

Healthcare Update



Unions Continue Success In Organizing Healthcare Employees

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In recent years, unions have continued to realize greater success in organizing healthcare employees than employees in other industries. Union win rates in the healthcare sector have been at or above 70%, generally about 10% above their win rates in other sectors. Additionally, more elections are taking place in the healthcare industry. The total jumped from 220 elections in 2009 to 305 elections in 2010.

These increases in organizing activity and above-average win rates reflect unions' continued emphasis on organizing more healthcare employees, as well as their effectiveness in doing so. Projections indicate that jobs in the industry will grow at a much faster rate over the next decade than jobs in many other sectors of the economy. Additionally, uncertainty over healthcare reform and related cost-containment measures have resulted in an environment that is even more ripe for union organizing efforts.

What's Behind The Success?

In recent years, some unions have focused most or all of their attention on healthcare workers. Since its formation in 2009, National Nurses United (NNU) has been organizing registered nurses in hospitals around the country and claims to have more than 160,000 RNs as members. The aggressive California Nurses Association (CNA) is the driving force behind the NNU. In several situations, NNU has coordinated its efforts with the Service Employees International Union (SEIU) to organize both healthcare service workers and RNs.

Unions have their union-sponsored health plans, which list approved providers. As a coercive tactic to unionize other hospitals they might threaten to exclude the non-union facility from their network of providers. Illustrating that no group is immune from organizing activities, the SEIU recently won a representation election giving them the right to represent 300 attending physicians at a pair of New York City hospitals.

Unions are also making strides in others efforts to create an environment in which organizing is much easier. Although the misnamed Employee Free Choice Act (EFCA) appears to be stalled for the foreseeable future, the National Labor Relations Board (NLRB) is now stacked with a pro-union majority that will likely continue to implement changes through decisions and rule making. Those changes may well include quicker elections after a petition has been filed, expanded access to an

employer's email system for organizing efforts, and an increase in protections for union salts (union-paid applicants who hire in for the sole purpose of signing up coworkers).

What To Look For

Based upon their recent actions, unions trying to organize healthcare workers may take a variety of actions in an effort to drum up support:

- emphasizing staffing and workload concerns, under the guise of concern for patient care;
- reporting salaries of upper management in a manner designed to generate controversy;
- encouraging or even assisting employees with legal, often marginal claims, such as OSHA or FLSA complaints;
- aggressive media campaigns that negatively describe the employer; and
- having union organizers apply for jobs in target organizations (salts)

How To Respond

In this environment, a healthcare provider should consider a variety of proactive steps, including at least:

- train your supervisors to recognize and respond to the early signs of a union organizing campaign;
- develop and explain your policy regarding maintaining a union-free environment;
- maintain positive lines of communications with employees;
- promptly and effectively deal with concerns that impact the staff;
- identify a rapid response team to address any organizing activity that occurs; and
- emphasize positive media and other community relationships.

Given the continued efforts by unions in the healthcare sector, and the success they have experienced, hospitals, clinics, and nursing homes must continue to monitor their union avoidance programs and be prepared to respond quickly to any sign of union-organizing activity. In the current environment, healthcare employers are undoubtedly among those most likely to be targeted by organizers. Preparedness and vigilance are crucial to prevailing if you become a target.

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