



**Social Services Agency
Gibraltar
16, Governor's Parade, Gibraltar**

PRESS RELEASE

No. 21/2008

Date: 24 January 2008

The Social Services Agency has acted swiftly in order to prevent industrial action being taken by a small number of TGWU/ACTs members at the St Bernadette's OT Centre from having a detrimental impact on the services provided to vulnerable and disabled service users.

The industrial action involves four TGWU/ACTs members who are classroom aides at St Bernadette's who are either refusing to undertake certain elements of their civil service job descriptions or only undertaking these jobs under conditions imposed by them.

These staff are also refusing to work their conditioned hours of 37 per week and deliberately leave at 4.00 pm thus only working a 35 hour week and leaving service users in the building still requiring their support. A Nurse and Vehicle Escort are also leaving at 4.00 pm

SSA managers have been discussing classroom aide job descriptions and leaving times with TGWU/ACTs for the last 12 months and were shocked to receive confirmation of this unsolicited industrial action by fax from Mr C Sisarello (District Officer – TGWU/ACTs) on 14th January.

These staff have been given every opportunity to cease this action but have refused to do so. As a consequence, on the morning of 24th January they were sent home after being given a final opportunity to re-consider their position for refusing to fulfil all the duties of their contract of employment.

All the other staff at St Bernadette's are working hard in order to ensure that some of the most vulnerable members of our society are not effected by this action. We would like to express our thanks for their effort and co-operation at this difficult moment in time.

Chris Wilson. Acting Chief Executive Officer of the Social Services Agency said:

"We have been talking in good faith to the staff and their representatives for over 12 months. We offered to protect the terms and conditions of service of these particular staff on a personal to holder basis but they have steadfastly refused to undertake their normal duties despite management instruction to do so. We were extremely surprised and disappointed to receive the fax from Mr Sisarello and have given the staff every opportunity to return to normal working. We will not however accept that staff have the right to dictate how and when they will work for us at any time, but particularly given the nature of the services we provide at St Bernadette's. The TGWU/ACTs fax signalled an end to the climate of dialogue and understanding we had been working towards. The staff have refused to return to working normally and have left us with no option than to take the action we have taken. We



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would welcome the opportunity to continue to try to resolve these issues through dialogue but the staff must return to working the full range of their contractual duties first"

Background information for Editors

The Social Services Agency has been in discussion and negotiation with the members of TGWU/ACTS for the last 12 months regarding their job descriptions and hours of work.

On 14th January 2008 TGWU/ACTS sent Agency managers a fax which clearly indicated that their members were now refusing to undertake certain activities in pursuit of their goals. This refusal constituted, in effect, a series of unilateral actions taken outside what the TGWU/ACTS described as "*the policy of dialogue and understanding between staff and management*". These actions set out in their fax of 14th January constituted confirmation that these members were taking industrial action.

Management convened a meeting with the TGWU/ACTS members and with Mr C Sisarello (District Officer) on 22nd January. At this meeting it was made clear to the staff that there actions were unacceptable and unreasonable and that if they did not return to normal working then disciplinary action could follow. Mr Sisarello wrote back to management on 22nd January and, on behalf of his members confirmed that they refused to comply with this request.

The points at issue are as follows:

1. The current civil service job description for Classroom Aides stipulates that the conditioned hours for classroom aides are 37 hours per week. The classroom aides at St Bernadette's believe that they should be working 35 hours a week.
2. The classroom aides are refusing to look after the hygiene needs of service users unless supervised by a nurse. This is an activity that has always been a specific and accepted part of the duties of classroom aides at St Bernadette's. This is clearly stipulated in their job description which does not require that they be accompanied by a nurse.
3. Incident Reporting – SSA management require classroom aides to complete Incident Reports as and when "reportable incidents" occur involving service users and/or staff. This is a normal procedure across government and is necessary to enable the Agency to ensure that incidents are acted on effectively and in a timely manner, that we learn from incidents and to ensure that they do not re-occur. These follow-up actions are essential to improve the quality of service we provide and to reduce the level of risk to our service users and staff.
4. Consistent with their conditioned hours of 37 per week, the finishing time for classroom aides is 4.20 pm. TGWU/ACTS members have been refusing to recognise this and have been leaving at 4.00 pm when there are still service users requiring their support in the building. Under normal working circumstances when staff leave earlier it is either because the service users have left the premises and/or



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there is no other work to be done. Approval to leave earlier is at the discretion of management and will always be subject to the needs of the service.

5. Supervision – we expect the classroom aides to participate fully in the SSA Supervision process. The Supervision process applies to all staff working in the Agency and provides classroom aides with a regular opportunity for a confidential 1:1 meeting with their manager to discuss any workplace problems or issues they may have and to discuss their personal training and development needs.
6. As part of their current action the TGWU/ACTS classroom aides are insisting that all their activities with service users are professionally supervised. Activities where there is a potential risk to service users or where new techniques or skills are being taught are always supervised by a manager or by a specialist member of the team (eg Physiotherapist or Occupational Therapist). Other than this, as in schools, it is not necessary for classroom aides to be constantly supervised, particularly given the length of experience of the classroom aides in question.

Six staff, 4 classroom aides, 1 nurse and 1 vehicle escort have been sent home without pay for taking this industrial action until they are prepared to undertake their full contractual responsibilities. The remaining 21 staff at St Bernadette's are working normally to maintain the full service for service users.