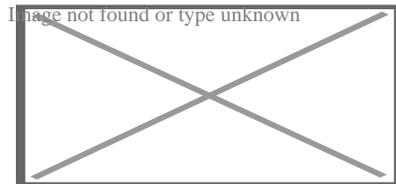


NHS Pay Ballot: FAQs

06 Aug 2021



GMB is balloting our members in the NHS in England on the 2021 Pay Offer of 3%

View our frequently asked questions below.

What was GMB's position on NHS Pay for 2021?

GMB's pay submission into the NHS Pay Review Body called for:

- 15%, or £2 per hour, whichever is the greatest.
- Unsocial hours enhancements to be paid to all staff when on sick leave.
 - Commitment that NHS pay will never fall below a Real Living Wage again.



The GMB pay claim called for unsocial hours enhancements to be payable to all staff who had to take time off work due to sickness. There should never be a situation where an NHS worker faces a financial detriment for being ill, or is forced in to attending work ill as they cannot afford not to.

Government failed to address any of the points raised by GMB in our Pay Review Body submission and awarded only 3% to all NHS workers. GMB conducted a ballot of our members on whether they accepted the 3% as a good offer for their pay, or not.

What was the result of the pay ballot?

93% of GMB members voted to reject the 3% Government pay award for 2021.

GMB is now moving to a formal ballot for industrial action.

I have already received the 3% in my pay packet, what's the point in voting?

GMB members working across the NHS and ambulance services *voted overwhelmingly to reject* the Government's 3%. This was because:

1. It does not restore a decade of real terms pay cuts.
2. It does not recognise the Covid-19 efforts you have sustained over the last 18 months and will continue to do so for many more.
3. It does not meet inflation rates.
4. It will not cover the proposed increases in national insurance or pension contributions.

It is in fact a *Pay Cut*.

The Government have ignored you and decided to ***impose this pay cut*** regardless.

At the start of the Pandemic the Government said they would do whatever it takes to protect our NHS. Only a significant increase in pay will prevent the huge recruitment and retention of staff crisis which is getting worse. The Government held you up to be heroes, they clapped for you – and now they are rewarding you with a pay cut.

This ballot is your opportunity to make sure you have your say on your pay. Now it's time for you to let the Government know what you think of their decision to further cut your pay. GMB members rejected the 3% and your union's formal ballot is about to start. This ballot will tell us what next steps you and your colleagues are wanting to take to *fight this pay cut*.

You can see how much money you have lost in real terms by accessing the GMB pay loss calculator online - [NHS worker? How much have you had pinched?](#)

I'm not sure if I want to take industrial action yet but want



GMB to keep fighting this. What should I do?

Every vote counts. Every vote not cast, is a vote in favour of accepting the 3%. It is crucial that you do use your vote. A vote for action at this stage does not mean that you will automatically have to take any form of action at this time. We have six months from the ballot closing to consider what, if any, action we will take.

But this is your opportunity to let Government know exactly how you feel about what they have done. If we receive a strong enough vote in favour of possibly taking action, from the majority of our members, we will be in a position to try and influence Government to reconsider and offer you something that really does recognise your true value.

Who will receive a ballot paper?

GMB regions are running ballots of their members. You should hear direct from your region about the ballot and whether you will be receiving a ballot paper.

If you haven't heard anything yet please **contact your region directly**.

Who doesn't this apply to?

This ballot does not apply to NHS Employers in Scotland, Wales and Northern Ireland.

It also does not apply to workers employed by NHS contractors, private employers or wholly owned subsidiaries who do not follow Agenda for Change Terms & Conditions – unless they have transferred from an NHS Trust and retained their Terms & Conditions under a TUPE transfer.

If you are unsure, contact your local **GMB branch and details** using the myGMB site.

How will I receive my ballot paper?

GMB has appointed an Independent Electoral Service, Civica, to run this ballot. You will therefore *receive your ballot paper through the post*. Please keep an eye out for it and vote when it arrives. Every vote that isn't cast, is a vote to accept this *pay cut*.

What's the schedule for GMBs industrial action ballot?

The ballot will open on:

Wednesday 10th November 2021



and closes on:

Wednesday 15th December 2021.

Any ballot papers received after this date will not be counted. Spoilt ballot papers will not be counted. Only members of GMB union are entitled to a vote.

I've not received a ballot paper, what should I do?

If you do not receive your ballot paper by Wednesday 1st December please **contact your region**.

What is GMB recommending on this ballot?

GMB strongly recommends that all members use their vote to vote yes to action on both questions on the ballot paper.

What questions will be on the ballot paper?

There are two questions on your ballot paper. These are:

- **Are you prepared to take part in strike action?**

Yes / No

- **Are you prepared to take part in industrial action short of a strike?**

Yes / No

What is meant by industrial action?

Trade unions always try to resolve disputes through negotiation. But when that doesn't work,



industrial action may be needed as a last resort.

The industrial action you probably hear most about is going on strike. But there are other actions workers can take, such as overtime bans and work to rule.

In Britain, the right to strike is governed by complex and restrictive industrial action laws. In summary, to count as 'protected industrial action', a strike must:

- relate to a work dispute with your own employer.
- be supported by a valid secret postal ballot with independent scrutiny, in which at least of half the balloted workers have voted (in other words, "not voting" counts as a vote against the strike).
- be carried out with notice.

In addition, strikes involving workers who provide what the government calls an "important public service" can only be lawful if at least 40% of the workers balloted over the action vote in favour of it.

You will be asked about two forms of action on your ballot paper:

Action Short of Strike Action (ASOS)

Action short of strike action (ASOS) is **not** 'a concerted stoppage of work', which is the definition of strike action. Any action which results in a member not having any substantial contractual work to do will probably be classified as strike action.

ASOS can involve the withdrawal of goodwill around voluntary or discretionary activity. Some examples of what this could include are:

- Voluntary overtime ban
- Refusal to agree requests for short notice changes to start times
- Refusal to agree to work on a day not originally published/scheduled
- Work to Rule (work to contractual hours only)

The ASOS could be continuous or discontinuous. Discontinuous periods of ASOS would enable us to spread out the action over an extended period of time if necessary.

The ASOS could be across the board or undertaken by selected groups of members only.

Protest action, which does not count as industrial action, in which, for example, all members demonstrate during their lunchtime could also be used to good effect in any week of ASOS, or as stand-alone action.

Strike Action

Strike action is a concerted stoppage of work in which members completely withdraw their labour. The withdrawal of labour can be brief, or lengthy.



Strike action can be of varying duration, from one hour, or less, to indefinite action.

If strike action on any one day is less than the total contractual hours for the day for the members involved, there is an option to seek the agreement of the employer to deduct only that pay for the actual time of the stoppage (for example one hour) rather than a whole day's pay. It is also open for the employer to deduct a whole day's pay for the shortest stoppage.

Am I allowed to take part in strike action, or action short of a strike if I am a Nurse, Paramedic or other registered healthcare professional?

Yes – you have the right to take part in lawful industrial action.

The Health Care Professions Council (HCPC) and The Nursing & Midwifery Council (NMC) both have advice regarding this on their websites.

HCPC – [Taking part in industrial action | \(hcpc-uk.org\)](https://www.hcpc-uk.org/taking-part-in-industrial-action)

NMC – [Update on industrial action - The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk/updates/industrial-action)

What protections are in place for patients if we go on strike?

Some members may be exempted from participating in industrial action if they are “derogated to work” because their role or service is safety critical. Members who remain on duty because they are derogated may be asked to wear badges to indicate that they are supportive of the strike.

Can I be sacked if I go on strike?

No - you have the right to take industrial action and you can't be legally forced to stay at, or go back to, work (unless a ballot wasn't organised properly).

If you take industrial action, you'll probably have broken (be 'in breach of') your employment contract and your employer is unlikely to pay for the work you didn't do when you took industrial action.

However, if you take industrial action, your employer will reduce your length of service with them by the number of days you were on strike. This is important when working out your pension and things like statutory redundancy pay

I'm not a GMB member, can I vote?



Only GMB members can have a vote.

You can join today and have your say on your pay – [Join GMB](#) and [contact your region](#) for a ballot paper.

The last day you can join and still have a vote is **Wednesday, 8th December 2021**

Not a member? [Join the union for NHS staff today!](#)

What are the other unions doing?

Other health unions have also conducted ballots of their members on the 3% and have received rejections. Each union is now following its own internal procedures in terms of further ballots of their members to determine their positions on industrial action.

Unions are committed to working together where possible to advance this campaign for pay justice if all of our members vote in the same way.

What happens after the ballot closes?

Once the ballot closes, the ballot results will be collated. Your employer and you will be formally notified of the result as soon as possible after the ballot closes.

Your Regional NHS Teams, the NHS National Advisory Group and National Ambulance Committees will consider the results and determine the next steps in this campaign.

Not a GMB Member? [Join the union for NHS staff today](#)

Want to be a represent your Workplace?

[Become a workplace representative!](#)

Check out the GMB [NHS Hub for resources, posters, and the latest updates](#)

