

## **Industrial Action in time of a Pandemic**

It is known that protest and strike action have occurred during the COVID-19 Pandemic over issues such as hazard pay and unsafe working conditions. There are known cases of coordinated walkouts and sickouts that were organized by groups of essential workers. It would appear that at the heart of the strike action was the issue of the health and safety of workers.

As was the case at the Coles Distribution Centre in Victoria, Australia, shift workers walked off the job, demanding the enforcement of safety measures such as social distancing and the provision of additional supplies of antibacterial wipes. Employees at the Barnes and Noble Warehouse in New Jersey went on strike after some fellow members of staff tested positive for the Corona virus. In Hong Kong, Public Sector doctors and nurses went on strike after the Government refused to close the country's borders for a period of two weeks in an effort to contain the spread of the virus. The lack of protective equipment was identified as the main factor which contributed to a strike initiated by doctors and nurses in public hospitals in Zimbabwe.

Any form of industrial action taken by healthcare and frontline workers during a health pandemic constitutes a national concern, as it inevitably reduces the number of workers to provide required services. The shortages of doctors and nurses will impact on the delivery of care for patients. It can be difficult to make an assessment on the degree of importance placed on each essential service outside of the healthcare sector, as invariably, each one has great importance attached to the service it delivers.

In the time of a health crisis, a premium is placed on healthcare workers. They are expected to make significant sacrifices and go beyond the call of duty. This is very often taken for granted and conveniently placed under the guise that this is all a part of what the profession expects and requires. Needless to say, healthcare professionals require that consideration is also given to protecting their safety and health and the safeguarding of their welfare. In the normal scheme of things, healthcare workers are not known to take forms of industrial actions unless matters

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are at an extremely delicate stage and they are forced to press their demands. One such instance is the pressing of demands for pay increases. Even then, doctors and nurses are required to exercise good judgment, by not abandoning their patients. It is the norm and practice that a compliment of staff is left to attend to the needs of the patients.

As would be expected during any health pandemic, there are two problems which stare healthcare and frontline workers squarely in the face. First and foremost is that of safety. Secondly, would be the perceived excessive demands of the job and the increasing risk factors which are presented. In the circumstances, the demands for hazard pay and improvement of working conditions are reasonable. The ridiculing, and condemnation of workers should therefore be balanced by the reasonableness of their concerns. Healthcare and frontline workers basically put their health and lives on the line. These like all others members of the community, have families whose interest and welfare they would wish to safeguard. Moreover, it is to be expected that any industrial action that is contemplated, may be informed and induced in the best interest of themselves, families and the wider community.

For example, there have been strike action taken in some countries because of the lack of the provision of Personal Protective Equipment (PPE). This is equipment that is vital for all healthcare workers and frontline workers such as police officers. These workers are being placed in danger where unsafe working conditions prevail and unsafe working practices become apparent.

Ideally, it may seem inappropriate to have protest or strike action being taken during the time of a pandemic, but the reality is that work stoppages have occurred globally. Workers have made demands for access to personal protective equipment, improved conditions of work, such as enforcement of social distancing measures and for hazard pay. While trade unions would prefer not to encourage any form of industrial action during a health pandemic, they might be forced to respond to the demands of their members.

The predicament which trade unions have in supporting the call of their members for taking a form of industrial action, is steeped in the fact that the right to strike has

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been firmly established in international and regional instruments, and in the laws of many countries. It is to be noted that the International Labour Organization (ILO) Convention # 87, supports the right to strike. Notwithstanding Convention # 87, the ILO's Tripartite Committee on Freedom of Association (CFA) recommends that a general prohibition of strikes can be justified in the event of an acute national emergency and then only for a limited period and to the extent strictly necessary to meet the requirements of the situation.