

Escalating Industrial Action

Chalking vehicles



NSW
NURSES &
MIDWIVES'
ASSOCIATION



AUSTRALIAN
NURSING &
MIDWIFERY
FEDERATION
NSW BRANCH

Why is it important you take collective action?

The NSW government is ignoring nurses and midwives' call for better pay and conditions. Nurses and midwives are taking action now to demand respect from the government and show you deserve a 15% pay rise.

What does it mean to chalk a vehicle?

The phrase 'chalking up a vehicle' means to display campaign slogans on a vehicle to inform the community about your issues. This is a commonly used campaign tactic for unions which have public-facing and easily identifiable vehicles such as ambulances or fire trucks. The writing on the vehicles should be colourful, informative, and easy to clean off. This can be done with liquid chalk that can be removed with water and soap. It is an effective way to catch the eye of the public and get them thinking about our campaign.

Can the PTS and NETS participate in this action?

PHS members have voted overwhelmingly to participate in escalating action. For PTS and NETS members, this could include chalking up PTS and NETS vehicles.

The respective Branches would need to pass a resolution to endorse this chalking action before it can get underway. The resolution should include an agreed to start date. Your Organiser can assist with the drafting of this resolution.

Is chalking considered industrial action?

Arguably, it is not.

The *Industrial Relations Act 1997 (NSW)* defines 'industrial action' as a practice which limits or

delays the performance of work or a limitation or restriction affecting the performance of work. Therefore you need to ensure that any "chalking up" is done outside of work time.

Is chalking considered vandalism or graffiti?

Arguably, it is not.

The *Graffiti Control Act 2008 (NSW)* only makes it an offence in circumstances where any mark is not readily removable by water, soap or detergent.

Can members be disciplined for chalking?

With any form of action, it is imperative that members stand together and participate as a collective. This helps protect individual members from being targeted by management for their involvement. This is just as important for actions such as chalking. It is difficult for management to discipline everyone, which is why everyone needs to stick together. The branch decision to engage in this action should be reflected in the resolution passed at your stop work meeting.

NSW Health employees are not to bring the organisation into disrepute and section 4.4.2 of the Code of Conduct states that staff cannot decorate official vehicles with political slogans. It is therefore important that this form of action is done as a coordinated collective, with slogans that reflect the NSWNMA campaign messaging, and do not make personal attacks.

Some examples of appropriate messaging include:

- Value Us: Give us 15%.
- Nurses and Midwives Deserve 15%.
- Nurses and Midwives Deserve More in 2024.
- Enough Praise, Give Nurses and Midwives a Raise.

If members have any concerns about what slogans and messaging is appropriate, they can speak to their Organiser.



Be part of this campaign to win

Safety on the road

It is very important that chalking is done in a safe manner for the driver and the occupants of the vehicle. This is required under section 297(1) of the *Road Rules 2014 (NSW)*. To ensure everyone's safety, it is crucial that chalking:

1. Ensures the driver has full control of the vehicle.
2. Ensures the driver has a clear view of the road, and traffic, ahead, behind and to each side of the driver.

Your rights

1. If asked by your employer to cease chalking, advise them that you are undertaking authorised industrial action.
2. It is not appropriate for individuals to be disciplined for engaging in collective democratically decided industrial action, however your employer may use a range of discipline action tactics or threats to try to dissuade you from participating.
3. If you are directed to cease chalking, you should refuse and re-state that this is part of authorised industrial action. Members are entitled to freedom from victimisation by their employer for taking industrial action under the *Industrial Relations Act 1996 (NSW)*.
4. Under section 210 of the *Industrial Relations Act 1996 (NSW)*, it is unlawful for an employer to victimise an employee because they are a member or official of a union.
5. Seek advice from your organiser or the NSWNMA on 8595 1234 if you are pressured when taking action.

By working together, a well-deserved pay rise can be achieved for nurses and midwives in NSW in 2024. If you have more questions about taking action please go to nswnma.info/valueus.

