

Adjudication under 1997 National Ambulance Agreement

Pay of Certain Nurses Working as EMTs on Ambulances

Under the terms of the 1997 National Ambulance Agreement, matters at issue may be adjudicated on by the Labour Relations Commission as broker of the Agreement. I have been asked by the NWHB and SIPTU (Sligo Branch) to so adjudicate on the pay of 4 nurses now working as EMTs on Ambulances.

Under the Agreement and in accordance with the 1993 Ambulance Review Body Report, nurses wishing to become EMTs were meant to decide to do so by 1st April 1997 and to convert by that date. Most did and are now working as EMTs on Ambulances throughout the Country, on EMT pay and conditions.

A very small number of nurses (about 30 in all) failed to convert at that time but declared at later dates. About 7 of these former nurses in the SHB area were red-circled by the Board. This effectively meant that they were doing the same work as other EMTs but holding their nursing rate (about £120 per week higher) on a personal rate. This arrangement was endorsed by the Labour Court (Labour Court Recommendation 15942).

Subsequent to this, SIPTU (Nursing Branch) brought a case to the Labour Court looking for the same red circling arrangements for 4 former nurses in the NWHB as the Court had endorsed in the SHB. In its recommendation (LCR 16705) the Court said:

"Having considered the submissions of the parties, the Court can see no good reason as to why the same red-circling arrangements as apply in the SHB, following LCR 15942, should not be applied in the present case".

This Recommendation has been accepted by the Nursing Branch of SIPTU. It is also likely to eventually be accepted by the NWHB.

In addition to the above, a number of former nurses (members of INO) in the SEHB have gone to the High Court seeking a judicial review of the Agreement in light of the developments in the SHB and the NWHB and claiming that they, too, should be red-circled.

In the light of all of the above developments, SIPTU (Sligo Branch) have now sought an adjudication under the terms of the Agreement. The basis of their claim is as follows: The 1997 Agreement operated on the stated basis of one rate of pay for **all** EMTs. The former nurses who transferred across by 1st August 1997, in the spirit of the Agreement, are now on EMT pay and conditions, while those who did not are

being rewarded by being red-circled and paid £120 more per week. Therefore, on the basis of one rate of pay, the other EMTs in the NWHB should not lose vis-à-vis the people with whom they work side-by-side on the ambulances and whom they have trained. They should therefore get the same rate as the former nurses.

- To do this would add £6m per annum to the health service pay bill, as ***all*** EMTs would have to be similarly made up.
- To reject the claim will probably mean that EMTs will refuse to work alongside the 30 "red-circled" former nurses.
- For the NWHB to reject the Labour Court Recommendation (No. 16705) will cause a dispute with SIPTU (Nursing Branch).

My ability to adjudicate on this matter is, in my view, compromised as the matter has now been the subject of two Labour Court Recommendations. The acceptance of these mean the matter has already been the subject of adjudication.

Given that issues around this area generally will be before the Benchmarking Body at the upcoming oral hearings, I feel that this particular issue should appropriately be raised at that forum.

Raymond McGee
16th October 2001