Junior doctor guidance: full withdrawal of labour

The Government continues to threaten to impose a new contract on junior doctors from October this year and is refusing to return to negotiations with the BMA. Therefore junior doctors have no option but to take further action against the imposition of the new contract. BMA Council has endorsed a proposal from the junior doctors committee for an escalated programme of industrial action by junior doctors in England, beginning with a full walkout for five consecutive days in September. Junior doctors will stage a full withdrawal of labour on the following days:

- 8am-5pm from Monday 12 to Friday 16 September
- 8am-5pm from Wednesday 5 October to 7 October, and 8am-5pm on Monday 10 and Tuesday 11 of October (IA will not take place on the Saturday and Sunday)
- 8am-5pm from Monday 14 to Friday 18 November
- 8am-5pm from Monday 5 to Friday 9 December

**What this means for you**
We understand that you may be concerned at the implications of this for your professional duties and responsibilities.

We remind you that the forthcoming industrial action is both lawful and legitimate and you are lawfully entitled to take part.

We are calling on all junior doctor members employed by an English NHS Employer to take industrial action against that employer. Such doctors are included within the mandate for industrial action that the BMA has obtained, whether or not you were BMA members and junior doctors at the time of the ballot (and thus balloted personally), or whether you have since become the same.

It is the employer's responsibility to ensure the service remains safe during this action. However, as previous guidance has stated, we advise our members to cooperate fully with one another and with trust management as they plan to ensure a safe service.

**What this means for your colleagues**
Revised BMA guidance for consultants and staff grade/associate specialists to reflect the escalation of industrial action will be available soon.

The general requirement for an employee to respond to reasonable requests from management remains intact in this scenario, as we have pointed out in previous guidance.

It remains the employer's responsibility to provide a safe service. It does not shift to consultants and associate specialists.
What you can do for your patients
All junior doctors, whether striking or not, must remember their GMC responsibility to ensure a safe handover of care before 8am on the days of action, and work closely with medical colleagues to discharge that responsibility.

Carrying out this responsibility does not mean that junior doctors taking industrial action are solely responsible for the safety of patients. If you are pressured not to take strike action for this reason, you should contact the BMA.

Your rights
– Junior doctors are legally entitled to fully withdraw their labour in a dispute
– It is the employer’s ultimate responsibility to ensure the safety of the service
– All doctors should collaborate with each other and trust management in planning a safe service
– All doctors have a responsibility to ensure an effective and safe handover of care ahead of any period of absence from work
– In the event of an external major incident, junior doctors will return to work to treat injured victims
– It is not for striking doctors, or LNCs, to define and agree exemptions to the strike action

The BMA recommends
1. **Juniors** should remain contactable on the strike days in case of major external incidents. The BMA’s agreement with NHS England remains intact for this escalated action; we have a protocol for notifying striking junior doctor members if a major external incident requires their return to work.
2. **Hospitals** should also make sure they are able to contact the junior doctors on strike.
3. **LNCs** should meet, if they have not already done so, to ensure appropriate planning has been put in place. We are revising our guidance to LNCs to be issued shortly.
4. **Juniors** who are pressured to work should talk to their LNC and BMA industrial relations officer.
5. **LNCs** should lobby for the principle of appropriate replacement of striking staff by other hospital doctors.

Full withdrawal of labour – Safe picketing guidance

Reminder of the basics
– Juniors are legally entitled to withdraw their labour fully in a dispute.
– You may only picket your own place of work.
– Avoid being on private property or blocking the public highway and cooperate fully with any requests from the police to deal with any obstructions (it is preferable for non-junior doctors to be ‘moved along’ rather than those with an official dispute).
– Don’t physically attempt to stop a person or vehicle from entering the hospital.
– Try to engage with everyone who approaches the picket politely and constructively. Try to answer any questions they have. Always be courteous, even if they disagree with you or if they refuse to take materials.
– Other people (including other doctors, students and members of the public) can visit the picket to show support.
– It is the employer’s responsibility to ensure that patient safety is not compromised by this action; however we advise our members to cooperate fully with each other and with trust management in planning to make this task possible.
– All juniors, whether or not they are striking, must remember their GMC responsibility to ensure safe handover of care before 8am on the days of action, and work closely with the appropriate medical colleagues to discharge that responsibility.
– Give your colleagues advance warning that management may put pressure on them not to strike or picket. Reassure your colleagues if they have any concerns.
– Juniors should remain contactable on the strike days in case of major external incidents. The [BMA’s agreement with NHS England](https://www.bma.org.uk/campaignmaterials) remains intact for this escalated action; we have a protocol for notifying the BMA and striking junior doctor members if a major external incident necessitates their return to work.
– Information leaflets for the public are available from BMA regional offices, on the BMA website and can also be ordered from [www.bma.org.uk/campaignmaterials](http://www.bma.org.uk/campaignmaterials)
– If you experience any difficulty on the picket line, including with other organisations, contact BMA support team on 0300 123 1233.
Specifics for a full withdrawal of labour

What is the BMA’s plan for picketing?

– There will be official pickets during the course of industrial action. Please refer to the [BMA junior doctors’ page](https://bma.org.uk) for further detail on picket plans as these will be updated accordingly for each period of IA.
– Consider a rolling rota of picketers in order to give everyone a chance to take part. This also helps to prevent fatigue and allows you to organise other events such as meet the doctors sessions.
– Remember the action is from 8am to 5pm and you will be expected to attend your shift as normal outside of these hours, so if you are rostered to work after 5pm you will need to attend at that time.
– There is likely to be increased media interest in this escalated full withdrawal of labour for five days – if you are asked to speak to media it’s advisable to contact the BMA media team first at mediaoffice@bma.org.uk or on 020 7383 6448.
– Contact details for BMA reps or BMA staff will be available but for any advice please call the BMA support team on 0300 123 1233