

## BMA Industrial Action Juniors Doctors Pay Dispute 2023/2024

### Joint Guidance on Picketing during Junior Doctor Strike Action V.3 20<sup>th</sup> March 2024

#### Introduction

In times of national disputes, local partnership arrangements are not the ones that are responsible for the dispute, nor can they resolve a national dispute. However, good partnership working and maintaining dialogue between managers and staff is needed to agree local service provision on strike days and to preserve working relationships that will be needed after the dispute has ended. Any local response to industrial action must take account of the need to maintain patient services in the long, as well as short term, and avoid escalation of the dispute and/or cause lasting damage to local industrial relations.

#### 1. What is the nature of the planned industrial action?

Junior Doctors employed by the NHS in Wales have been balloted on whether they are prepared to take strike action.

A **3<sup>rd</sup> period** of Strike Action has been confirmed as a full withdrawal of labour for a **96-hour continuous period between 7am Monday 25<sup>th</sup> March 2024 and 7am Friday 29<sup>th</sup> March (Good Friday, Public Bank Holiday)**.

The ballot outcome provides the mandate for strike action up to 17<sup>th</sup> June 2024.

#### 2. What is a picket line?

NHS Wales Employers on behalf of employing organisations in NHS Wales recognises the right of junior doctors to take strike action.

This includes the right to picket peacefully and within the [Statutory Code of Practice on Picketing](#) at their own place of work. NHS Wales Employers, on behalf of employing organisations in NHS Wales, permits the BMA to form pickets at workplaces where members on strike wish to picket.

All Health Boards/Trusts, Picket Supervisors and the BMA will work together to ensure that pickets proceed in a peaceful and orderly manner at workplaces where members on strike wish to picket.

A picket line is where union members in a trade dispute with their employer gather at their workplaces. The core purpose of the picket line is:

- To engage with, and provide information to, the public on the dispute and why the strike is taking place. Again, this is to be undertaken respectfully and politely.

- To encourage other workers, respectfully and politely, to not cross the picket line, and instead to join the strike – in this case, this would be aimed at other junior doctors.

### 3. Who will be responsible for managing the picket lines?

The BMA will appoint a Picket Supervisor to ensure the smooth and safe running of the picket line on the day of action. The Picket Supervisor will wear something which readily identifies them as such. They will also carry a letter of authorisation from the BMA to be shown to employers by request.

The Picket Supervisor will be present on the picket line or be readily contactable and able to attend at short notice. The term 'short notice' is not defined, and a Picket Supervisor can supervise more than one picket line.

In practice, provided that the Picket Supervisor is contactable by mobile phone and is supervising a set of picket lines in one location, such as a single large acute hospital, this is acceptable.

A BMA staff member will also be assigned to each Health Board and will also be available as a contact for any queries during the strike period relating to the picket lines.

The BMA will confirm to NHS Wales Employers relevant health boards/trusts at which hospital sites it intends to picket. It will also provide notification to the relevant police forces.

The BMA will also publish [picketing guidance](#) on its website ahead of strike action for individuals wishing to participate in pickets.

### 4. How many individuals can form a picket?

The BMA will endeavour to ensure that the number of individuals picketing at any picket line does not exceed 6 individuals. However, this does not include visitors to the picket line.

This number also excludes trade union officials as 'The law provides that it is lawful for a trade union official to picket at any place of work provided that: (i) he is accompanying members of his trade union who are picketing lawfully at or near their own place of work; and (ii) he personally represents those members.'

Whilst being clear on the legal requirements, NHS Wales Employers would encourage Health Boards and Trusts to be reasonable in terms of the numbers of pickets and in supporting their Junior Doctors taking part in picketing, particularly in terms of access to facilities and refreshments etc.

### 5. When will the picket lines be in place?

For the second set of strike action, the BMA has confirmed that Picket lines will be in place between **07.45 am and 11.30 am on the first day of action**. In the event that BMA agrees to a request for this to be extended, the assigned BMA staff member will inform the Health Board/Trust of this decision before 11.30 am.

### 6. What is the difference between a picket line and supporters visiting a picket?

Others may attend the picket line to demonstrate support and solidarity with the striking workers. However, they will not be considered an official picket. Instead, they are considered picket visitors

and supporters and **should not approach** junior doctors looking to cross the picket and attend work; only the official and identifiable picket workers should be undertaking this role.

## **7. Any person who decides to cross a picket line must be allowed to do so**

The BMA states that pickets should not physically attempt to stop a person or vehicle from entering the hospital.

It is reasonable for pickets to have respectful conversations with colleagues and members of the public to promote why they are taking industrial action.

However, the BMA is clear that verbal and physical abuse will not be tolerated on the picket line.

If a doctor is taking part in strike action but needs to cross the picket line to access hospital facilities (for example, prayer facilities) they will be allowed to do so.

## **8. Demonstrations**

The above guidance on picketing only applies to picket lines within Health Board/Trust property. BMA has indicated that it may hold larger, peaceful demonstrations off Health Board/Trust premises e.g. outside of a hospital site.

## **9. Questions about picket lines**

### **Ahead of the strike action taking place.**

If there is something missing or unclear, you should, in the first instance, contact your local Workforce Department or Industrial Action Planning Group/Cell. They will in turn contact the [NHS Wales Employers](#) using the dedicated email address. Any direct queries will be referred to the organisational team in the first instance.

### **Once the strike action has commenced.**

Members - Contact the Picket Supervisor and the BMA staff member assigned as your Health Board

Employers - contact your local Workforce Department or Industrial Action Planning Group/Cell. They will in turn contact the [NHS Wales Employers](#) using the dedicated email address. Any direct queries will be referred to the organisational team in the first instance.