



A PRIMER ON ONE-DAY STRIKES

FREQUENTLY ASKED QUESTIONS

Below you will find a series of frequently asked questions we received from members about a potential one-day strike. If you have a question that has not been addressed here, contact a member of our negotiating committee and we will get you an answer.

Are we going to strike?

The decision to strike or not to strike is entirely up to the membership. Under MNA bylaws, should your committee decide a strike is necessary, it must conduct a vote of the membership by secret ballot which, if successful, will authorize the committee to issue the official ten-day notice that we will be going out on strike. At this point, we are still hoping to reach an agreement with management to avoid the need to conduct a strike. However, since management has continued to reject our proposals your committee is considering holding a one-day strike authorization vote.

Is it legal for us to strike?

Yes. Federal law protects our right to strike, even for a single day. You cannot be disciplined or terminated for engaging in a legal strike. Additionally, no action can be taken against your professional license for participation in a strike.

Does a vote to authorize a strike mean we are going out on strike immediately?

No. The vote gives the MNA Negotiating Committee the authority to call for a strike if necessary. If the hospital comes to the negotiating table and engages in a good faith effort to reach a fair settlement, we will continue to work toward an agreement. However, if management continues to refuse to provide substantive movement on our key issues, the committee would then have the authority to issue its official notice of our intention to hold a one-day strike.

How is the strike vote calculated, is it a percentage of all members or just those voting?

The vote to authorize a strike is based on the total of all those WHO VOTE by secret ballot. If you want your voice heard on this issue, you must show up and cast a vote. Under our bylaws, a simple majority vote can authorize a strike, but a successful strike requires overwhelming support from the membership. Whatever your opinion on this action, again, make sure you cast your vote.

Can I lose my job or have my job changed after the strike?

No MNA member has ever lost a job as a result of a strike. Part of any agreement resulting from a strike includes a written “back to work” agreement that guarantees each member of the bargaining unit the right to return to the same job (shift, hours, unit), which they had prior to the strike. This has been the result in all previous strikes waged by the MNA.

Will management hire “scab agency” nurses in the event of a strike?

Yes. Management will hire an agency to scour the country to find so-called nurses to turn on their colleagues and work at the hospital during the strike. The skill level of these people does not even come close to the ability of our nurses, but management will hire them and utilize supervisors and management nurses instead of doing the right thing, which is to negotiate a fair contract that addresses our issues. Unlike the way they have been treating their dedicated nurses, the administration will spare no expense in finding and paying the out-of-state mercenaries hourly rates as high as \$75 per hour or more, in addition to free transportation, accommodations at hotels and three free meals per day.

Is it legal for the hospital to lock us out after the one-day strike is over?

The hospital may well threaten to lock out MNA nurses and it is their legal right. In the past, some hospitals facing one-day strikes by nurses have said that they cannot obtain “scab agency” nurses for less than three to five-day increments. Therefore, management may delay reinstatement for several days after the one-day strike. However, the hospital remains completely responsible for any negative patient outcomes during the lockout and they will need to explain to the public why they are willing to sacrifice the safety of the public and spend hundreds of thousands of dollars a day for out-of-state mercenaries totally unfamiliar with our hospital as opposed to working with their own nurses to ensure safe staffing for quality patient care.

If management chooses to lock us out, do we all stay out?

Yes. As long as the hospital declares a lock out, no nurse can work. The strike and any subsequent lock out apply to us as a collective whole, not just those scheduled to work on the day of the strike. We all go out together and we all come back together!

If we give our official notice to strike, how and when would we actually strike (with signs and all)?

Once we issue our official strike notice, management will then have ten days before the strike will begin. Even if we issue a strike notice, we will make every effort to continue negotiating throughout the ten-day period to reach a settlement. And just because we have given a ten-day notice does not mean we have to strike in ten days. If we are making progress, we can delay a strike action to give us the opportunity to reach a settlement. The MNA typically calls for strikes to begin at 6 a.m. On the morning of the strike all nurses currently on duty will give a report to a supervisor and will walk out of the hospital together. Remember, your union will have given the hospital the ten-day notice required by law. It is the hospital's responsibility to have someone available to assume responsibility for your patients. At previous strikes, the Department of Public Health (DPH) placed members of its staff in the hospital to ensure that the patients receive a minimum level of care. Nurses cannot be charged with patient abandonment for leaving at the time the strike begins. All other members of the bargaining unit will be assembled outside the hospital with picket signs to greet them and officially begin the strike.

Can the employer cut off health insurance in a one-day strike?

No, the employer cannot shut off or cancel one's insurance in a short-term strike. It is illegal under the National Labor Relations Act to retaliate against any union member for participating in a lawful strike. Cutting off health insurance would therefore be illegal. Employers do not pay for health insurance by the day. For that reason, our health benefits don't shut off on the days each week we do not routinely work or when we are taking vacation days.

Who participates in the strike?

All employees in the bargaining unit (all those covered by the contract - regular, full-time, part-time, per diems and probationary employees) are expected to participate in the strike. Other local unions will likely turn out to support you during the strike.

Are newly hired nurses, new graduate nurses, and probationary nurses protected when they join the strike?

YES. Nurses on orientation/probation have exactly the same legal rights as everyone else. All union activity, including strikes, is protected under the federal labor laws which protect all workers, regardless of employee status or length of service. Accordingly, we will expect everyone to stick together and honor the picket line to win the fair contract we all deserve. NO RN should cross the picket line as a strike breaker under any circumstances. It is illegal for managers to suggest to any nurse on orientation/probation that she/ he is not protected by the law or that she/he must come to work in the event of a strike. Please report any such illegal conduct to a member of the negotiating committee.

Am I eligible for unemployment benefits if the hospital locks us out?

Massachusetts law does provide unemployment benefits to workers who are locked out, however there is a one-week waiting period. Nonetheless, if the hospital locks out the nurses, you should all apply for unemployment benefits. You can either go to an office near you or phone 877.626.6800 between the hours of 8:30 a.m. and 4:30 p.m. Press 1 to file a new UI Claim, and you will be asked to provide your social security number and date of birth before being transferred to a Department of Unemployment Agent (DUA) to file your claim.

What is appropriate picket line conduct?

Since you are conducting a strike-line picket, you will need to keep moving while on the line and you must have a picket sign (signs will be available at the strike office). Picket where the picket captain designates. This will include all entrances and driveways. Stay orderly and do not block emergency vehicles or U.S. Postal trucks. Do not block or interfere with patients' families, friends or visitors. Always check with the picket captain if there are problems.

If the hospital locks us out for any period of time after our strike, will we be expected to be on the picket line during the lock-out period?

Yes. We will make a picketing schedule for your unit for the one-day strike and the lockout period. Demonstrating strength and unity through strong picket lines will be a key part of winning the contract and respect we deserve.

During the strike where do we go for information and who will be available to answer our questions?

We will set up strike headquarters near the hospital. During the strike, this office will be staffed around the clock with your committee members and MNA staff to answer any and all questions about the strike. There will also be information provided via email blasts and on our Facebook page.

What happens if I have been approved for a vacation that is scheduled after the strike begins?

If you have already put in for vacation time and it was approved, then the hospital is obligated to pay you for that time, even if you are on strike.

What should I do if I'm currently on Workers' Compensation?

You should know that your worker's compensation payments will continue even though there is a strike. However, you shouldn't participate on the picket line, but should help out in other ways.

What about medical or maternity leaves of absence?

Nurses on leaves of absence, such as medical or maternity leave, are not impacted by the strike.

What about the local agency nurses who normally work at the hospital

Local agency nurses typically have several different work options so we should strongly encourage them to make themselves available for hospitals other than ours on the day of the strike and the following few days if management locks us out for such time. Local agency nurses should be reminded that the MNA nurses are standing up for the profession and for standards from which they will also benefit. It is illegal for management to threaten to retaliate in any way against local agency employees because of their expressed support for the MNA nurses.