

PHYSICIANS FOR RESPONSIBLE NEGOTIATION

YOUR RIGHTS UNDER THE LAW

The National Labor Relations Act

Under the National Labor Relations Act, employees have the right to join and form labor organizations and bargain collectively with their employers. This includes physicians who are employed in the private sector as well as residents and fellows enrolled in medical specialty training programs. The same federal law also prohibits employers from discriminating against or otherwise taking adverse action against employees for exercising these rights. We formed Physicians for Responsible Negotiation (PRN) as a professional organization dedicated to preserving and promoting physicians' rights under this law. The purpose of this document is to acquaint you with these rights, including your right to join and support Physicians for Responsible Negotiation (PRN). We encourage you to read it carefully and if you have any questions, please contact us.

Discharge and Discipline

The first question we often hear from physicians who have requested our assistance in dealing with their employer is whether their employer can take action against them for seeking assistance from or supporting PRN. The answer to that question is NO. The law protects you against negative treatment with regard to any term and/or condition of employment because of your interest in PRN. It is simply illegal for an employer to discharge or discipline any employee or threaten to change any of the terms and conditions of employment because of the employee's support for PRN.

Threats, Promises & Coercion

Section 8(a)(1) of the National Labor Relations Act prohibits employers from interfering with, restraining or coercing employees in the exercise of their rights under the Act. There are many things that this section of the Act makes unlawful. Several examples are included on the attached “Rights and Protections” sheet. In the event your employer engages in any of these activities, you have a remedy and we will assist you in protecting your rights.

Selection of Representatives

The law provides that you have a right to organize yourselves to join a labor organization like Physicians for Responsible Negotiation. In fact, it is the policy of the United States to offer you every protection if you are even considering organizing. There are two main methods by which labor organizations are chosen to represent employees. If a majority of the employees indicate (usually by signing authorization cards or petitions) that they want PRN to represent them, the employer can voluntarily recognize us as your collective bargaining agent. The other method is to have the National Labor Relations Board conduct an election. If a majority of the employees vote for PRN in this election, then PRN is certified as your bargaining agent. Every election conducted by the Labor Board is by *secret* ballot. No one, not your employer or your fellow employees would know how you voted, nor will they ever know if you signed an authorization card or petition.

Your choice to have a bargaining representative is entirely up to you. The law guarantees it and protects you against employer attempts to infringe upon your rights.

Strikes and Work Stoppages

Under the law, you have the right to engage in a work stoppage or strike. Unlike other labor organizations, however, PRN has taken the position that it will not support or condone a strike by its membership. Accordingly, to the extent an employer attempts to dissuade you from joining PRN by claiming that you could be forced out on strike, these claims are entirely false. We believe that the best way to protect and support our membership is to bargain in good faith with employers and use other lawful means without depriving our patients of necessary medical care. This position clearly distinguishes us as the true professional alternative to traditional labor organizations.

On the issue of strikes, you also need to be aware that certain types of strikes are not protected activity. Specifically, a partial strike where employees report for work but refuse to perform certain aspects of their jobs are not protected by law. Thus, for example, seeing patients but refusing, as a group to complete necessary paperwork to bring pressure on the employer could be considered an illegal partial strike. Similarly, treating emergency patients but refusing to see or schedule non-emergency patients could be an illegal partial strike as well.

“RIGHTS AND PROTECTIONS?”

It is unlawful for Employers to interfere with, restrain or coerce Employees seeking to organize or join Physicians for Responsible Negotiation. Any of the following acts could constitute a violation of the Federal Law:

WHAT EMPLOYERS AND EMPLOYER Representatives Cannot Do!

1. Attend any PRN meetings, park across the street from meeting places to see which employees participate or engage in any undercover activity which would indicate that the employees are being kept under surveillance to determine who is and who is not participating in PRN.
2. Tell employees that the employer will fire or punish them if they engage in activity on behalf of PRN.
3. Lay off or discharge any employee for supporting PRN.
4. Grant employees wage increases or special concession in order to keep PRN out.
5. Bar PRN representatives from soliciting employee memberships during non-working hours.
6. Ask employees about confidential PRN matters, meetings, etc. (Some employees may, of their own accord, walk up and tell of such matters. It is not an unfair labor practice to listen, but they must not ask questions to obtain additional information.)
7. Ask employees what they think about PRN or a PRN representative.
8. Ask employees how they intend to vote.
9. Threaten employees with economic reprisal for participating in PRN activities. For example, threaten to close the residency program, curtail operations, reduce employees' benefits.
10. Promise benefits to employees if they reject PRN.
11. Give financial support or other assistance to PRN or to employees, regardless of whether or not they are supporting or opposing PRN.
12. Announce that they will not deal with PRN.
13. Tell employees that the Employer will fire or punish them if they engage in activities on behalf or in support of PRN.
14. Ask employees whether or not they belong to PRN or have signed up for PRN.
15. Transfer employees on the basis of PRN affiliation or activity.
16. Discriminate against PRN supporters when disciplining employees.
17. Discipline PRN supporters for a particular action and permit other to go unpunished for the same action.
18. Deviate from standard policy for the purpose of getting rid of the PRN.
19. Threaten their workers or coerce them in an attempt to influence their vote.
20. Promise employees a reward or a future benefit if they vote against PRN.
21. Say selecting the PRN will result in lost vacations or other benefits and privileges presently enjoyed.
22. Promise employees raises or other benefits if they drop their PRN membership or refrain from joining it.
23. Start a petition or circular against PRN or encourage or take part in its circulation if started by employees.
24. Visit the homes of employees to urge them to reject PRN.