

This factsheet provides general information regarding industrial action. It is for HSU members only and is **not intended for wider circulation**.

What is industrial action?

Industrial action covers activities which involve refusing to perform some or all aspects of a role. Examples include stopping work for a period or can include performing amended duties such as placing a cap on patients.

Is industrial action legal?

Union members taking part in authorised industrial action are protected by the Union. Non-members are not protected by the union. To participate in HSU industrial action your colleagues will need to join the union so that they have protection.

The employer can contest the industrial action against the HSU through the Industrial Relations Commission, but this is between the union and the employer.

Individual members should not be targeted for performing endorsed industrial action.

What happens if an employer challenges the industrial action?

The employer can lodge a “dispute” with the Industrial Relations Commission. If this occurs, the Commission will bring together the HSU and your employer to try to mediate / conciliate the industrial action, including the issues giving rise to it. If a resolution can’t be reached the Commission may arbitrate the matter.

Individual members are not parties to the proceedings and do not have to worry.

The HSU industrial officers will manage this process which can be technical. The main thing for members to know is that this a common and well-established process. At no point will members themselves have to deal with the complexity which may occur in this stage.

How do I implement my Industrial Action?

You should perform your regular work but act in accordance with the HSU published and authorised industrial actions.

For example, you should not act on new referrals on the same day if the new referral was received after 2:30pm.

However, there is a caveat provided that if the clinician determines the new referral relates to a situation posing “life threatening or severe risk of deterioration” then the new referral can be acted on.