

Catholic hospitals and labor: A velvet revolution?

Jerry Filteau | Jul. 7, 2009



Cardinal Theodore E. McCarrick, retired archbishop of Washington (CNS/Nancy Wiechec)

WASHINGTON -- In what could mark the start of a velvet revolution in labor relations at Catholic hospitals, a national task force of bishops, labor leaders and Catholic health care leaders has proposed a new framework for employees to determine whether they wish to unionize or not.

Titled "Respecting the Just Rights of Workers," the 16-page proposal asks Catholic health care employers and the unions seeking to represent their workers to enter a mutually binding agreement for fair and expeditious representation elections.

Such an agreement would set aside the confrontational tactics that have often marked actions on both sides in union representation battles. It would just let the workers decide, based on fair information and in an environment free of pressure tactics from either side.

For more coverage of the agreement [Ohio experiment offers lessons for task force](#) [1]

Retired Cardinal Theodore E. McCarrick of Washington, head of the task force that developed the document over the past two years, called it "a unique common statement produced by an unprecedented dialogue between leaders of the Catholic bishops' conference, Catholic health care and the labor movement."

Despite its unique character, "it's firmly rooted in Catholic social teaching" on workers' rights, he said.

Charity Sr. Carol Keehan, president and CEO of the Catholic Health Association, told *NCR* that adoption of the document's principles and procedures in any particular situation is strictly voluntary and depends on all parties agreeing to it.

She said the statement's subtitle, "Guidance and Options for Catholic Health Care and Unions," highlights the fact that the document is not a statement of mandated policy, but is intended to draw parties into agreement by

persuasion.

The document calls for employers and unions to agree mutually to implement seven basic principles of worker rights by incorporating these principles into negotiated ground rules and mechanisms in a written, enforceable local agreement.?

The principles are:

- *Respect.* Each side recognizes the other's mission and legitimacy and that a fair and just workplace can exist in a unionized or nonunionized environment.
- *Equal access to information.* Both sides agree in advance on an equal number of written communications, which will be available to all employees but not forced on them. Each side will have representatives available to answer workers' inquiries, but neither will resort to forced meetings or buttonholing workers in or outside the workplace.
- *Truthful and balanced communications.* Employer and union agree to review and jointly approve all written communications to employees, and neither side will exaggerate the advantages or disadvantages of union representation, in writing or orally.
- *Pressure-free environment.* Both sides agree to avoid any actions that could reasonably constitute harassment, threats, coercion or intimidation. Neither side will discourage employees from participating in meetings or other forms of communication that are consistent with the equal access principle, and both sides will respect the request of any employee who does not wish to engage in a discussion or accept literature.
- *Fair and expeditious process.* Both sides agree to avoid lengthy hearings and delays and let employees expeditiously decide for or against union representation by secret ballot overseen by the National Labor Relations Board or by another mutually agreed method of majority verification. Specifics such as appropriate bargaining units, employee classifications in those units, eligibility to vote and voting date, time and location are to be decided expeditiously.
- *Meaningful enforcement of the local agreement.* Both sides agree to work cooperatively to resolve informally any problems that arise, but they also establish a neutral outside authority to rule on matters that a rapid response team of union and employer representatives cannot resolve.
- *Honoring employee decisions.* Both sides agree to respect the outcome of the election. If the employees choose union representation, both sides will immediately begin working in good faith for a collective bargaining agreement. If the employees reject union representation, the union will cease organizing activities and not renew them before a mutually agreed period of time.

Recognizing that different segments of the health care workforce may be represented by different unions, even in the same hospital, the document says that when a nonconfrontational agreement is being developed involving more than one union, unions will assume responsibility for resolving jurisdictional issues among themselves.?

The statement is aimed specifically at labor relations in Catholic health care, an area traditionally fraught with troubling confrontations. But it could also be readily translated into a new paradigm for labor relations in Catholic schools, Catholic colleges and universities, and even parish and diocesan situations: In all those cases the employers, like Catholic hospitals, share a fundamental commitment to Catholic social teaching on workers' rights, however well or poorly they implement that teaching in practice.

Keehan said the task force's affirmation of National Labor Relations Board-supervised secret ballot elections as the norm unless all parties agree to another procedure is an important point, I think, at this time in history when

we have so much going on in Congress with the Employee Free Choice Act. That proposed legislation would offer a majority card-check option as an alternative to secret ballots to determine union representation.

With the task force statement on expedited procedures, she said, "the unions have said clearly that in Catholic health care they believe that secret ballots and NLRB will work."

McCarrick said that at the heart of the task force's proposal was an agreement among the members, drawn from the nation's bishops, Catholic health employers and unions "that it is up to workers -- not bishops, hospital managers or union leaders -- to decide "through a fair process" whether or not to be represented by a union and, if so, which union, in the workplace."

Participants in the two-year dialogue, besides McCarrick and Keehan, included four union leaders: John Sweeney, AFL-CIO president; Dennis Rivera, chair of Service Employees International Union Healthcare; Candice Owley, a registered nurse and vice president of the American Federation of Teachers; and Paul Booth, executive assistant to the president of the American Federation of State, County and Municipal Employees.

Keehan and Michael Connelly, president of Cincinnati-based Catholic Healthcare Partners, a system of Catholic hospitals sponsored by religious orders in Ohio and several neighboring states, represented employers' concerns in the talks.

Joining McCarrick in representing bishops' concerns were Bishop William F. Murphy, of Rockville Centre, N.Y., chairman of the U.S. Conference of Catholic Bishops' Committee on Domestic Justice and Human Development; and retired Auxiliary Bishop Joseph M. Sullivan of Brooklyn, N.Y., who has long experience in social justice, labor and health care issues.

John Carr, executive director of the bishops' Department of Justice, Peace and Human Development, assisted the group, as did Gerald M. Shea, AFL-CIO assistant to the president for government affairs.

At a media teleconference releasing the document June 22, McCarrick pointed out that the new dialogue had built on "A Fair and Just Workplace," an initial working paper issued in August 1999 by the bishops' Subcommittee on Catholic Health Care and Work, headed by Bishop William S. Skylstad of Washington.

That paper urged the development of new forms of labor-management cooperation in resolving issues of justice and participation for workers in Catholic health care institutions. It highlighted many of the same principles for avoiding conflict, but it did not offer the concrete employer-union mechanisms, found in the new statement, to reach an agreement based on those principles.

In late 1999, Cardinal Roger M. Mahony of Los Angeles invoked the paper in an effort to get Catholic Healthcare West and the Service Employees International Union to break a two-year deadlock over union-organizing efforts at four Los Angeles hospitals.

In spring 2001, Catholic Healthcare West and the union reached what was then hailed as a landmark agreement in Catholic health care-labor relations. They agreed to abide by many of the 1999 paper's principles and hold pressure-free union representation elections in an expedited manner if at least 30 percent of employees in a potential bargaining unit signed cards seeking union representation. The agreement covered 45 CHW institutions in California and Nevada, with a combined work force of more than 35,000.

Jerry Filteau is *NCR* Washington correspondent.

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