

INDUSTRIAL ACTION TIPS

# Escalating Industrial Action

24 hour strike: from beginning  
of AM shift on 13 November



NSW  
NURSES &  
MIDWIVES'  
ASSOCIATION



AUSTRALIAN  
NURSING &  
MIDWIFERY  
FEDERATION  
NSW BRANCH

## Be part of the campaign to win

### HOW TO STRIKE

**Here are the steps to take when preparing for the action:**

- 1** This strike will commence at the start of the morning shift on 13 November 2024, for 24 hours.
- 2** Advise your NUM/MUM as soon as possible if you are taking action. This will help the NUM/MUM make decisions about what resources will be available during the action.  
There's no strict deadline, but we recommend giving as much notice as you can.
- 3** Ensure you have a contact person on your unit or ward. This will allow you to share information quickly and effectively.
- 4** Check-in to the strike and/or rally by replying to the SMS you receive from +61 488 814 910. You may want to save this number in your contacts.
- 5** Send your photos and videos to [nswnma.info/phs-dropbox](https://nswnma.info/phs-dropbox)
- 6** Wear your NSWNMA scrubs to the action. If you don't have NSWNMA scrubs, you can wear your NSW Health ones (just cover the NSW Health logo).

**Stand up and participate we will only get results if we stand together!**

# Frequently Asked Questions

## What do I do if my manager says the action is illegal, or that I cannot go on strike?

Conversations with management around industrial action can be tricky. It's not uncommon for people to become frustrated on both sides of the discussion.

It is important to remain respectful and calm when discussing the strike action with your manager. You should explain you are participating in strike action that has been endorsed by the NSWNMA, and we are fighting to raise the wages and conditions of all nursing and midwifery classifications. Encourage them to reach out to your Branch or the relevant NSWNMA Organiser if they would like more detail on the action, or if they need any support.

If after these discussions you are directed not to attend the strike action, contact your NSWNMA Organiser straight away. We will help you from there.

## Can we get fined for taking industrial action?

**No.** Penalties can only be imposed on an industrial organisation, like the NSWNMA, not on individual employees.

## Will we lose pay if we take industrial action in work time?

Yes, your pay will be docked for the time spent taking strike action. The *Industrial Relations Act 1996* (NSW) makes it an offence for an employer to pay an employee for time spent engaging in industrial action.

## How long will we strike for?

24 hours. This strike will begin at the start of morning shift on 13 November and conclude on the morning of 14 November (at the end of night shift), and you should strike for the hours you are rostered to work in that span.

## Can I be disciplined for striking?

It is not appropriate for individuals to be disciplined for engaging in collectively democratically decided industrial action, however your employer may use a range of discipline action tactics or threats to try to dissuade you from participating. If this happens you should contact your Organiser or the NSWNMA immediately. This is where there is great strength and protection in numbers. Encourage your colleagues and non-members to join the union and participate.

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.

## What happens to my patients if we strike?

If you are a NSWNMA member and taking action, you must notify your manager ASAP in order to assist with planning.

Non-members will remain on shift as the NSWNMA cannot support them if they strike. Encourage them to join.

Your Local Health District and the Ministry of Health have developed 'adapted models of care' with very low staffing numbers in the event of a crisis, or unforeseen or urgent circumstances. They should enact these models.

## Can I be deregistered for taking industrial action?

If an incident occurs, the Regulator would use the nurses and midwives' professional practice framework to consider whether the performance of any nurse or midwife was below an acceptable standard. Your Local Health District and Ministry of Health must enact the 'adapted models of care'. There would be a guide on what the NSW government considers adequate levels of care to be provided.

## What happens if NSW Health says I am acting against a direction of the IRC?

The Industrial Relations Commission will issue orders against the NSWNMA to limit us taking industrial action.

This has happened in the past. While the NSWNMA can be fined for not complying with such orders, no individual member can be targeted for fines.

Employers may try to dissuade members from participating by saying there are orders against the strike. It is important that we are strong and stand together.

Contact your local branch point of contact, your Organiser or the NSWNMA to get the latest information.

## Do I have to be part of a branch to take action?

**No** – all NSWNMA members who are covered by the *Public Health System Nurses and Midwives' (State) Award* can participate. That said, action is stronger when you take collective action. Encourage your colleagues to take action with you. If they are not members, get them to join now!

## Do I need to provide a medical certificate if I take strike action?

**No.** There is no need to provide a medical certificate.

## Can I wear my NSW Health uniform at a rally?

We recommend wearing NSWNMA scrubs but if you do not have them, you can wear your NSW Health scrubs. Remember to cover your NSW Health logo when participating in industrial action, to comply with the NSW Health Code of Conduct: 4.3.13 *when making public comment on issues or participating in political or industrial activities, not indicate or imply that their views are those of NSW Health.*

It's important the views expressed are of the NSWNMA or your branch, not NSW Health.