Brigham & Women’s Hospital Nurses Strike Handbook

Go to www.massnurses.org/brigham for up-to-the-minute updates.
GENERAL INFORMATION
Pre-Strike Rally planned for 4 p.m. to 6 p.m. on Sunday, June 26 at the Boston Teachers Union function hall at Carson Place, 180 Mount Vernon St. in Dorchester

Strike and picketing planned for 7 a.m. Monday, June 27 until 6:59 a.m., Tuesday, June 28, at various BWH locations:

Main BWH Campus at 75 Francis St., Boston
BWH/MGH Care Center, 20 Patriot Place, Foxborough
BWH Health Care Center, 850 Boylston Street, Chestnut Hill
Southern Jamaica Plain Health Center, 640 Centre Street, Jamaica Plain
Brookside Community Health Center, 3297 Washington Street, Jamaica Plain

PICKETING
You will be assigned a minimum of a four-hour picket shift to picket with the other nurses on your unit. Picketing is scheduled for 7 a.m. on June 27 to 6:59 a.m. on June 28. It is essential that we have very large crowds outside the hospital at 7 to 9 a.m., 12 p.m. to 2 p.m. and 4 p.m. to 8 p.m. on June 27 as this is when the media will be most interested in covering the event. We are planning a rally during the day where many of our supporters from the community will be invited to join us to voice their support for our cause. The exact time of the rally will be shared with you prior to the strike.

In addition, assuming that management does NOT lock us out after the strike, we will march back to work as a group at 6:45 a.m. on June 27. We will know in advance whether the employer will lock us out and will so inform the membership. The hospital has threatened to lock us out for the four days following the strike date.

In any event, lockout or no lockout, we still want all nurses to assemble on the picket line on June 28 at 6 a.m. to demonstrate our willingness to march back into the hospital to care for our patients. We strongly encourage everyone to participate in the march, even if you are not scheduled to the work day shift on June 28 so we have as strong a showing as possible.

If there is a lockout after the strike, we will maintain picket lines for the duration of the lockout. We will get in touch with you to sign up for picket duty in that event.
WHAT DO YOU DO?

MNA-represented nurses

There is NO need to give notice or call in your intent to strike. Show up on the picket line. Report to your designated picket captain, sign in and pick up a picket sign. DO NOT go inside the hospital if your shift begins at 7 a.m. or later on June 27.

Nurses working the night shift before the strike

It is the legal responsibility of Brigham and Women’s Hospital to provide someone for you to report off to. RNs working the night shift before the strike starts will be asked to report off to a supervisor at the end of their shift (or at 7 a.m. if your shift goes later) and come out to the picket line. RNs whose day shift starts before 7 a.m. (for example, 6 a.m.) should report to work and then report off to a supervisor at 7 a.m.

We encourage all nurses on a unit to wait for their colleagues to give report and to walk out to the picket line as a group so you can support each other and ensure no one gets left behind. All other members of the bargaining unit will be assembled outside the hospital with picket signs to greet their colleagues and officially begin the strike.

BWH will have time to make arrangements for the strike. We have given a 10-day notice of a strike so that management can make arrangements for care of the patients. By giving such notice, we are transferring all legal, ethical, and licensure responsibility to the employer. The Department of Public Health (DPH) will also place 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.

Be prepared for pressures that will be placed upon you by the administration and your immediate supervisor. We are NOT “walking away from our patients.” We are standing up for our patients by insisting on respect for the RNs who are on the front lines of patient care and for sufficient staffing at the hospital so patient care is excellent and safe. It is management that bears the responsibility for any disruption that may result due to its understaffing and disrespect of RNs.
If you are asked by your manager whether you are going to strike, you should say:

“Yes” or “Of course I will be on strike with my colleagues, I would never cross my own picket line.”

Be aware that any communication by your manager or supervisor concerning your union sympathies is an unfair labor practice. If you experience this or know of a co-worker who has experienced such questioning, please report such illegal behavior immediately to your MNA labor representatives so charges can be filed with the National Labor Relations Board.

**Our right to picket**

Federal labor law, the First Amendment of the U.S. Constitution, and Massachusetts laws protect the right of peaceful picketing to publicize a dispute. The U.S. Supreme Court has stated that peaceful picketing, which is designed to inform and persuade the public, is within the area of free speech guaranteed by the First Amendment of the U.S. Constitution.

**Family members and pets**

Children, family and friends are encouraged to attend the picket line. Well-behaved animals can add to the morale and spirit of a picket line. If you do bring an animal, make sure that you clean up appropriately.

**FREQUENTLY ASKED QUESTIONS**

**Q:** I’m working the night before the strike. What should I do when the strike begins? What if my shift starts before the strike time?

**A:** It is Brigham and Women’s Hospital responsibility to provide someone to report off to. We have given them more than the legally required 10-day notice to make arrangements for a potential strike. If no one replaces you, report off to a manager. If your shift starts before the strike start time, show up to work and then report off to a manager at 7 a.m.
We encourage all nurses on a unit to wait for their colleagues to give report and to walk out to the picket line as a group, if possible, so you can support each other and ensure no one gets left behind.

**Q: If I am not scheduled to work from 7 a.m. on June 27 to 6:59 a.m. on June 28, am I still on strike?**

**A:** **YES.** The strike affects all registered nurses in the bargaining unit whether you are scheduled to work that day or not. Likewise, all registered nurses in the bargaining unit will be expected to join your colleagues on the picket line for brief four-hour daily shifts during the strike (and subsequent lockout if the hospital imposes one) whether you are scheduled on those days or not. It is essential that we all stick together and show support and solidarity with each other.

**Q: I am concerned about my patients’ safety. How do I know the hospital will adequately take care of the patients?**

**A:** We give a 10-day notice to the hospital so that they can divert patients, stop admitting patients, and otherwise take responsibility. When we give the 10-day notice, all legal, regulatory, and licensure responsibility for patient care becomes solely the hospital’s responsibility. The Department of Public Health (DPH) will also place members of its staff in the hospital to ensure that the patients receive a minimum level of care.

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

**A:** **YES.** Nurses on orientation/probation have exactly the same legal rights as everyone else. All union activity, including strikes, is protected under the United States Constitution and federal labor laws which protects 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.

Go to www.massnurses.org/brigham for up-to-the-minute updates.
NO RN should cross the picket line as a strikebreaker under any circumstances. It is illegal for BWH 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 your unit rep or a member of the MNA negotiating committee.

**Q: What if my manager asks me to sign a paper stating that I will work on June 27?**

A: Under no circumstances should you sign such a form. You have no legal obligation to discuss the strike with your manager and should state, “I don’t want to talk about this or sign the form.”

**Q: Can I park in the employee parking lot on the day of the strike?**

A: **No.** Please plan to park in one of the public parking garages or take public transportation. While on strike, you should not enter any of the hospital’s property for any reason (Exceptions: visiting loved ones or unavoidable appointments inside the facility – procedure for doing so is addressed below).

**Q: If an RN is on vacation when a strike begins, or is scheduled for vacation during the strike, what happens to vacation time and pay?**

A: If you have approved vacation time that includes the day of the strike and potential lockout, then you should receive your vacation pay for that day or days. If you do not receive your vacation pay, then the MNA will take the appropriate action to secure your vacation benefits.
Q: What about medical or maternity leaves of absence, or nurses on worker’s comp?

A: Nurses on leaves of absence, such as medical or maternity leave, should continue to draw on their benefits without interruption. However, they should not participate on the picket line but can support the strike in other ways.

Q: What about the local agency nurses who normally work at BWH?

A: Local agency nurses typically have several different work options so we should strongly encourage them to make themselves available for hospitals other than BWH on June 27 and the following few days if BWH locks us out for such time. Local agency nurses should be reminded that the full-time nurses are standing up for the profession and for standards that they will also benefit from. It is illegal for BWH to threaten to retaliate in any way against local agency employees because of their expressed support for the full-time nurses.

Q: What happens if the contract is settled prior to the strike?

A: If the contract is settled, the strike will be cancelled. In that case, you need to report for work if you are scheduled to work. Email bwhinfo@mnarn.org or visit the MNA website at www.massnurses.org/Brigham to get the latest information.

Q: Is it legal for Brigham and Women’s Hospital to lock us out after the one-day strike is over?

A: Yes. The hospital has already threatened 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 in less than three to five-day increments. Therefore, BWH may delay reinstatement for a couple of 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 more than $1 million 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.

**Q: If BWH chooses to lock us out, do we all stay out?**

**A: Yes.** As long as the hospital declares a lockout, no nurse should work. The strike and any subsequent lockout apply to us as a collective whole, not just those scheduled to work on the day of the strike.

**Q: How will we know if we are locked out?**

**A: Hospital management will likely notify the Union. Please check in with your negotiating committee representative regularly for this and other important information. Also, please check the website at www.massnurses.org/Brigham.**

**Q: How will I know when the lockout period is over?**

**A: The hospital will make that announcement. We cannot control what management decides to do. As soon as we get the information, it will be at www.massnurses.org/Brigham.**

**Q: 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 lockout period?**

**A: 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 the respect we deserve.

**Q: How will we go back to work after the strike?**

**A: RNs scheduled to work the day the lockout ends should be prepared to return to work for their shift. If the employer provides notice that it will not allow an unconditional return to work, then the MNA and the employer will negotiate a return to work agreement that will set the terms for all bargaining unit members as they return to work.**
Q: I can afford to be out for a one-day strike, but I am concerned about a four or five day absence of work. What should I do?

A: You should file an unemployment benefit claim (see information below) as soon as any lockout begins. Also, you can sign up now for agency work so that you can work at other hospitals during the strike and lock out time. You can also email bwhinfo@mnarn.org or www.massnurses.org/Brigham for information about how to manage during the strike and how to contact your committee members.

Q: What happens to health insurance benefits in the event of a strike?

A: While it would be unusual and bureaucratically difficult, the hospital could threaten to, or actually discontinue paying for health insurance premiums for the duration of the one-day strike. However, if they do so, federal law (COBRA) requires that they offer you the opportunity to continue your existing health plan with no break in coverage. Employees would theoretically have to pay for 1/30 of the monthly premium to cover the one-day strike.

Under the law, employees have 60 days to decide whether they want to select COBRA coverage, which is then retroactive to the date of its discontinuation. Once you select COBRA, the coverage is fully retroactive. Any physician or hospital bills incurred during that time would then be paid by the insurer. Once a COBRA selection is made within the 60 day period, employees then have 45 days to make the premium payment. In almost all situations such as this one at BWH, the issue of whether employees have an obligation to pay this 1/30 of the monthly premium is dealt with in the contract negotiations and such payments are rarely, if ever, made. That is why we would strongly recommend NOT making any payments even if the COBRA selection is made. For more information on COBRA benefits visit www.cobrainsurance.com or www.dol.gov/ebsa or call 866.444.3272.
Q: Am I eligible for unemployment benefits if the hospital locks us out?

A: 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 between the hours of 8:30 a.m. and 4:30 p.m. If calling from area codes 351, 413, 508, 774, or 978 call 877.626.6800. If you are phoning from any other area code, call 617.626.6800. 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.

Q: What if I need to visit a loved one who is in the hospital or what if I have an appointment with a physician or other health care provider located inside the hospital?

A: First, if you or a loved one have an elective procedure or appointment scheduled at the hospital during the time of the strike and potential lock out, you are encouraged to reschedule for when the strike and potential lockout have ended to avoid receiving care from inexperienced replacement/scab nurses and in order to maintain solidarity with your fellow strikers. If that is not an option, and you must enter the hospital, you must first report to the picket line and seek out an elected bargaining unit leader or MNA staff for assistance.

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

A: Updates and key information will be posted at www.massnurses.org/Brigham. There you can also find contact information for your RN bargaining committee members.
PROTECT MY MOM
WHILE SHE CARES FOR YOURS