



The Collective Bargaining Process – Getting to a Contract

Once a group begins the organizing process, the employer and others may try to present a jaded view of collective bargaining. The legal perspective is that the National Labor Relations Act requires employers to bargain in good faith with the certified bargaining representative of their employees over all terms and conditions of employment for the purpose of reaching a collective bargaining agreement. The representation process is started when Physicians for Responsible Negotiation (PRN) petitions the National Labor Relations Board (NLRB) to conduct a secret-ballot election. Once the election is completed, the employer will no longer be able to give mere passing attention to employees' concerns. Rather, employers will be legally obligated to meet with PRN and employees at a bargaining table, negotiate in good faith and then sign a contract that will be legally binding and enforceable.

Employees will collectively decide what goes into the contract proposals. PRN will be the voice and the instrument for change, but employees, alone, will control specific bargaining proposals. By the time PRN is elected to represent a group of employed physicians, we will have met with each employee to discuss his/her concerns and we will have prepared a model contract to submit to the employer immediately after the election. Unlike individual contracts, a collective bargaining agreement is supported by federal law and an employer cannot unilaterally take it away.

As the collective bargaining agent, PRN will be the voice that an employer is legally obligated to listen to and respond to in good faith negotiations. Unfortunately, in the modern health care system, employers often pay more attention to the bottom-line business concerns of administrators and accountants than to the patient and practice concerns raised by physicians. Often, physicians are not even consulted when major decisions that affect health care are being discussed. This deprives patients of their traditional advocate, their own doctor. PRN will negotiate a contract that will get employees a seat at the table – to ensure that they are heard when the health care decisions such as HMO reformation and pharmacy formulary are being made.

PRN believes that collective bargaining works and that uncommonly good results can be obtained when physicians stand together and insist that their employer listens to their concerns. Both patients and physicians will benefit when these concerns are incorporated into a legally binding contract.