



Unions Continue Healthcare Organizing Efforts With Wins In Texas

Insights

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Despite losing some steam in its push for the Employee Free Choice Act (EFCA), Big Labor continues intensive efforts to flex its muscles in the healthcare industry. During recent weeks unions organized some 3,000 workers in a series of elections at five hospitals in Texas. Already entrenched in Minnesota, nurses unions also staged a massive but short-lived walkout at 14 hospitals, while another 12,000 nurses in California threatened similar action. With a decidedly union-friendly National Labor Relations Board (NLRB) also in place, unions remain intent on advancing their agenda, especially in healthcare. Thus, hospital and other industry employers must remain vigilant and prepared.

A Change Of Heart?

In Texas, independent-minded healthcare workers historically rejected union organization. This makes the union's recent success more noteworthy. For many years, Texas hospitals were almost entirely union-free. When the California Nurses Association (CNA) organized a single Texas facility in 2008, it narrowly survived a decertification effort by the nurses it represented; it took two years to negotiate and obtain a 2% pay raise.

Changing tactics, however, the CNA and Service Employees International Union (SEIU) put aside their acrimonious past and won a string of elections at five South Texas Hospitals in May and June. Nurses at hospitals in El Paso, Corpus Christi, Brownsville and McAllen voted for representation by CNA. Skilled maintenance workers and "non-professional" employees in El Paso voted for representation by the SEIU. Though workers rejected the SEIU at other hospitals, these unions obviously feel emboldened. CNA's website is touting a so-called "Lone Star Rebellion."

Insisting that cookie-cutter mandatory staffing ratios are a panacea, the CNA and its affiliates try to portray themselves as patient and nurse advocates. This is a cornerstone of its organizing efforts and an issue they continually pressure state and national legislators to address. The union's huge one-day nurse walk-out in Minnesota tied directly to staffing ratios.

And the unions have not given up entirely on EFCA, the proposed law that would allow them to demand recognition as employees' collective bargaining representatives without employees ever having a chance to vote on the question, let alone hear both sides of the story. If its efforts cannot

succeed through Congress, unions hope to gain this and other advantages through a now left-leaning Board.

New member Craig Becker, a former union lawyer, has long said that employers should have no input when a union is attempting to organize workers. Never mind that experience shows most employees are eager to hear their employer's perspective when faced with such critical choices. Mark Pearce, another former union lawyer, is also part of the Board's new pro-labor majority. Through its decisions and rule-making authority, the Board can and likely will tilt the playing field further in the unions' favor. Among other things, it could shorten election periods; give third-party union representative on-premises access to employees; allow workers to use their employer's email system for organizing purposes; and limit employers' rights to communicate with them.

If there were any doubt, recent events make clear that unions continue to covet healthcare workers. Further, they are working on various levels to attract new members in traditionally union-free environments. To preserve their union-free status, hospitals must watch developments closely and pro-actively keep their workers informed about important workplace issues. This not only promotes a healthy working environment, but it makes workers less vulnerable to misleading communications from other sources.

Related People



A. Kevin Troutman
Senior Counsel
713.292.5602
[Email](#)