

NUHW STRIKE Q&A

JUNE 3, 2019

Why are we striking?

Our last 5-day unfair labor practice strike showed Kaiser our strength and our resolve. Since then, Kaiser has continued to intimidate NUHW members and to bargain in bad faith. Kaiser has made small improvements to their proposals but have not moved nearly enough to address our staffing, access and workload issues in any meaningful and concrete way. We are striking to hold Kaiser accountable to bargaining in good faith, to treating us with respect and dignity, and to having adequate staffing levels to ensure patients receive the care they need and to ensure that NUHW members are treated equitably and have the same level of benefits and wage increases as other Kaiser employees.

When is the strike?

We have given Kaiser a 10-day notice that we will begin the strike on June 11th, 2019 beginning at 12:00 am. We will be picketing at different locations the first week and for the duration of the strike. The schedule will be posted on our NUHW website. Stewards and Bargaining team members will be asking us to sign up for picket shifts and locations for the strike. A link will also be sent that you can complete online.

Why does Kaiser say our strike will not impact them?

Kaiser, like any other employer, will never admit that withholding our labor has any effect on them. They want to discourage us from fighting so we just accept what they're offering. In reality, it is impossible for Kaiser to meet the needs of their patients without us when they aren't even doing this with us.

Why is it important that I participate in the strike?

To change Kaiser's position at the bargaining table and to prevent a protracted struggle, we need the active participation of all of our members. This means joining your co-workers on the picket line. Solid participation shows Kaiser, the media, and the public that we are united to achieve our goals.

Will other unions join us?

We have notified most other Kaiser unions of our impending action and asked for their official support. The Operating Engineers in Northern California have also sent a 10-day notice to do an open-ended strike in sympathy with us. Other unions may or may not choose to "sympathy" strike with us. Individual employees, regardless of their union's official position, still have the right to honor our strike and picket lines. We will be leafleting our non-NUHW co-workers at the medical centers to let them know what they can do to support us and to inform them of their legal rights.

Is there a strike fund to help workers on strike?

NUHW has a strike fund, but only enough to cover the direct costs of organizing and conducting the strike. Some groups of members in the past have created their own hardship funds and are encouraged to do so again.

Will I continue to get benefits while I'm on strike?

Under the NLRA, Kaiser can't withhold accrued benefits while we're on strike but they also don't have to provide continuing compensation during it. Our contractual language provides additional rights to compensation including health benefits that continue 30 days from the first day of the strike for HPC and KPC members, or until the end of the month that the strike starts for IBHS.

OUR LEGAL RIGHTS

Do we have the right to strike and picket?

Yes. Our right to strike is expressly protected by federal law. Section 7 of the National Labor Relations Act (NLRA) states in part, "Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." 29 U.S.C. § 157. Strikes are included among the concerted activities protected for employees by this section for all workers including full time, part time, and per diem employees. In addition, the First Amendment of the U.S. Constitution and California law both protect our right to peacefully picket.

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Can I be fired or disciplined for striking? Can we be locked out?

No. It is illegal for Employers to retaliate against employees for exercising the right to engage in concerted, protected activities under the NLRA. We are engaging in an unfair labor practice strike and it is illegal for the employer to retaliate, permanently replace, or lock us out. The NLRA makes it unlawful for an employer to interfere with an employee's right to strike. 29 U.S.C. § 158(a)(3). It is also unlawful for an employer to retaliate or discriminate against any bargaining unit employee who participates in a strike. 29 U.S.C. § 158(a)(3). This means that Kaiser cannot legally retaliate against you in any way because you exercised your right to strike.

Can I go out on strike for a couple of days and then go back to work and go out on strike again?

No, you cannot return to work and then go out again, or stagger your days on strike. Our 10-day strike notice legally protects you from any retaliation for a single work-stoppage, and legally guarantees you the right to return to your position when the strike concludes. If an individual returns to work, and then goes out again, it could potentially be considered intermittent strike activity, as well as a second work stoppage (therefore not covered by our 10-day notice), and you would potentially lose NLRA protections. Additionally, these strategies would undermine the strength and purpose of the strike, which is to withhold our work from the Employer. A few people at work at any given time means the strike as a whole will have less impact.

Can I strike if I'm still in my probationary period?

Yes. You have the same rights and protections under federal law as any other employee in the union. Probationary employees who engage in protected activities are actually more protected from termination while engaging in concerted activity because the Employer would have to demonstrate a non-retaliatory cause for discipline.

I'm an intern or post-doc or temporary employee, can I honor the strike?

Post-docs, interns and temporary employees have the same rights as other employees, including, as a matter of conscience, the right to honor a lawfully established picket line. Post-docs interns and temporary employees who choose to honor the strike should make sure to inform management beforehand, in the same manner as reporting any other type of absence.

PATIENTS AND SCHEDULING

How can we ensure our patients are cared for?

Going on strike to force Kaiser to bargain in good faith and adequately staff may be the best way to take care of patients in the long term. In the short term, it is management's job to figure out how to care for patients while we are on strike. The Union is required by law to give 10 days notice of a strike to allow the Employer time to arrange proper care for patients.

Do I have to personally notify my manager that I won't be coming to work?

No. NUHW's delivery of the legal 10-day notice will inform Kaiser that all NUHW members will not be reporting to work. There is NO requirement for individual employees to inform management of their intent to participate in a strike.

What if my manager asks me if I'm coming to work?

You do NOT have to answer or disclose any information. You can let your manager know that it is unlawful to question you about your intentions or to try to discourage you from participating in a strike. Or you can simply say that "I will stand with my co-workers." If a manager tries to coerce, threaten or intimidate you in any way, please document and notify your steward or NUHW organizer.

Can I discuss the strike with my patients?

At your discretion, you may inform your patients that you will not be at work and why. Do not lobby or pressure them in any way to support the strike. You may provide brief factual answers in response to patient questions regarding the strike, the issues, or how patients can help, but be careful to avoid soliciting support.

IMPORTANT REMINDER

None of us want to strike but we know that striking is our best way to get Kaiser to listen and be accountable. We are standing up for our patients, our community, and each other. Kaiser management is responsible for placing us in the position of having to fight to protect our patients, our values, our benefits and our co-workers.