

Unions 101



Nurses in Texas have been targeted for union organizing. While it can be agreed that each individual nurse has the right to determine whether collective bargaining is the right workplace approach for them, Texas Nurses Association believes it is always advisable to access as much information as possible with which to make informed decisions. The following facts are offered to assist nurses in making informed choices.

Unions are businesses.

A union is basically a business that provides a service for the price of membership. The service provided is representation of employees to the employer; the union becomes the agent of the employee group. In many ways, this is not unlike contracting with a realtor or an attorney for representation in personal business. However, one significant difference is that a union represents an employee *group* — NOT individuals. The union's "client" is the employee group and the focus will be on the preferences of the majority, NOT the preferences of an individual.

Representation and services cost money so membership dues are charged. Dues vary by union, but can be significant. Unions in the U.S. are big business with 15.4 million members (about 12% of workers), over \$1 billion in collected dues revenue, and leaders with six-figure incomes.

Collective bargaining means collective treatment.

A union is selected by a majority vote of employees casting secret ballots, although this current process could change with Congress' passage of the "Free Choice" Act (see related

article, page 3). Once the election outcome is ratified (formally approved and sanctioned) by the National Labor Relations Board (NLRB), the union becomes the agent for the entire employee group — whether the individual voted for the union or not.

When a union is voted in as the agent for the entire group of employees, individual rights of an employee to discuss or negotiate terms and conditions of employment (such as hours, schedule, position, merit increases, etc.) are exchanged for terms negotiated in a contract which would then apply to the entire employee group. For example, practices of working out scheduling needs with one's co-workers and manager may be over ridden by scheduling rules of the contract. Often, across-the-board wage rates replace merit pay for performance plans.

Promises are not guarantees.

When a union is elected, one's individual employment agreement will be replaced with a contract covering the employee group. The contract generally covers wages, benefits, and conditions of employment and must be negotiated from scratch. While employees may have enjoyed certain wages and benefits prior to electing a union, once a union is recognized, everything is up for negotiation. The final contract may offer employees more, less, or the same conditions as before the union. Neither management nor the union can predict or guarantee the outcome of negotiations.

To be informed... know what you already have.

If you are considering joining a union, it's always advisable to consider what it may be able to provide that you don't already have.

Many health care organizations currently have competitive wages and benefits, desirable workplace conditions (such as hospitals with Magnet® or Pathway to Excellence™ designations), shared governance or participative management structures, and positive relationships among management and staff.

Unlike some states, *all* nurses in Texas currently have:

- Whistle-blower protections — nurses cannot be retaliated against for reporting concerns about another practitioner, staffing, and patient care/safety, or for refusing to engage in reportable conduct.
- Staffing regulations — hospitals must consider the effectiveness of staffing plans on nurse-sensitive patient outcomes *regardless of nurse-to-patient ratios.*
- Safe patient handling laws.
- Regulations protecting nurses from harassment and abuse in the workplace.

Unions can provide a mechanism for collective action when employees feel that their individual efforts have been ineffective. A union serves as a third party, or agent, of the employees to represent collective, not individual, interests. The conditions they are able to negotiate become the contract that typically governs work conditions, wages and benefits. Negotiation is an uncertain process of give and take — there are no assurances of what the final contract will provide. Informed choices can only be made by informed nurses. ★