

RNs

WORKING TOGETHER

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RNs: NLRB NURSE SUPERVISOR DECISION WILL HARM PATIENT CARE

WASHINGTON, D.C. – The National Labor Relations Board, in a distressing ruling today on the definition of a supervisor, sets out a road map by which employers can deny union rights to nurses and other skilled workers and thus jeopardize patient care, said Rns Working Together, a coalition of the 11 AFL-CIO unions that represent nurses.

The NLRB, in its decision on three cases involving registered nurses and other skilled workers, set the standard by which employers can consider workers as supervisors. For instance, the board said workers are supervisors if they – on a regular basis, even if it's infrequent – assign an employee to a particular unit or location, to work at a certain time, or to do a significant task. Also, they would be supervisors if they are held accountable for job tasks they assign.

“Employers now have a road map for excluding workers from a union,” said Candice Owley, RN, chair of AFT Healthcare, a division of the American Federation of Teachers. “The Bush-dominated board is giving employers the blueprint to make workers supervisors. Nurses have been patients’ most reliable advocate and this decision could silence their ability to speak out about workplace problems.”

Nurses and other skilled workers who are considered supervisors under the decision technically could still join unions, but they would not be legally protected from being fired or disciplined.

“The NLRB ignored facts and common sense – that nurses use independent judgment and direct the flow of work during their shifts,” said Kathy Sackman, RN, president of the United Nurses of California-AFSCME. “That makes nurses responsible caregivers and patient advocates, not supervisors.” The decision, she added, would greatly complicate and confuse nurses’ roles and responsibilities.

Cheryl Johnson, RN, president of United American Nurses, said: “Nurses make decisions every day that are critically important, including decisions that require directing other staff. But that doesn’t mean we are suddenly transformed into hospital supervisors.”

Healthcare workers consistently say one of the most important benefits of union membership is protection from retaliation – being fired or disciplined – when they raise concerns about working conditions and patient care. Without that shield, nurses would be deterred from speaking out.

Added Deborah Hayes, RN, healthcare coordinating committee member for the Communications Workers of America: “The government’s move to restrict the voice of nurses is illegitimate because it will arbitrarily prevent many nurses from carrying out one of our most important jobs – advocating for quality patient care.”

Hospitals and other healthcare facilities continue to be plagued with a critical shortage of nurses, unsafe nurse-to-patient staffing ratios, dangerous and exhausting mandatory overtime, inadequate supplies and other problems undercutting patient care – all issues that are central to nurse unions.

“The NLRB’s decision turns a blind eye to these problems and will likely make them a lot worse,” said UAN’s Cheryl Johnson.

The 11 unions comprising RNs Working Together will be actively encouraging hospitals and other healthcare facilities to allow nurses to choose for themselves whether they want to be members of a union. “Hospitals don’t have to, and shouldn’t, take the bait from the NLRB and deny nurses the right to union protection,” AFT’s Owley said.

The NLRB rejected calls from a bipartisan group of members of Congress to hold oral arguments on the cases that led to today’s ruling. The board has held no oral arguments on any cases since President George W. Bush came into office. By contrast, there had been up to 10 a year in previous administrations.

This latest NLRB decision follows a string of anti-worker decisions issues since this administration’s appointees have taken office. For instance, in a 2004 decision involving Brown University, the agency ruled that graduate student assistants at private universities are not employees and therefore ineligible for union membership.

In alphabetical order, the unions in the coalition, including media contact information, are:

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AFT Healthcare (Janet Bass, 202/879-4554)
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International Association of Machinists and Aerospace Workers
(Richard Sloan, 301/967-4500)
International Federation of Professional and Technical Employees
(Candace Rhett, 301/565-9016)
International Union of Operating Engineers (Joe Brady, 202/778-2661)
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