

Clear and Present Danger

A labor board decision on whether RNs are supervisors threatens the union rights of all nurses.



IMAGINE A day without CNA or NNOC or the hope of ever having representation. Such a dangerous scenario could soon come to pass as a result of a major ruling that could come from the National Labor Relations Board within a few short weeks.

There's a reason CNA/NNOC and RNs in general have become a high profile target. Over the past decade, CNA has transformed conditions for nurses—establishing a model for nurses in compensation, retirement security, and other contract standards, and dramatically strengthening the voice of nurses in advocating on behalf of patients.

That collective strength has also produced unprecedented improvements in public policy, from winning the nation's first RN-to-patient ratios to repelling efforts to eviscerate professional practice. And it's led to the explosive growth of CNA in California, and the creation of our national arm, the NNOC, as a new national organization of direct-care RNs.

The healthcare industry is determined to reverse these achievements. Unified RNs have become the greatest impediment to the heartless reality of corporate medicine, and the leading voice for transformation to a more humane healthcare system.

Corporate hospital employers also want to roll back the progress of a predominantly female work force that has finally begun to win the compensation and retirement security commensurate with their expertise and education after years of low pay, substandard benefits, and pensions, and return to the days when nurses had few rights at the bedside.

That's a scene already too familiar to hundreds of thousands of direct-care RNs. You're an at-will employee. Your employer can unjustly discipline or fire you without cause and without redress.

Your pay increase, if any, is subject to the whim and favoritism of your manager. You receive no financial recognition for your

years of service while inexperienced new nurses are hired at higher pay. Your salary, health benefits, or pension can be cut without notice or recourse.

Staffing is based on the budget, not patient need, and you have no effective voice to protect your patients. You have no say over your schedule. You can be arbitrarily cancelled from a shift without remedy, or forced to work overtime even if you have to leave to pick up your kids. There are no rules, only management rights.

It doesn't stop at the bedside. There's no one fighting for you in the Capitol. The healthcare industry regularly sponsors new regulations or legislation to erode RN scope of practice and undermine your working conditions. Without an effective collective voice for direct-care RNs, forget about efforts to establish or defend RN-to-patient staffing ratios, curb patient abuses,

or expand access to quality care.

If this sounds like a management attorney's dream, that's because management attorneys now control federal labor law, and they hope to impose this image of daily life for many unrepresented RNs on all nurses.

The means they've cooked up is the contrived fiction that many RNs are supervisors because you make clinical patient care assignments to other staff.

Unlike other employees, supervisors are barred from forming unions. Consequently, management attorneys and anti-union consultants frequently try to classify employees as supervisors to strip them of their ability to unionize.

Such employer challenges to RNs, stemming from union representation elections, *(continued on page 19)*

How to Take Action

RNs have learned well how to fight for their patients and their colleagues. We will not allow the healthcare industry and their political allies to take away fundamental human rights like the right to join and belong to a union. It is important that we show the industry and the public our resolve to protect our rights to collectively advocate for our patients and ourselves by doing the following:

Fortunately, RNs are not standing alone. The cases affect employees in other industries who assign or delegate work to others, and the AFL-CIO is coordinating a series of protests next month. Join CNA/NNOC in actions we'll lead on Tuesday, July 11 in Los Angeles, Oakland, Chicago, and Maine (watch our website for details).

A petition is coming to your facility saying *"I pledge to support and defend my right to union representation. I pledge to defend the California Nurses Association and National Nurses Organizing Committee so that they can continue to protect my rights as a Patient Advocate, maintain Safe RN-to-Patient Ratios, and protect my retirement benefits, my wages, the Nursing Practice Act, and Standards of Competent Performance, none of which would exist without my union – CNA/NNOC! If my Employer moves to deny RNs our rights to CNA/NNOC union representation, I will take any and all actions necessary, up to and including striking, to protect CNA/NNOC, my contract, and my rights."* Please sign this pledge and encourage your colleagues to sign it, too.

Contact your representative in Congress today and urge them to stop the assault on your freedom to join a union. Tell them to ask NLRB Chairman Robert J. Battista to hold oral arguments on these important cases.