Background briefing on the RCN’s position on industrial action

The RCN is a certificated independent trade union. There is no legal restriction on nurses undertaking industrial action as long as that action complies with the law. RCN Standing Order 3 allows RCN Council to authorise industrial action on behalf of its members.

Standing Order 3 replaces Rule 12 following changes to the RCN Constitution voted on by RCN members at the AGM in 2010.

The term ‘industrial action’ covers a wide range of activities including ‘strikes’ (concerted stoppage of work), ‘working to rule’ (where an employee undertakes only work specified in their contract of employment) and ‘part performance’ (where an employee fulfils part, but not all, of their contract of employment).

RCN members have never taken industrial action.

The whole of Standing Order 3 cannot be ‘abolished’. The RCN (like all other trade unions) will always require a rule, standing order or similar to allow RCN Council to authorise or refuse to authorise industrial action on behalf of its members. How that rule or standing order is worded is a matter for the members of the RCN to decide.

The RCN’s constitution means that a resolution by Congress could not change the wording or meaning of Standing Order 3. Standing orders can only be altered if there is a vote of members in general meeting passed by a majority of two thirds of those voting. Inevitably, because of the importance of the issue, Council would also use its powers under Standing Order 18 to ensure that a full membership vote took place.

However, discussions at Congress shape and influence Council’s decisions and work in the future. Therefore, after Congress RCN Council will consider the outcome of all the resolutions and matters for discussion and agree how they can be best taken forward.

The RCN can consider the issue of industrial action at any time and it is not dependent upon Congress.
Standing Order 3 outlines the basis upon which RCN Council can authorise such action. Standing Order 3 states:

3.1 It is a fundamental principle of the College that its Members shall not act in any way which is detrimental to the wellbeing or interests of their patients or clients. Without prejudice to this fundamental principle, the Council is empowered to authorise action by Members in furtherance of an industrial dispute and to make regulations governing the procedure to be followed;

3.2 No industrial action shall be taken by any Member without the prior authorisation of the Council;

3.3 The Council will not authorise any form of industrial action unless satisfied that such form will not be detrimental to the wellbeing or interests of patients or clients;

3.4 The Council will ensure that any authorised industrial action complies with both the relevant trade union legislation in force at the time and with the RCN Code of Practice on Industrial Action;

3.5 The Council may delegate to a committee of the Council the power to make recommendations when, where and in what form industrial action may be taken by Members (subject always to the provisions of the above clauses). Such committee may be convened at the request of the Chair of the Council or the Chief Executive & General Secretary; and

3.6 This order may not be altered, amended, added to or repealed other than by Special Resolution of the College in General Meeting.

The effect of Standing Order 3 is that industrial action can only be authorised by RCN Council if it believes that any planned action will not, in any way, be ‘detrimental to the well being or interests of their patients or clients’.

The present wording of Standing Order 3 reflects changes following a full member ballot in 1994. The previous version stated: “Neither the Council nor any Officer or Official of the College nor any membership Entity of the College shall be empowered to initiate or be party to a withdrawal of service of members of the College in furtherance of an industrial dispute unless or until the policy of the College in respect of industrial action by nurses is changed by the College in general meeting…”

There is no requirement within any part of the RCN’s constitution that that an ‘indicative ballot’ must be undertaken before members can be formally balloted for industrial action. The process for conducting industrial action ballots is outlined in the Department of Trade and Industry Code of Practice (PL962 (Rev2)).


RCN processes around authorising industrial action are consistent with this Code.
**Congress 2008**

A Resolution to ‘abolish Rule 12’ was considered at Congress in 2008. This was subsequently amended from the floor to ‘amend Rule 12’ and passed by a large majority. The Resolution did not indicate what that amendment to Rule 12 might be. After Congress RCN Council undertook a consultation exercise with members on how Rule 12 might be amended. Following the consultation Council agreed that there was not sufficient strength of feeling within the membership to ‘amend’ Rule 12 at that time. Following the Congress debate and member consultation RCN Council agreed a ‘Position Statement on Industrial Action’.

**RCN Position Statement on Industrial Action**

This can be found at

[http://www.rcn.org.uk/__data/assets/pdf_file/0008/288098/Position_statement_on_Rule_12.pdf](http://www.rcn.org.uk/__data/assets/pdf_file/0008/288098/Position_statement_on_Rule_12.pdf) and is also included at Appendix A to this document.

The Position Statement confirms that RCN Council is able to authorise all forms of industrial action that are consistent with Standing Order 3. It also confirms that in authorising any such action it will be consistent with the principles set out by the International Council of Nurses (ICN 2004) –


Appendix A

Royal College of Nursing
Position statement on industrial action.

With a membership of over 400,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

RCN Council is able to authorise all forms of industrial action on behalf of its members. The RCN’s Standing Order 3 outlines the circumstances in which RCN Council may authorise such action. Standing Order 3 states:

3.1 It is a fundamental principle of the College that its Members shall not act in any way which is detrimental to the wellbeing or interests of their patients or clients. Without prejudice to this fundamental principle, the Council is empowered to authorise action by Members in furtherance of an industrial dispute and to make regulations governing the procedure to be followed;

3.2 No industrial action shall be taken by any Member without the prior authorisation of the Council;

3.3 The Council will not authorise any form of industrial action unless satisfied that such form will not be detrimental to the wellbeing or interests of patients or clients;

3.4 The Council will ensure that any authorised industrial action complies with both the relevant trade union legislation in force at the time and with the RCN Code of Practice on Industrial Action;

3.5 The Council may delegate to a committee of the Council the power to make recommendations when, where and in what form industrial action may be taken by Members (subject always to the provisions of the above clauses). Such committee may be convened at the request of the Chair of the Council or the Chief Executive & General Secretary; and

3.6 This order may not be altered, amended, added to or repealed other than by Special Resolution of the College in General Meeting.

In arriving at a decision to authorise industrial action, RCN Council will ensure that any action proposed is consistent with the above fundamental principle and the principles set out by the International Council of Nurses (ICN) and the Nursing and Midwifery Council (NMC) ‘Standards of conduct, performance and ethics for nurses and midwives’.

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Those principles may be summarised as follows:

• The complete abandonment of ill patients is inconsistent with the purpose and philosophy of professional nurses and their professional organisations as reflected in ICN’s Code of Ethics for Nurses and the NMCs ‘Standards of conduct, performance and ethics for nurses and midwives’

• Crisis intervention by nurses for the preservation of life is essential

• Ongoing nursing care will be provided to ensure the survival of those unable to care for themselves

• Nursing care required for therapeutic services without which life would be jeopardised will be given.

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