



SoR **100**
YEARS
THE SOCIETY OF RADIOGRAPHERS

Strike Manual

One person can't do everything. Share the workload
with supportive members/colleagues.



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Understanding the right to strike

The history of employment relationship:

There are many definitions for 'work'. For our purposes we are using the definition given by the Oxford English Dictionary: Action or activity involving physical or mental effort and undertaken in order to achieve a result, esp. as a means of making one's living.

Employment is the sale of work (physical or mental) to an employer. It is a contract between the employer and the employee in which each party to that contract are, in theory, free to negotiate the terms of that contract between them.

The employer is, however, always in the more powerful position in negotiations because they own 'the means of production' - the hospital or the diagnostic or therapy kit.

The Master and Servant Act 1823 made it a criminal offence for a workman to be disobedient and allowed calling for strikes to be punishable as an aggravated breach of contract.

The master and servant relationship continues to some extent even to this day although employees have more rights than previously the employer continues to hold the balance of power.

Trade unions were developed over many years from around 1717 onwards to try to redress this balance of power by joining together in negotiations rather than allowing employers to divide and conquer.

What happens when the employment relationship reaches a dispute:

A dispute occurs when negotiations between employer and the trade union representing the employees breaks down. The purpose of negotiations is to reach an agreement – usually at a level which is higher than the employer's starting point and lower than the trade union's aspirations.

When this point can't be reached through talks and the talks break down, the trade union(s)

will go 'into dispute' with the employer.

The registration of a trades dispute with the employer by the union signals that there is likely to be some form of industrial action taken in order to bring the employer back to the negotiating table with a better offer.

A trade dispute can be over national or local negotiations.

Strike action explained:

Striking is when employees – usually through trade union organisation – withdraw their work from the employment contract in order to express their discontent with their terms and conditions of employment and to gain a better negotiating position against the employer.

Who can strike:

All SoR members who are employed on a substantive contract by the employer with which the SoR is in dispute. This applies whether they were part of the strike ballot or not.

Managers who are members can also strike and have protection from dismissal.

International radiographers can strike without worrying about the status of their visa or prejudice for future employment.

Staff who are *not a member of any trade union* but who fall within the group of employees covered by the SoR strike ballot can also strike and be protected by the law.

Who can't strike:

Student radiographers can't strike as they are not employees.

Locum/agency/bank staff can't strike as they are not employed on a substantive contract but should inform the employer that they will not be available for work on strike days.

Staff who *belong to another trade union* are not protected by the SoR ballot and should take advice from their own trade union.

The Law and the right to strike:

Unbelievably, there is no legal right to strike in the UK. However under the European Convention of Human Rights, Article 11, everyone has the right to freedom of peaceful assembly and freedom of association with others, including the right to form and to join trade unions for the protection of their interests.

This right can be restricted by law, but only so far as is necessary in a democratic society, e.g. for the protection of security or public safety, or the prevention of crime. Violent protest is not protected.

In UK law workers are considered to have breached their contract of employment if they go on strike. They are, however, protected from dismissal and from suffering any other detriment if they strike under a legally held ballot.

The protection provided by the legal ballot extends to all SoR members regardless of their country of origin or visa status. Taking part in strike action will not have any effect on their visa, future visa application or employment in the UK.

Legal protections also applies to employees who are not members of any trade union, if they choose to join the strike.

Section 2:

Communications

Communicating with the SoR:

The SoR will communicate primarily through its accredited representatives but on occasion there will be emails or texts sent to all members. Reps and the support structure will help to ensure that each member is made aware of the communications and reminded to open their email or read the text.

The SoR is likely to hold reps meetings on an either regional or national basis and it will be important for reps or 'nominated members' to attend these meetings. They are often called 'Reps' Briefings' and will be run by appropriate Officers from the Trade Union and Industrial Relations (TUIR) department of the SoR.

Briefings are an opportunity to meet other reps, ask question and discuss problems. They also allow the SoR to receive information from the membership, to hear what they want and what they need. This is vitally important for a successful campaign.

The SoR Website www.sor.org will always have up to date news on the industrial action toolkit pages and reps should visit the relevant page frequently.

Communicating with other reps:

Good communication between all the reps or ‘nominated members’ in your workplace/trust/hospital will ensure that all members get the same message at the same time.

If there are a number of different reps in your hospital/Trust/department etc. then you can work together but if there are areas where there are no reps then encourage the members in that department to either elect a rep or nominate a member to act as the conduit for information. This will be your ‘strike committee’.

Communicating with Members:

The most effective way of making sure that all members are kept apprised of events and action in the run up to, and during, strike action is to create a communication channel between the strike committee and the members.

How you do this might depend upon the size of your department/hospital/employer.

While the channel will be instrumental for sharing key information on topics like ‘Minimal Service Delivery’, remember your members will also appreciate a safe space to talk openly about the guilt, pressure or worry they have about taking strike action.

Whichever method you choose, good communication within the strike committee in your workplace/trust/hospital will ensure that all members get the same message at the same time.

Tip: If you are setting up a WhatsApp group, set up a closed community instead so you can filter messages by topic to avoid overload. To find out more, select ‘Communities’ from here: <https://faq.whatsapp.com/>

Communicating with Managers:

It is important that you maintain good lines of communication with your service leads and hospital management in the run up to strike action commencing.

There are a number of issues which must be addressed prior to 'the day(s)' e.g. minimal service cover, how many staff will provide it and, importantly, what the employer plans to do about deducting pay from striking staff.

Managers need to be made aware that they should not be asking staff whether they belong to the SoR or whether they are going to take strike action whilst at the same time they need to be reassured that minimal service levels will be met. However, these minimal service levels will be decided ultimately by SoR members.

Many managers are also members of the SoR and will be supportive. They will need to know that the SoR recognises their difficulties and the conflict that they may feel whilst understanding that the SoR must follow the will of the majority of its members.



Tasks:

- Identify your team and create a WhatsApp community or group
- Create a members' WhatsApp community or group to cascade to
- Remind participants in both groups to use comms sensibly and sensitively
- Advise your Staff Side secretary of the SoR strike mandate
- Arrange to meet with your managers as soon as possible to open up lines of communication
- Look out for texts and emails from the SoR and draw your members attention to them
- Attend local or online reps' briefings
- Meet with members in your department on a regular basis to give them information and gather their feedback
- Keep sharing info and never assume important information has been seen or heard. Members may not be following our emails and website as closely as you are.
- If you have questions not covered in this document or www.sor.org/iatoolkit , please contact: digital@sor.org
- Encourage non members to join the SoR www.sor.org/register

Minimal service provisions

Minimal service provision – otherwise known as **‘life and limb’** provision or **‘derogations’**- is the level and type of service that SoR members are prepared to provide on strike days.

Since there is no legal minimal service that must be provided, SoR members could decide not to provide any service in a particular modality on strike days. However, the SoR is committed to ensuring that no lasting damage is done to a patient as a result of not getting immediate diagnosis or treatment and this should be borne in mind when deciding service levels.

Each modality will be different. Some modalities will be able to shut down altogether whilst others are more immediately vital. SoR members will need to discuss and agree among themselves what minimal services look like in their area of expertise.

If members decide to withdraw a service completely then management must be informed immediately so that they can make alternative arrangement e.g. sending patients to any non-striking hospitals.

Once members have decided what level of service to provide they can then decide how many staff of which bands will need to work and who that will be. These staff do not need to be the same ones who were original rostered to work if they would prefer to strike.

Start by eliminating staff who want to strike or are on annual leave/maternity/study leave/sick leave or are not rostered for work on these days.

If there are less staff who want to work than is necessary to provide the cover ask if they will agree to pulling names out of a hat to choose who will work. The remainder will join the strike.

If more staff want to work than is necessary and they cannot be persuaded to strike then accept their decision to come into work. It will be for the managers to decide on the day what tasks to allocate to excess staff. It would be sensible however for managers to plan for minimal staffing levels as people might change their mind at the last minute.

If your normal OOH work levels are higher than the minimal cover then the minimal service provision should continue over night if the action is 24hrs or longer.

Tasks - making the strike a success:

- Remind members that a strike is the one time they can legitimately tell their employer what work they will or will not perform
- Advise members who are rostered to work on strike days that they do not need to tell their manager at any point before or during the strike that they will not be coming into work
- Ask members in each work area to discuss and decide what, if any, minimum service they will provide during the strike and who amongst them will work on strike days.
- When members have decided service provision, fill out and send the 'Life and Limb' letter on the industrial action toolkit: www.sor.org/iatoolkit
- Reassure staff it is acceptable to take extra duties to offset loss of pay during strike
- Remind non-members they can strike too. Better still they can join the SoR at any time during this process

Section 4:

Picketing

As defined on www.gov.uk, a picket line is where workers and union reps ('picketers' or 'pickets') stand outside a workplace to tell other people why they are striking.

For SoR members this will include patients going into and out of the hospital as long as they are not obstructed from entering. Members of the public may stop to chat, to join you or may beep their car horn in support. A good lively picket line draws attention to the cause in hand and can actually be fun!

Pickets may also ask people not to do some of their usual work or ask them not to go into work i.e. cross the picket line. Pickets must not prevent people from going to work or doing their usual work if they want to do so. All picketing must be peaceful. The SoR will provide materials for picket lines such as tee shirts, flags, high visibility wear, baseball caps for example.

To ensure that the picket lines are peaceful each picket line must appoint a picketing supervisor and a deputy who are identified by an arm band. This will usually be an SoR Rep but it can be any willing member. www.sor.org/iatoolkit

The employer and the police must be told the identity of the supervisor and deputy so that they can contact them if necessary. Since the SoR expects all our picket lines to be peaceful there is no reason for the police to be interested although if they are passing they may stop for a chat.

Although picketing can be fun it can also be very tiring. It is advisable to work out a shift rota so that no one has to do more than a couple of hours if possible. If you find yourself short of pickets then concentrate on the busiest times of the day e.g. 8am-10am, 12pm-2pm and 4pm-6pm when people are arriving at and leaving the hospital.

To make the experience a good one ensure that you are prepared with; suitable clothing, umbrella (good for shade in Summer), food, drinks and seating. You can encourage members to bring dogs and children as long as it is safe to do so.

Staff who are not rostered to work or who are on maternity/paternity leave or annual leave can take a shift on the picket line. As can students (although they can't strike). Anyone who is on sick leave should be very careful about what they do. This will depend on the reason why you are off sick. Anyone who is on paid study leave should go ahead with their study.

Remember hospitals are not public buildings i.e. they are private property and therefore there is no automatic right of entry. To avoid conflict please use the model e-mail on the website to request permission to use onsite facilities such as parking, toilets, restaurant etc.

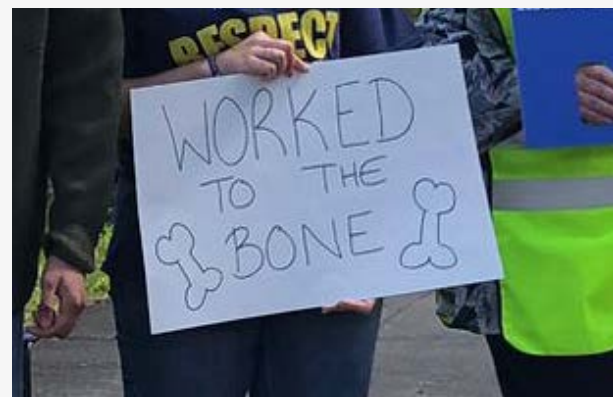
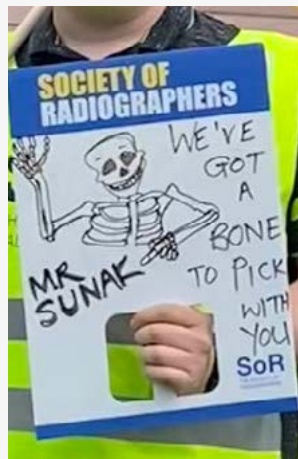
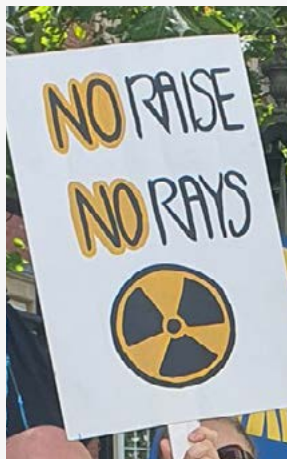
Individuals from other organisations outside the NHS may visit your picket line with their own material to distribute. Welcome their support but ask that they only hold or distribute SoR leaflets and placards.

For more information on the legal aspects of picketing and to download documentation please visit: www.sor.org/jatoolkit

Tasks - create visibility for the dispute:

- Plan which entrances you will picket for maximum impact
- Write to your HR/ OD&P Director to request use of the Trust facilities during picketing hours [CLICK HERE for email text/template](#)
- Complete and send letter to our local police station [CLICK HERE](#)
- Download your picket supervisor credentials ; fill out and print off a copy to keep with you during strike [CLICK HERE](#)

- Create a rota for the picket line
- Make a list of comfort items you will need; chairs, umbrellas, food and drink
- Prepare placards with radiography puns. Have fun and be creative with it. This is a way all members can feel involved. Phrases, pictures and puns we've seen on previous placards have been:



Section 5:

Talking to the media

During the strike the SoR Communications Team will issue press releases to the media about the dispute and where action is taking place. Local TV and radio news journalists will be interested in why you are on strike. They may visit picket lines to gather real life stories about the dispute. You do not need to clear this with your employer's communications team as you are representing yourself and radiography and are not speaking on behalf of your employer.

To help you or other members be prepared to talk to any media, you will be provided with SoR written briefings and online guidance.



Tasks - raising radiography's profile:

- Refer to media briefings online or at www.sor.org
- Ahead of the strike digital@sor.org will ask you to confirm which picket lines you would like media outlets to attend
- Examples of recent strike coverage can be found here [CLICK HERE](#)

Section 6:

After the strike

First things first - organising a strike takes time and energy so give yourself a big pat on the back! After the strike it would be wise to discuss with managers the list of staff names who will have pay deducted for striking. This is to ensure the correct amounts are deducted from the correct staff.

Organising for the strike will have motivated many members to become more interested in union activity. Importantly they will now understand that *the members are the SoR* and that their willingness to withdraw their labour rebalances the master and servant employment relationship.

After the strike or current dispute ends use the members' positive energy and engagement to carry on trying to improve their workplace life.



Section 7:

Strike checklist - Let's get started!

Keep talking and involve others:



Identify your team and create a WhatsApp community or group.

Create a members' WhatsApp community or group to cascade to.

Remind participants in both groups to use comms sensibly and sensitively.

Advise your Staff Side secretary of the SoR strike mandate.

Arrange to meet with your managers as soon as possible to open up lines of communication.

Look out for texts and emails from the SoR and draw your members attention to them.

Attend local or online reps' briefings.

Meet with members in your department on a regular basis to give them information and gather their feedback.

Keep sharing info and never assume important information has been seen or heard. Members may not be following our emails and website as closely as you are.

If you have questions not covered in this document or www.sor.org/iatoolkit please contact: digital@sor.org

Encourage non members to join the SoR www.sor.org/register

Making the strike a success:



Remind members that a strike is the one time they can legitimately tell their employer what work they will or will not perform.

Advise members who are rostered to work on strike days that they do not need to tell their manager at any point before or during the strike that they will not be coming into work.

Ask members in each work area to discuss and decide what, if any, minimum service they will provide during the strike and who amongst them will work on strike days.

When members have decided service provision, fill out and send the 'Life and Limb' letter on the industrial action toolkit: www.sor.org/iatoolkit

Reassure staff it is acceptable to take extra duties to offset loss of pay during strike

Remind non-members they can strike too. Better still they can join the SoR at any time during this process.

Create visibility for the dispute:



Plan which entrances you will picket for maximum impact

Write to your HR/ OD&P Director to request use of the Trust facilities during picketing hours [CLICK HERE for email text/template](#)

Complete and send letter to our local police station [CLICK HERE](#)

Download your picket supervisor credentials ; fill out and print off a copy to keep with you during strike [CLICK HERE](#)

Create a rota for the picket line

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Prepare placards with radiography puns. Have fun and be creative with it. This is a way all members can feel involved.

Raising radiography's profile:

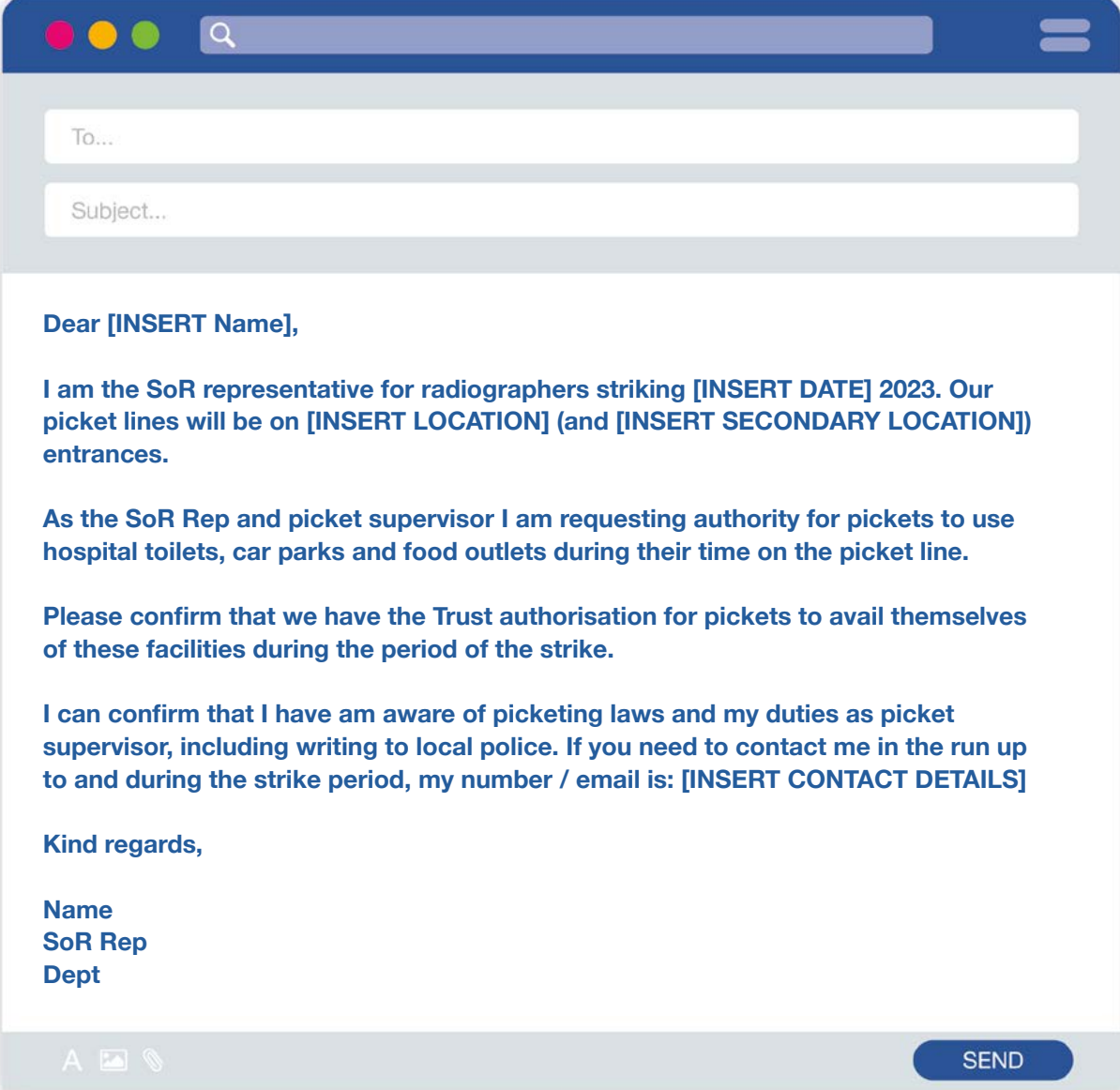


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Using facilities - you can use the text below to send to your HR/OD&P Director



The image shows a screenshot of an email composition window. At the top, there is a search bar and a menu icon. Below that are two input fields: "To..." and "Subject...". The main body of the email contains the following text:

Dear [INSERT Name],

I am the SoR representative for radiographers striking [INSERT DATE] 2023. Our picket lines will be on [INSERT LOCATION] (and [INSERT SECONDARY LOCATION]) entrances.

As the SoR Rep and picket supervisor I am requesting authority for pickets to use hospital toilets, car parks and food outlets during their time on the picket line.

Please confirm that we have the Trust authorisation for pickets to avail themselves of these facilities during the period of the strike.

I can confirm that I have am aware of picketing laws and my duties as picket supervisor, including writing to local police. If you need to contact me in the run up to and during the strike period, my number / email is: [INSERT CONTACT DETAILS]

Kind regards,

Name
SoR Rep
Dept

At the bottom of the window, there are icons for text formatting, attachments, and a blue "SEND" button.



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