

Frequently Asked Questions for Fórsa members working in the **HSE & Section 38 organisations only**

What should I do during the industrial action?

A detailed union instruction has issued to members working in the HSE, Tusla and Section 38 organisations. It outlines the work to rule and non-cooperation actions you should follow as part of this industrial action. It lists specific tasks, programmes, projects and committees you should withdraw and disengage from. It is very important that you are familiar with the instruction and understand it.

This FAQ is considered a guide to help with general queries and will be updated as a live document over the coming weeks.

You are not obliged to notify your manager whether you intend to participate in the industrial action however if a manager asks you to carry out any task or action covered by the withdrawal instruction, you should state you are following the union instruction and that the matter should be raised at national level.

How does a 'work to rule' work?

In general, 'work to rule' industrial action involves a worker working strictly to the terms of their contract, role or function.

If you don't have a contract or a description of your role or function, you should work to your usual role and duties and not carry out other additional duties that are outside of your contract.

Some union instructions may outline that specific task should cease.

For example, many instructions will state that members should not cover the work of a vacant post during industrial action, even though that might be part of your normal working day.

If your job description or contract allows for 'other tasks assigned by your manager', you should stick to your normal duties and not take on any additional or new tasks during the industrial action. You can ask your local branch or official if you are unsure.

A work to rule also means working strictly to your scheduled working hours and not doing unscheduled or un-rostered overtime.

It also often means a withdrawal of goodwill. Some examples of this could be taking on some duties beyond your job description to 'help out', and generally being flexible on working hours or duties beyond your contract. How this works in practice will differ significantly from workplace to workplace. Contact your local branch or official to clarify any queries you have.

How can I build visibility of the industrial action in my workplace?

Talk to your colleagues about why you're taking industrial action and use our resources to build awareness of the industrial action in your workplace and community.

You will find all ballot resources [here](#).

Branches are encouraged to organise activities to build visibility in the workplace throughout the

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industrial action.

Some examples of visibility actions include distributing Fórsa lanyards and pins, encouraging your colleagues to wear the lanyards and pins, putting up posters, and organising group photos of members taking action.

Branches have been provided with materials to support these activities.

How do I decline something covered by the instruction?

Decline politely, and in writing where you can. Say that you are acting on a Fórsa industrial action instruction. **You do not have to argue the merits or justify the action.**

Keep a short note of every request you decline: the date, who asked, and what was asked.

My contract has expired and I am waiting on renewal. Could taking part put my renewal at risk?

This is official industrial action, and members are protected by their union when engaging in industrial action. Penalising someone for lawful participation would be victimisation which is not allowed. If you are treated differently, or feel you are being singled out, contact your rep as soon as possible. Do not wait to see whether it develops.

Half my office are members and half are not. How do we manage that?

The union instruction applies to members. Non-members are not covered by it and are not protected by the union during the dispute. If you know colleagues who are not yet members, now is the time to encourage them to join.

What happens if a member does not follow the instruction?

Under the union rule book, failure to act in accordance with union instructions during an industrial dispute is treated as conduct injurious to the interests of the union and can be dealt with under the disciplinary procedure. In practice the first step is always a conversation, and the branch would far rather understand why a member is not following the instruction than pursue anything formal.

I am unsure whether a particular task is covered by the instruction. What should I do?

Ask before you act, not after. Contact your local rep or the branch, describe the specific task and who asked for it, and wait for an answer. Nobody is expected to interpret the instruction alone, and it is better to fully understand what it means to you and your work: carrying out work that you are instructed not to do, weakens the action, and refusing work that is not covered may leave you exposed.

What about a vacant post?

Do not cover a vacant post.

In the HSE & Section 38 organisations we have launched a 'One Person, One Job' campaign and we have provided members with regular updates, including a template email to send to their manager, if needed.

This applies equally in disabilities.

NO cover is to be provided for a vacant post e.g. cover for maternity leave, retirement, career breaks, long term sick leave. If you are asked to do so you should advise your manager that you are following the union instruction and send a copy of the email template.

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If a member is on annual leave, should I cover the position?

Members should provide support and cover as normal when a colleague is on annual leave and/or short-term sick leave.

I am in receipt of a temporary higher appointment, should I continue to carry out the duties of a higher grade?

If you are in receipt of a temporary higher appointment you should continue to carry out your role and responsibilities associated with your post.

If you are not in receipt of a temporary higher appointment then you should not carry out the role, responsibilities or functions of a post of a higher grade. If you are asked to do so you should refuse and advise your manager that you are following the union instruction.

Do I carry on with my regular rostered overtime?

Members who carry out regular rostered overtime should continue to do so. Overtime that is required to cover a vacant post should cease.

We have a lot of change programmes underway in our department, what should we do?

Members are instructed to withdraw and disengage from all change programmes across the HSE, and Section 38s unless a derogation has been granted.

Management have been asked to identify any areas that may impact on emergency services and/or patient care, and to request appropriate derogations. These requests will be considered by the National Disputes Committee

If a derogation is granted we will ensure members are updated, but unless a project is your core work or change management is your core role members must disengage unless they hear otherwise.

A key part of my role is to process data, should I continue to carry out these duties?

Yes. If your main duty and responsibility is to collect and process data you should continue to perform this duty, however, you should not pass this on for central HSE reporting purposes until the industrial action is over. If you are asked to do this you should refuse and advise your manager that you are following the union instruction.

If the data is processed through a shared folder, it must not be uploaded to or processed in that location unless management obtains a derogation. However, it may be processed using an alternative method that does not involve the shared folder.

My role solely relates to projects, should I continue to carry on these duties?

We have asked management to identify key projects which they are seeking a derogation for, once this has been agreed, this document will be updated.

If I am asked to provide information in relation to, for example, KPIs, A&E Stats, delayed discharges, monthly activities etc. what should I do?

The HSE has been informed that if they require this information, they must write to Fórsa stating the reasons for this information and we will consider the request. So, unless we provide them with a derogation members are not to process this information. If a derogation is granted we will ensure members are updated, but members must disengage unless they hear otherwise.

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I work in Finance and HR, what should I do in relation to the non-processing of information?

You should continue to process all statutory/legal data to the relevant authority, e.g. enquiries from Irish Medical Council, Nursing and Midwifery Board Ireland, CORU, etc.

HR and Finance processing in relation to payroll returns, absence recording (for payroll purposes only) and recruitment set-ups can continue.

All other data/returns must not be processed unless the employer is granted a derogation. If a derogation is granted we will ensure members are updated, but members must disengage unless they hear otherwise.

Should I attend national committee meetings?

Members have been instructed to withdraw from all national committees. If your manager requires your attendance they must seek a derogation. Unless this is provided, you should not attend. If you are asked to do so, you should refuse and advise your manager that you are following the union instruction.

I have been asked by my manager to engage with an external management consultants/ advisors, what should I do?

Members are being instructed not to engage, report to, meet or provide any information to external management consultants or HSE advisors (this does not mean medical consultants).

The only exception to this instruction is where this has been agreed with Fórsa, in which case, cooperation is permitted. Examples where this can be permitted might include Trust in Care investigations or grievances. This will be an ongoing process, and we will maintain a live list of granted exceptions. You should check with the local dispute committee if you have any questions.

My performance achievement/management meeting has been scheduled after the Wednesday 30th September, what should I do?

Members are advised not to attend or participate in performance achievement/management meetings or preparatory work for these meetings. If you are asked to do so you should refuse and advise your manager that you are following the union instruction.

My line manager has asked us to develop a roster for an extended working week, what should I do?

Members should not engage in any discussions relating to a seven-day working week whilst under this union instruction. If you are asked to do so you should refuse and advise your manager that you are following the union instruction.

It is important to note that management previously indicated that it would write to the unions about proposals to extend working weeks. However, the union has received fewer than 10 proposals in the past 14 months.

If management submits any proposals during the industrial action, the union will not engage on this issue until the action has concluded.

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If I already work a roster or shift pattern, should I withdraw from it?

No. This action applies only to the extension of services. Members who already work a roster or shift pattern should continue as normal. Shift swaps may also continue, provided they are part of normal annual leave cover and are not being used to fill a vacant post.

I am a manager and there is an expectation I should insist my team carry out their normal duties. What should I do?

In response to the cost-of-living crisis over 62,000 Fórsa members voted to take industrial action, across all grades, to stand up for decent pay, fair working conditions and strong public services. The industrial action is legally protected, and all union members are expected to follow the union instruction.

If you are asked to do anything which undermines this instruction, you should refuse and advise your own line manager to escalate this through the usual industrial relations processes.

What about cross-cover arrangements?

No agreement is in place requiring health and social care professionals (HSCPs) to provide cross-cover, and members are instructed not to do so.

Urgent cases may occasionally arise, particularly in social work, and these should continue to be managed in the usual way.

If management wishes to reprioritise duties, it must first reach agreement with the team and the union. This position has been clearly communicated to management through the One Person One Job campaign in the HSE & Section 38 organisations.

The instructions state that members should not cooperate with any further rollout of NiSRP, HMMS, IFMS or VIMS, what does that mean if transition has already begun?

Where the rollout of NiSRP, HMMS, or IFMS has begun in Section 38 organisations, members have been advised to withdraw from planning-stage discussions.

Members transitioning to NiSRP may continue to engage on payment timelines and available options, as these matters fall outside the work-to-rule.

What about HSE restructuring?

A separate note was issued to all branches on 11 September advising HSCP members not to cooperate with the ISD model.

Ongoing discussions on HSE Functions/Centre will be paused for the duration of the industrial action.

I work in a CDNT, should I carry out Assessments of Need?

Yes. Assessments of Need (AON) should continue to be carried out, however where you are asked to prioritise work on the Waiting List Initiative you should continue to do this only if the following conditions are met;

- Other work has been deprioritised, paused or removed,
- Your line manager has provided written acknowledgment that you are unable to complete existing duties due to the allocation of time to the Waiting List Initiative.

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I have a HSE contract but I am working in an Enable led team, does the union instruction apply to me?

Members with HSE contracts working across services, are expected to participate in the work-to-rule action as part of the dispute.

I am worried about patient safety if I follow the union instruction

We fully appreciate that ensuring patient safety is a significant concern for members. If you consider that there is an immediate risk, you should take the action necessary to protect the patients or service users and then document the circumstances that led you to take action. You should then advise your manager and the local disputes committee immediately before returning to the work to rule.

My role includes elements of assessment and supervision of students and other professionals. Should I continue to do this?

Yes, and if you are CORU registered then you are required to perform these functions to maintain your professional registration. The work to rule instruction does not, currently, effect student placements.

How are agency workers impacted?

The use of agency staff varies across services. However, the employer should not increase or deploy agency staffing arrangements in a manner that undermines the effectiveness of the industrial action unless this is agreed in advance with Fórsa. Any attempt to undermine the industrial action by the deployment of additional agency workers should be reported to your local dispute committee.

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Please note that in the event of any escalation of the industrial action these FAQs will be updated.

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