

Frequently Asked Questions for Industrial Action by Resident Doctors

Question	Answer
ABOUT INDUSTRIAL ACTION	
1. What is a picket line?	Picketing occurs when a group of people gather outside a workplace to try and persuade others e.g. non-strikers, temps, suppliers, to take some form of industrial action. It is an indirect form of industrial action that is protected by the law. Picketing enables BMA/HCSA /and their members to publicly and peacefully communicate the reasons and purpose of the industrial action.
2. Will there be picket lines in place if strike action goes ahead?	When known, the location of any picket lines will be shared. Employees who approach a picket line may be spoken to, given a leaflet and the reason for the strike may be explained to them in a polite manner. The picket does not have the power under law to require people to stop or to compel them to listen. A person who decides to cross a picket line must be allowed to do so.
3. Can employees cross a picket line?	Yes. Pickets cannot force colleagues to stop and listen. Employees wishing to enter the premises must be allowed to do so.
4. If a member of staff refuses to cross a picket line, whether a trade union member or not, could he/she be disciplined	Disciplinary action will not be taken against employees because they have refused to cross a picket line, but this will be considered as taking industrial action and the appropriate pay deducted.
5. Are BMA / HCSA allowed to picket outside council buildings or only health buildings?	Lawful picketing must be limited to attendance at, or near, an entrance to or exit from the place at which the picket works. This may mean picket lines located at council buildings. The location of picket lines will be shared when known.
6. Will continuity of service be broken by the day of action?	Continuity of service is not broken by unpaid service due to Industrial Action. However, the length of service will be reduced by the number of days the employee was on strike which may impact calculations such as pensionable service and redundancy payments.
7. Can managers reallocate the duties of striking staff to non-striking colleagues?	Yes, non-striking employees can be asked to cover essential work, shifts, or be moved to other locations to cover striking employees. However, any requests to do this would need to be reasonable, taking into

	account the work concerned, and the capability and qualifications required to undertake the work.
8. Can employees be asked to undertake other duties on day of strike because of colleagues not attending for work?	Yes - employees working on the day of action can be requested to undertake other duties in accordance with their contract of employment to help maintain essential services.
9. Can a senior Resident grade not participating in strike action be asked to cover the duties of a more junior resident doctor participating in strike action?	Yes – Resident doctors working on the day of action can be requested to undertake other duties in accordance with their contract of employment to help maintain essential services.
10. If undertaking other duties what will the rate of pay be?	Rates of pay will be as per existing National T&Cs or extant Local Agreements. Please refer to the <i>Resident Doctor Industrial Action, NHSGGC Interpretation and Guidance, January 2026</i>
11. If taking strike action, can employees work a Locum / Bank Shift instead?	No - if taking Strike action, employees cannot work a Locum / Bank Shift at the time they should have been at work
12. Do members of the trade unions involved in the industrial action have an option to strike or not, and if they decide against can the trade unions take disciplinary action?	<p>The decision to strike is a personal choice and employees who wish to work can do so. It is up to individuals to decide whether they will take strike action or not.</p> <p>Any response to union members crossing a picket line will be a matter for the Trade Unions to determine.</p>
13. Can different trade unions take different action at different times/days?	<p>Yes, different trade unions may take different action at different times however they may also co-ordinate their actions to take place at the same time.</p> <p>For the planned industrial action from 13th – 17th January 2026 only the BMA have given formal notice for lawful strike action.</p>
ABOUT PAY	
14. Will employees who choose to strike be paid?	No, employees who fail to attend for work on any day, or part day of Industrial Action will not be entitled to pay (including basic pay, banding supplements etc).

	Appropriate arrangements will be made between Supervisors, Managers and the Pay Department to record, report and enact the unpaid status of employees taking Industrial Action.
15. Will Maternity / Paternity / Parental leave Pay etc. be affected by the industrial action?	Maternity and Paternity Pay etc. will not be affected by Industrial Action. Staff due to go on maternity leave or due to retire within the next 12 months may seek exemption from taking industrial action.
16. Will Sickness Absence Pay be affected by the dates of action?	Employees on Long Term Sickness Absence will not be affected unless they choose to return to work that day then go on strike. Employees who report sick will be required to notify absence in accordance with sickness absence notification processes, and their absence will be dealt with in accordance with the NHS Scotland Workforce Attendance Policy.
17. Does the employer have to record attendances / absences for staff on the day of action, and how is this done?	Yes, it is very important that all attendance and absence information is captured, recorded and if necessary investigated, to ensure that employees are paid/not paid appropriately for the day, according to their attendance/absence and reasons for absence. Local guidance will be agreed by each Board and shared in advance of the strike dates.
18. What is the impact of taking day(s) of strike action if working in the UK on a health and care visa?	It is an employee's responsibility to check for any implications.
ABOUT LEAVE	
19. Can employees take annual leave on the day of any proposed strike?	Requests for annual leave will require to be made and considered in accordance with normal policy.
20. What should employees do who have booked annual leave prior to the notification of a day of strike action and now wish to change in order to participate in the strike action?	Employees have a right to strike. If they choose to, every effort should be made to accommodate the change of leave. However, service needs will need to be met and the principles relating to carry forward of leave applied.

21. What happens if someone phones in sick that day?	Employees who report sick on days of industrial action will be required to notify absence in accordance with sickness absence notification processes, and their absence will be dealt with in accordance with the NHS Scotland Workforce Attendance Policy.
22. What about employees who are already on long-term sickness absence?	Employees who are already on long-term sickness absence should continue to be dealt with in accordance with the NHS Scotland Workforce Attendance Policy.
23. If an employee does not report for duty, what happens?	Where an employee does not report for duty and no contact is made with their line manager/or agreed point of contact regarding the reason for absence, managers should attempt to make contact with the employee as soon as possible to ensure their wellbeing and clarify the reason for their absence.
24. What about allocation of any request for Special Leave or Carers Leave?	Managers will undertake this in line with normal policy giving consideration to service continuity.
25. What should employees do who are intending to be on a study day on a day of strike action	Employees should discuss the issue with their line manager. If there is a shortage of employees in the department, managers may need to request that staff do not attend the study day but attend the workplace to cover duties.
ABOUT THE DAY ITSELF	
26. Is a day of industrial action considered to be from midnight or would it follow a shift pattern e.g. 7pm – 7am?	The BMA have advised that strike action will be from 07:00 Tuesday 13 January until 06:59 on Saturday 17 January
27. What happens if a service / building is not open on a day(s) of Industrial Action?	In the event a service is stopped or reduced on the day of action employees should contact their Line Manager who will clarify what is required on the day.
28. Is there a central number to call to get advice before and on the day?	You should contact line manager in the first instance and there will also be support from the HR support and advice unit HR Support and Advice Unit - NHSGGC 0141 278 2700 option 2
29. When do employees have to tell their	Whilst there is no requirement it is hoped that employees will advise their Line Manager (Boards to clarify Named Contact) of their intention to be at work

employer if they will be on strike?	during any period of industrial action at the earliest opportunity in the interest of maintaining emergency and essential services.
30. Can a manager ask an employee if they intend to be at work during any period of industrial action?	It is not appropriate to ask an employee if they are a member of a trade union. However, managers can and should ask employees if it is their intention to be at work on a day there is proposed industrial action.
31. Should SSTS / normal attendance sheets be used to record employees being on strike - how should this be recorded for pay purposes?	Yes. Any days of strike action should be recorded by managers in Placement Boards on SSTS / normal attendance sheets as “unauthorised absence”, both for payroll and workforce reporting purposes on the day of Strike Action or as soon as possible before the payroll deadline. Employees will not be paid by their employer for time when they are striking. Industrial Action Reporting Process Guide - NHSGGC
32. What happens if strike action starts or ends in the middle of a shift?	Employees do not have the right to leave their workplace in the middle of a shift to take industrial action. For example, if rostered to work from 8pm on Monday 12 th January to 8am on Tuesday 13 th January and the strike starts at 7am, an employee must finish their shift. Employees are not required to come in to work part way through a shift if their shift started within the strike period.
33. BUSINESS CONTINUITY	
34. What business continuity arrangements will be in place on day of strike?	In line with any other business continuity situation a ‘command and control’ structure with local and strategic control rooms will operate throughout the period of industrial action as necessary.
35. What happens if there is a major incident on day of strike?	In the event of a major incident or other significant event e.g. severe adverse weather there will be an agreed communication mechanism between senior managers and senior trades union representatives to ensure appropriate staffing is in place to maintain essential services.
36. Will Placement Board managers be asked to submit sit reps (situation reports) on day of strike?	TBC It is not clear if sit reps will be required on the day, but it is anticipated that Scottish Government may request information on staff levels e.g. numbers on strike, sick leave, annual leave either on the day or quickly thereafter. It would therefore be advisable for Placement Board line managers to ensure that they have robust recording mechanisms in place. Further guidance will be provided on this as necessary.

37. How do you know if you are an essential area?

When essential and emergency areas, also known as derogations, have been agreed this will be communicated to services by the Industrial Action Planning Group.