone RCM Connect on 0300 303 0444
- Email [paycampaign@rcm.org.uk](mailto:paycampaign@rcm.org.uk)

It is not against The NMC Code for midwives to take industrial action. The NMC website confirms this: [www.nmc.org.uk/news/news-and-updates/our-position-on-industrial-action/](http://www.nmc.org.uk/news/news-and-updates/our-position-on-industrial-action/)



# Issuing notice of industrial action

The RCM must notify employers of industrial action 14 days before the action starts. This notice must include up to date lists of categories (midwives and maternity support workers) of worker and workplaces of those we are expecting to call out.

As RCM workplace reps you will have an important role to play in ensuring that the industrial action runs smoothly in your workplace. You will need to:

- Meet with your Head of Midwifery (HoM) to discuss the industrial action and exemptions for members from taking action
- Engage with members about the industrial action; and
- Engage with other staff side reps about the industrial action

Please read this document carefully, it includes all the information you need about how the industrial action will work.

**The principles in this document should give you the guidance you need but please escalate to the RCM if you are unsure**

# Contingency planning during the work stoppage

The RCM will issue 14 days' notice to employers of the date of the stoppage. After the RCM has announced the date of the stoppage you should meet with your HoM to make contingency arrangements so that essential services can continue. It is intended that during the stoppage the service provided will be similar to that of a bank holiday, cover during strike action is also sometimes known as 'life and limb' cover.

As the RCM has achieved a yes vote in the ballot when we call midwives and maternity support workers (MSWs) to take action we will expect RCM members to take part in the industrial action. However essential services will need to continue throughout the stoppage so as workplace reps you should be prepared to grant exemptions for RCM members to provide those essential services. As well as exemptions to allow essential services to continue the RCM is also providing exemptions for members who would suffer long-term financial loss because of taking strike action. This includes pregnant members, members whose state benefits would be affected and members in their last year of pensionable service.

When you meet with your HoM they should set out what services they are deeming

essential (remember that it is the employer who is responsible for the safe running of these services) – it may be similar to the level of service you provide on a bank holiday. You can agree to the exemption so that members go to work to cover the essential service. Remember that student midwives are not able to take part in industrial action, they should not be asked to work beyond the role of a student if in the workplace during the action. Students can show their support for the action in other ways; contacting their MS and supporting the local branch activities outside of study or placement time.

HoMs are also members of the RCM and we encourage good partnership working.

It is important to note that members should be taking part in the stoppage and it is for the union to agree whether the particular service is exempted, this should not be dictated by the Head of Midwifery.

There may be some services/activities that are not exempted. The types of services/activities will vary locally and should be based on the individual needs of the service. Services and activities that are not exempted should be postponed until after the stoppage, they should not be cancelled entirely.

The principles in this document should give you the guidance you need but please escalate to the RCM if you are unsure.



# Priorities

The industrial action midwives and MSWs take needs to be effective and therefore disruptive, however loss of public support or negative publicity for our industrial action can have a negative impact on our campaign as well.

The three priorities for the RCM are:

- Ensuring safety for women and babies
- Ensuring a choice of birthplace
- Midwives not breaking The Code

Our dispute is with employers and the Welsh Government not maternity service users.

## Principles

This list gives you some general principles to help make a decision about exemptions and postponing services/activities. However every local service is different and decisions will be dependent on local circumstances.

- Exemptions should be based on providing essential care. Any woman requiring essential care from a midwife or MSW should receive that care, for example women in labour or accessing triage or emergency/unscheduled care should notice no difference in the care they receive
- Exemptions should be based on

providing choice of birthplace, we do not want this choice to be restricted because of the industrial action

- Exemptions should be based on clinical judgement in assessing risk – some services/activities may be essential for some women and not other women depending on risk. Risk assessments should be carried out by employers to determine this.
- Exemptions should not be based on administrative inconvenience for example because a rota has already been written – it should be rewritten!
- Exemptions should be given to members who would suffer long-term financial loss because of taking strike action. This includes pregnant members, members whose state benefits would be affected and members in their last year of pensionable service.
- Some services/activities that are not exempted will be postponed – risk assessments based on clinical judgement will need to be conducted to determine when alternative appointments are scheduled
- Services/activities that are postponed will need to be rescheduled. It will need to be considered how the demand is met, possibly through increased staffing throughout the rest of the week

- It will not be acceptable for an employer to schedule in postponed services/activities later in the day and expect RCM members to meet the extra demand without extra cover
- It will not be acceptable to bring in agency midwives to cover the duties of an RCM member who is taking industrial action
- Consideration should be given to how the industrial action that will be taken by other NHS trade unions across the health board will affect the service – this will vary locally and you should speak to your local staff side colleagues
- Consideration should be given to any administrative issue that may arise – for example if women telephone to speak to a midwife the call will need to be diverted to an area that is staffed
- Consideration should be given to arrangements that need to be made should the unit become busier than you expect it to be

As some RCM members will be working during the stoppage to cover essential services we have produced stickers to wear to indicate support for the campaign and that they are working to provide care to women and babies. You should let your HoM know that members intend to wear the stickers during the stoppage. You will be able to order the stickers 'Taking action but ensuring safe services' from Storefront.

## The NMC Code

The RCM is not asking midwife members to break their Code. The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates – [The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk). It is not against The Code for midwives to take industrial action. Our position on industrial action – [The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk)





# Contingency planning for action short of strike

This action will highlight the staffing shortages in maternity services and the goodwill that midwives and MSWs give the NHS everyday.

The action short of strike we are asking RCM members to take is to keep a record of all the extra hours that they work beyond contracted hours and submit claims for overtime payments at the rates provided for in the Agenda for Change terms and conditions of service handbook.

When you meet with your HoM you will need to make it clear that RCM members are not refusing to work overtime but that they should be paid for that overtime. You should discuss how this can be facilitated by either ensuring that staffing arrangements are in place so that RCM members do not have to work beyond their contracted hours or that the trust agrees to pay overtime for any additional hours members work. RCM members should claim overtime for employers using the normal local mechanism for doing so.

As part of the campaign we also want to know how many hours overtime RCM members work – so we are asking members to complete an RCM timesheet recording

all the extra hours worked. This form can be downloaded from the [RCM pay hub \(www.rcm.org.uk/pay-hub\)](http://www.rcm.org.uk/pay-hub) or you can contact Team RCM Wales. We want members to send the timesheets back to us at [employment.relations@rcm.org.uk](mailto:employment.relations@rcm.org.uk) or RCM workplace reps can collect them from members and send back to us in a bundle

This can be really effective because it highlights the goodwill that midwives and MSWs give to the NHS every day. It will show that the NHS desperately needs to address the staffing crisis and that a decent pay award and urgent retention package is key to doing this.

## Three priorities we need to ensure apply to action short of strike as well:

- Ensuring safety for women and babies
- Ensuring a choice of birthplace
- Midwives not breaking The Code



# Planning for and organising industrial action

## Wales Industrial Dispute Hub

The Wales Industrial Dispute Hub includes as members: Team RCM Wales, RCM UK Employment Relations and RCM UK Communications.

The role of the Hub is to supervise the industrial dispute/ strike committee and to report to RCM UK and the RCM Board regarding the progress of the action. The Hub will manage any requests for derogations

The Hub is also responsible for reporting major incidents such as unofficial action and what steps it believes should be taken to address those matters.

## All Wales Industrial Action Committee

The RCM Wales team are coordinating a regular industrial action committee.

The committee would welcome the following members: RCM Steward, an RCM elected branch official, RCM National Officer (for support as required), a member who is representative of each area of maternity care in that Board, a member who works in management and a designated individual to liaise with the employer.

**The RCM Wales team are coordinating a regular industrial action committee**

## The core functions of this committee include:

- a. To engage a representative spread of members within the workplace to form the committee e.g. representatives from labour, triage.
- b. To notify the employer, as soon as possible, of the names of its members. (How will you do this would setting up a WhatsApp group for members be helpful)
- c. To work with nominated RCM staff and liaise with local management in relation to derogations/exemptions from industrial action. Further information on derogations/exemptions is set out below.
- d. To devise a rota of committee members to provide cover for the duration of the action. The rota and contact details of the committee members must be made available to all members in dispute in the workplace, and to the relevant local management and RCM staff.(Who is good at organising in your team?)
- e. The committee must devise and manage picket duty rotas. (Who in your team is good at organising rotas? How will you let them know?)
- f. The committee needs to agree contingency plans to deal with unforeseen emergencies in the workplace that align with the employer's Business Continuity and Emergency plans.
- g. To liaise with other unions/workers as required to coordinate action. (Who is responsible?)
- h. To secure, from the employer, the use of an office in a location easily accessible to members, complete with an internal and external telephone line and internet access for the duration of the dispute.
- i. To agree and set up methods of communication with members in the workplace. (think WhatsApp, Teams, posters)
- j. To effectively manage the action locally for the duration of the action referring major issues to the Wales Industrial Dispute Hub as appropriate. Members locally will take instructions from the committee.
- k. To schedule and attend daily meetings with management during the action.
- l. Seek reassurance and evidence from the employer that its service will be reduced proportionately in line with available staff. However, it is an employer's responsibility to provide safe staffing levels to sustain its service requirements during any period of industrial action.
- m. Take immediate action to stop any unofficial industrial action or secondary action.

Industrial Action Committees report to and take instructions from Team RCM Wales and the Wales Industrial Dispute Hub.



# Engaging members and working with other unions

## Before the action

Members have been informed about the type of industrial action we are asking them to take but it is a good idea to hold a meeting with members to explain this to them as well.

There are frequently asked question (FAQs) on the RCM's pay hub web pages, if a member asks you a questions that isn't covered by the FAQs please speak to team RCM Wales or email [paycampaign@rcm.org.uk](mailto:paycampaign@rcm.org.uk)

Members voted yes in the ballot for both strike action and action short of strike so should be prepared to take action but some members may still feel anxious about taking action or have changed their minds.

**RCM members in Wales have told us that they haven't been able to provide the level of care they wish to and that lack of staff is the biggest challenge**

## Remind members that:

- The pay award does not address the rising cost of inflation or ensure that NHS staff can cope with rising and rapidly fluctuating costs for the vast majority of RCM members
- A snapshot survey of RCM members in Wales in Autumn 2022 found that a significant number are working in services that are not appropriately staffed and they do not feel they can provide the quality of care they would like to. Midwives and MSWs plug staffing gaps and work additional hours for no extra pay to keep services running safely. Midwives and MSWs are exhausted and morale is at rock bottom
- RCM members in Wales have told us that they haven't been able to provide the level of care they wish to and that lack of staff is the biggest challenge
- In a cost of living crisis the least NHS staff deserve is a pay rise that does not make them worse off in real terms
- The RCM is prioritising safety and would not ask midwives to break The Code. It is not against The Code to take industrial action
- Midwives and MSWs who are demoralised cannot deliver the quality of maternity services that women and families deserve. Investing in staff is an investment in better care

## During the stoppage

When you meet with your HoM to discuss exemptions to cover essential services you will agree that some RCM members will be required to work during the action to provide essential services

Those members will want to indicate that they should be taking action but are working to provide essential care. They will be able to wear the 'Taking action but ensuring safe services' stickers during the stoppage that you can order from Storefront.

## Pickets

There should be a picket line outside the hospital. It is lawful to picket but there are limitations on what can be done.

You can only picket at or near your own place of work and the code of practice says that a picket should be six people or less at any entrance to, or exit from, a workplace. Pickets are allowed to peacefully persuade workers and others not to cross the picket line but anyone who decides to cross the picket line must be allowed to do so. Some members will need go in to workplaces to provide cover during the stoppage, they should be allowed to do so. Of course, service users or their families should be allowed to cross picket lines.

Since the introduction of the Trade Union Act 2016 unions must now elect an official supervisor for their pickets, who must give the police their name, contact details and the location of the picket. On the picket itself they must be easily identifiable (such as through wearing an armband) and must carry a letter of authorisation from the union to be shown to employers by request. In theory, a picket could be declared unlawful if any picket supervisor slips up, even in such a small way as forgetting or losing a letter of authorisation. In practice, this is unlikely but you should be aware of the rules just in case.

As there are limitations on pickets you should work closely with staff side colleagues to organise and coordinate.

## Demonstrations

Your staff side may organise a demonstration outside the employer's premises which will allow more people to take part in a demonstration. These would be locally organised so you will need to discuss with other NHS trade unions. Please encourage members (who are not exempted from action) and student members who are not on placement or study time to attend any demonstrations that are organised, you can order RCM materials from Storefront.



## Pay

Your employer could choose to reduce your wages for the time you have taken part in the stoppage. Pay is not normally deducted for action short of a strike. Local employers will make their own decision about pay during industrial action. This decision should be made in the JNCC meeting and will be a board wide decision. We would not expect an employer to deduct more pay than is proportionate for the action taken

## Coordinating action

The industrial action that will be taken by other NHS trade unions across the health board may impact on maternity services so in your contingency planning with the HoM you should consider action taken by others. We would not want RCM members to disrupt other union's action (just as we would expect other union members not to disrupt our action). This will vary locally and you should have conversations amongst staff side and the wider JNCC to ascertain how the action is going to work in your trust.

RCM workplace reps will be critical to ensuring that we are visible in workplaces, that RCM members are aware of what the action entails and that they take part in the action.

**Getting MSs speaking up about NHS pay is an important, powerful way to nudge the Welsh Government into finding the money needed to settle this dispute**

# Other ways to campaign

Everyone – not just RCM members, but their friends, family, everyone – can help push for better, higher, fairer pay for midwives, maternity support workers and all NHS staff. One key way they can do this is to contact the Members of the Senedd (MSs) who represent them in the Welsh Parliament in Cardiff.

All residents of Wales are represented by five MSs. One is a constituency representative, with a further four representing the wider entire region in which someone lives. You can contact all five of them because they all represent you.

You can use the Senedd website to find out who they all are: <https://senedd.wales/find-a-member-of-the-senedd/> You just need to input your postcode, click on each Member and see the options for how to contact them.

Getting MSs speaking up about NHS pay is an important, powerful way to nudge the Welsh Government into settling this dispute. They can also put pressure on the UK Government in London to release more money to Wales to help find a solution.

It is most effective if you email or write to your MSs to set out how you are being affected personally. Are you struggling to pay your energy bills, to pay for the weekly food shop, to keep running your car that gets you to work? Tell them about the reality of what a poor pay deal means for you and your family. Tell them about the impact on your work of any staff shortages, and how fixing these is made harder by a poor pay deal.

Most importantly, ask them to write to the Minister for Health and Social Services in support of a better pay deal for Welsh NHS staff. That is the key politician, responsible for the NHS in Wales.

We need our politicians to hear your voice loudly and clearly, so please do pipe up because it's your right to speak up and their job to listen.

- Like and share RCM information on social media - RCM branch Facebook page and Twitter @RcmWales
- Use the hashtag #DeliverADecentDeal on social media to help get our messages out there





# Resources and how to access them

RCM Storefront can be accessed by each branch – ask your local workplace representative or Organiser.

## Step by step guide on how to order resources from Storefront

- If you haven't already done so set up an account by emailing [support@bcqgroup.com](mailto:support@bcqgroup.com)
- Visit [www.bcqmarketingportal.com/rcm/](http://www.bcqmarketingportal.com/rcm/)
- Once logged in all pay campaign materials will be visible on the homepage and recognisable by the 'Deliver a Decent deal' branding
- Order materials as appropriate by adding them to your shopping cart – please note stock is limited so you will only be able to order up to the maximum quantities allowed
- 'Check out' when ready and complete the address sections for delivery
- Remember to be specific if requesting delivery to your workplace and to provide a contact number if available
- If you have any questions contact your National Officer or Organiser; ring RCM or email [paycampaign@rcm.org.uk](mailto:paycampaign@rcm.org.uk)






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