

WHAT EMPLOYERS NEED TO KNOW AS MINNESOTA NURSES ENGAGE IN LARGEST-EVER PRIVATE SECTOR NURSING STRIKE IN U.S. HISTORY

Insights
Sep 14, 2022

Approximately 15,000 nurses represented by the Minnesota Nurses Association began a three-day strike Monday morning in the largest ever-reported strike of nurses in the private sector in the United States. The strike directly impacts 16 hospitals across the state of Minnesota, forcing some to reschedule non-emergent appointments and procedures to ensure patient safety. What do you need to know about this latest activity continuing the workforce stoppage trend, regardless of your industry – and regardless of whether your organization is unionized?

What Happened

On September 1, nurses represented by the Minnesota Nurses Association announced that 15,000 nurses throughout the state planned to strike for three days, beginning September 12. The purpose of the walkout: to “fight for fair contracts to put patients before profits,” according to a press release issued by the Minnesota Nurses Association. Per the press release, “hospital executives with million-dollar salaries have created a crisis of retention and care in our healthcare system, as more nurses are leaving the bedside, putting quality patient care at risk.”

The hospitals and hospital systems involved have assigned the blame for the strike to the Minnesota Nurses Association – alleging that the union has refused to participate in mediation over the issues. Some have even filed unfair labor practice charges with the National Labor Relations Board

Related People



Alex G. Desrosiers

Partner

[407.541.0857](tel:407.541.0857)



A. Kevin Troutman

Senior Counsel

[713.292.5602](tel:713.292.5602)

against the Minnesota Nurses Association for their conduct leading up the strike.

The Core Issues

According to the union, the core issues in contract negotiations concern its proposed solutions to what it describes as “understaffing and safety” concerns. They have proposed new mechanisms for nurses to have a more significant seat (or seats) at the table when it comes to determining how wards are staffed.

Nursing unions historically attempt to cast themselves as being more concerned than management about these issues. This highlights the importance of management continually demonstrating its commitment to maintaining appropriate staffing levels.

With that said, there is also a significant discrepancy between the two sides with respect to wages. While the Minnesota Nurses Association has put staffing shortages and safety at the forefront, the striking nurses have also asked for a 30% wage increase over three years, with the first-year increase at 13%. Hospital officials countered with a 12% increase over three years.

Continuing Trend in Healthcare Industry

While this represents the largest and perhaps most prominent strike in the healthcare industry of late, it certainly is not the first – nor do we expect it to be the last. We have seen a significant uptick in employee activism and work stoppages in the healthcare industry this year, as contracts covering unionized healthcare workers approach their expiration date. No area of the country is immune to these central issues, including competitive job markets where employee retention has become an issue for employers of all shapes and sizes, leading to nationwide staffing shortages.

As existing contracts expire, healthcare workers are using this dynamic as leverage in bargaining, and many are resorting to work stoppages when their demands are not met. The Minnesota Nurses Association strike likely represents only the latest in a continuing line of examples of this playing out in real time – including with significant media attention.

Service Focus

Labor Relations

Industry Focus

Healthcare

Importance of Employer Strike-Planning

Employers with unionized workplaces should have a detailed plan together so they can respond immediately and efficiently to work stoppages. This includes everything from preparing a strike response team, identifying goals in collective bargaining, and being aware of the several “dos and don’ts” of responding to strikes, particularly where you intend to continue operating your business during the strike.

Preventative Measures for Non-Unionized Employers

Non-unionized workplaces are not immune from labor issues. In addition to the significant recent uptick in work stoppages, we have also seen a dramatic increase in union activity more broadly – even spanning across workplaces and industries historically not associated with labor unions. Perhaps now more than ever before it’s important for employers to develop and proactively maintain a Positive Employee Relations program.

While nothing can guarantee smooth and seamless relations with your workforce, research consistently shows that employers with such programs maintain stronger relations with their employees and, for that reason, are more likely to remain union-free. Remember, employees generally do not vote **for** unions — they vote **against** management.

Therefore, you should remain focused on and committed to building trust with employees by opening and maintaining effective lines of communication, developing and consistently applying work-related policies and procedures, instituting effective complaint resolution processes, and proactively reviewing wage and benefit packages to ensure they remain competitive within the industry and geographic location.

Conclusion

We will continue to monitor the situation and provide updates as more information becomes available. Make sure you are subscribed to [Fisher Phillips’ Insight system](#) to get the most up-to-date information. Any questions may be directed to your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Labor Relations Practice Group](#) or [Healthcare Industry Team](#) .

And for those interested in additional guidance on this topic, Fisher Phillips Labor Relations Practice Group co-chair [Todd Lyon](#) and Labor Relations Attorney [Alex Desrosiers](#) will be hosting a full-day seminar on October 12. For more details and information on how to register, please view the event page [here](#).