A hospital chaplain, you recently noticed flyers in a break room cryptically urging employees to “unite.” Yesterday you overheard one nurse's aide whisper to another about a “special meeting” after work. Today a nurse manager has asked if you’ve “heard anything” from employees about forming a union. How do you respond to her question? More generally, what is your appropriate role now that unionization appears to be on the horizon at your hospital?

Few contingencies in healthcare are more polarizing than the possibility that employees might form a collective bargaining unit and choose to be represented by a union. Healthcare administrators and many managers have a particular aversion to the specter of third-party representation. Most have heard horror stories, and some may have witnessed first-hand the disruption caused by organizing campaigns or their aftermath.

Staff members, for their part, may be deeply divided about unionization. Some will be skeptical about a union’s supposed benefits. Some will have reservations about the possibility that employees providing vital healthcare services may opt to strike. Some will have concerns or outright grievances that they believe a union can address. Some may come from families or have personal work histories in which union membership has been a way of life.

Chaplains may be ill prepared by education or experience to respond to the pressures of an organizing campaign. They may feel reflexively that they should maintain a stance of pastoral neutrality. At the same time, they may find themselves sympathizing with one side or the other on the issues. Because the dominant voice chaplains will hear is often that of management, they may be influenced by

When it appears that employees in a healthcare setting may choose to unionize, chaplains may be uncertain as to what role they should play or what direction their ministry should take. This article provides an overview of the labor relations context and addresses legal, ethical and healthcare-specific issues that chaplains may encounter. The author provides guidelines that may help chaplains to respond wisely in their ministry as well as relevant resources from several religious traditions.
management’s perspective. They may, for instance, be persuaded by recitals of the damage unions have done in other institutions. A few may feel that justice compels them to support the workers’ cause, especially if they hear employee complaints about disrespectful or punitive treatment. Nevertheless, these varied feelings and inclinations do not in themselves provide clear direction about how a chaplain should best respond.

Given the complexity of unionization issues, it may be helpful to survey some key features of the labor relations landscape. Much that is outlined here, e.g., labor law issues and value conflicts, should be relevant to the multiple contexts in which chaplains practice spiritual care. I address the healthcare setting because it is the context I know best, it presents distinctive challenges, and many chaplains make their professional home there.

**Grassroots organizing and the “corporate campaign”**

The standard strategy for organizing employees has been the grassroots approach. Employees contact or are contacted by a union, and the union’s appeal is made directly to employees. The union eventually may recruit enough supporters to force an election, a vote on whether to allow a particular union to represent the employees as their collective bargaining agent. In some instances, unions persuade management to accept “card check recognition,” in which the union is certified as a bargaining agent without an election if a majority or super-majority of employees sign authorization cards.¹

In recent years, however, some unions have taken another tack. Particularly with large healthcare organizations, they have begun to wage “corporate campaigns.” A corporate campaign utilizes the indirect strategy of publicly discrediting the healthcare organization for allegedly shoddy practices. Targeted areas may include quality of care, patient billing and collections, charity care, even capital investments. The union may ally itself with community advocacy organizations or wield political influence, perhaps by publicly questioning the organization’s non-profit tax exemption. The corporate campaign is a top-down approach: its aim is to harass the organization and frustrate its leadership into signing a neutrality agreement and no longer resisting union efforts to organize employees.² The union may also ask management to agree to card check recognition.³

The corporate campaign strategy predictably creates a mixture of fear, resentment and distrust among those in management. Union tactics appear duplicitous when the stated rationale for public attacks is the union’s concern for community well-being or the plight of the poor, while the evident underlying aim is obtaining ready access to potential union supporters. Unions may reply that they have a historic dual agenda: they seek to organize workers by a variety of means, but they also have concerns for justice in the wider society and have long worked politically to achieve it.⁴ But corporate campaign tactics also risk alienating the very workers unions wish to organize. Some hospital employees, for example, take union attacks personally, seeing them as unfair characterizations of “their” hospital and the quality or integrity of their own patient care.

**The legal context**

Employees’ right to organize is protected by federal law, in particular by the National Labor Relations Act (NLRA). Under the NLRA, employees who engage in union-related activities may not be penalized or threatened with resulting loss of jobs or benefits. They may not be interrogated—questioned about the union or their sympathies in an intimidating or coercive way—by a manager or supervisor. Employers may not spy on union organizing activities, nor have representatives engage in surveillance on management’s behalf. Nor may employers promise benefits to induce employees to oppose or to refrain from supporting the union.⁵

It may appear that labor law clearly favors unions and employees who wish to organize. The reality is more complex. To begin with, there must be a showing of support—signed cards favoring a vote on unionization—by 30 percent of employees before the National Labor Relations Board (NLRB) will schedule an election. Unions and their supporters may find it difficult even to contact enough employees to reach this threshold.⁶ Getting to the point where an election, once authorized, is actually held also may be an arduous process.

During an organizing campaign, employers may require employee attendance at anti-union group meetings although some employers opt not to hold such “captive audience” gatherings. Mandatory group meetings may be held up to twenty-four hours before an election. Managers may also speak against the union to employees individually, even during
the final twenty-four hours preceding the election. More generally, enforcement of NLRA employee protections by the NLRB should not be taken for granted. Employees, including healthcare organizations, often find ways to circumvent the law or to delay compliance with various requirements, particularly after an unwelcome election result. To union proponents, the difficulty in holding elections and implementing favorable election results have made labor law and the NLRB enforcement process largely ineffective in protecting the rights of workers. Many favor legislation that would make employer acceptance of card check recognition mandatory, not voluntary as at present. 

Further, some provisions of the law that appear to favor unionization may in fact work against it. For example, if a union is selected, even the dissenters probably will be forced to pay union dues if they want to keep their jobs. Unions argue that requiring payment of dues is fair because the union provides a service to all the employees it represents. Employees who oppose or question the union may of course view such compulsory unionism differently, and find it a reason to vote no in an election.

Values in conflict: efficiency, equity, control

The labor-management struggle has been characterized ethically in various ways. Insofar as healthcare organizations must operate in a businesslike fashion, the business value of efficiency—which relies on management’s ability to control its operation—is a central concern. Employees, on the other hand, value equity (fair treatment) and a voice in decisions that affect them. Indeed, the right of free association in the workplace and the accompanying right to organize have been portrayed as basic human rights on both religious and secular grounds. As John Delaney notes, everyone favors employees’ right of free association in the abstract. It is “when they exercise their freedom to associate” that conflicts arise, “especially when they choose to organize a union.”

In today’s brutally competitive global market, there is broad acceptance of the argument that everyone’s well-being depends ultimately on an efficient economy and on the freedom of businesses to operate efficiently. To borrow Stewart Herman’s terms for the central “moral principles” of management and labor, the principle of “managerial prerogative” has for years had the better of the corresponding principle of employee “self-representation.” Unions have been in retreat. Efforts to create new union beachheads, especially in the healthcare sector, seek to reverse this trend.

The unique nature of healthcare

Many argue that unionization, with the accompanying threat of work slowdowns or stoppages, is simply inappropriate in healthcare. Patients must not be abandoned. Refusal to provide care to those in need would belie the central moral commitment of healthcare professionals. Because of this and similar commitments, a healthcare organization’s management may assume that its values and the values of employees are closely aligned: after all, “we” serve a common mission of care or service, particularly if the organization is also faith based.

Such an assumption may be too facile, however. Employees do not always agree with management’s priorities, or trust that patient well-being is truly management’s central concern. Further, even in a non-union setting focused on healthcare, there is always a labor-management dynamic. Employees have legitimate interests alongside their devotion to patient care or the healthcare organization’s mission. Working conditions, job security, wages and benefits, a voice in decision making, and fair and respectful treatment by managers are powerful concerns. Organizations and their leaders, including middle managers, sometimes neglect these realities. They may feel that they have given employees a voice—“empowered” them—when the employees’ perception is quite different.

Responding wisely

The complexity of labor relations suggests that chaplains should tread lightly and alertly. The unionization context imposes unique constraints and affords distinctive opportunities. Jesus’ injunction to “be wise as serpents and innocent as doves” (Matt. 10:16) seems apt when unionization is a possibility. As always, the chaplain’s role is to be pastoral, and sometimes it is also to be prophetic.

Below I propose some guidelines that may inform the chaplain’s awareness and action in labor relations. In these sections, and particularly in addressing justice, I make use of several religious perspectives, primarily from within the Christian tradition—the one I know best.

Since here I treat the traditions and denominations as a composite
source of wisdom, I take the liberty of drawing eclectically from their teachings and positions.

Appreciate the vulnerabilities of all parties involved

Because of actual or perceived NLRA restrictions on conversations with employees during an organizing campaign, and because union-friendly employees may be guarded in conversations with managers, management often underestimates the vulnerability that employees feel. The fundamental legal principle governing private-sector employment in the United States is "employment-at-will":

What this [term] means is that [at-will] employees are working with no assurances regarding the conditions or term of their employment, which can be unilaterally altered or terminated at any time, for good reasons, no reasons, or even immoral reasons.¹⁵

This reality is normally invisible, except for passing references to it in employee handbooks; employees whose performance is deemed adequate or better are seldom affected by it. The realities of an organizing campaign, however, may jolt employees into an awareness of the vulnerability inherent in the employment relationship.

Employees who favor a union may therefore feel that they are risking a great deal, particularly if they are vocal in their support. While NLRA protections exist on paper, workers may worry that management will retaliate against them sooner or later. Employees may or may not express union sympathies or their sense of vulnerability to a chaplain. If they do, or if they recount an instance of apparent management mistreatment, the chaplain may offer a listening ear as well as emotional and spiritual support. The chaplain also may make a "note-to-self" if there are complaints about management behavior or attitudes. (See more on this point below.)

Despite the power differential that seems to favor management over employees, those in both senior and middle management may feel enormous pressure and exposure during an organizing campaign. Ironically, like unions and their sympathizers, managers often feel that the provisions of the NLRA are stacked against them, and that the union has more latitude to attack than they have to defend. From their perspective the union's assaults can seem unrelenting, and almost surely unfair. They may even be personally attacked—by name—in union literature.

Some, particularly in senior management, may sense that their own future is at risk. A bad outcome of the union campaign may reflect unfavorably on their leadership. Chaplains who interact with managers at any level may offer a listening ear as well as spiritual and emotional support. They may comment on the seeming unfairness of union tactics, if they perceive them as such, without thereby taking sides in the organizing campaign as a whole.

Observe boundaries and respect employees' independence and voice

Although it may seem counterintuitive to chaplains—who often resist seeing themselves as aligned with management—the NLRA prohibitions on management inquiries about union-related activities are a boundary that even non-management chaplains are wise to observe. Even if employees interact freely with chaplains in other respects, labor-management issues are different, particularly for employees who perhaps secretly support the union. Chaplains always may ask in a general way how things are going, as they are likely to do in many circumstances. If employees want to talk to the chaplain about the labor situation, they may then take the initiative.

Sometimes chaplains will comment that they see themselves as advocates for employees when employee relations issues arise. Chaplains may, with good intentions, desire to speak on behalf of perceived employee needs or point out injustices that employees have apparently suffered. In the unionization context, however, such well-intentioned advocacy may not be welcome. Employees who want to unionize are seeking to establish a new and independent voice for themselves in the workplace. They may feel that they can speak for themselves and prefer to do so.

In addition, during a campaign, managers, too, may be advised by labor relations consultants to talk with employees in such a way that they come across as advocates for employee needs and interests. Wary employees may detect management rhetoric or tactics in similar approaches by chaplains, especially if they also believe that chaplains generally entice people to "be nice" and eschew confrontation.

Beware of alarmist rhetoric and propaganda, and double-check factual claims, whatever their source

During an organizing campaign, charges and counter-charges about the behavior and intentions of both management and union proponents
are inevitable. Strong rhetoric seeks to rally the troops and to persuade the unconvinced. It is important for chaplains to assess critically the claims made by any party. Unions are often quick to claim unfair labor practices by management and, especially during a corporate campaign, to impugn the practices and reputation of the organization as a whole or its executive leadership.

For its part, management often paints a grim picture of life under a hypothetical union regime, including projected negative effects on patient care as well as worsened working conditions. Management may also attack the union’s motivation for launching the campaign, e.g., by claiming that the union’s real aim is to swell the number of dues-paying members. While there may be truth in such assertions—by either side—chaplains should have their grain of salt handy. It is not uncommon for well-intentioned observers to accept the truth of partisans’ factual claims, only to discover the inaccuracies or distortions later.

Recognize that conflict and confrontation may serve an important function

One argument against union “agitation,” particularly in healthcare, is that an organizing campaign inevitably fragments the workplace, turning employees against each other while pitting management against labor and compromising the organization’s ability to serve its community. These possibilities should be taken seriously.

On the other hand, internal conflict, and even concerted external pressure, may have a salutary impact on organizational behavior—an impact that may not be achieved, or may be achieved less fully, through the usual administrative channels. This reality does not, in itself, legitimize the by-any-means-necessary tactics that unions and their sympathizers sometimes adopt; however, it stands against any easy assumption that the only responsible course is to act in ways that minimize tension and disagreement.

The common tendency to avoid conflict, sometimes undergirded by a conflict-averse theology, may shape chaplains’ responses to labor-management issues. Some, for example, tacitly may assume that “Christian ideals of love and cooperation” should routinely mute conflict and confrontation.¹⁶ Such conflict avoidance may be an unwitting path to taking sides in the conflict. Any approach that,

in the spirit of love, promotes cooperation and harmonious work relationships without accounting for the unequal distribution of power and privilege between workers and managers . . . will inevitably side with the interests and goals of [management].¹⁷

Genuine balance in addressing labor relations will not focus solely on restoring harmony or achieving reconciliation but will see these as important outcomes to be sought along with others that also matter.

Seek a more just workplace

One such outcome is greater justice. Whether or not an organizing campaign results in formation of a collective bargaining unit, a central aim of employees who support the effort is to increase justice where they work. The union is arguably one means to this end. Chaplains should note, however, that to some the union is the only effective way to ensure justice for employees, and thus an obligatory means.

Justice is, of course, a contested term, particularly in labor-management struggles, and has been much debated from both religious and secular viewpoints. Some perspectives from the Lutheran tradition may help to frame the issues. In this tradition, it has been argued that justice is a dimension of “neighbor-love” when it discloses and seeks to remedy oppression or exploitation of neighbors who are vulnerable.¹⁸ A locus classicus for this understanding of neighbor-love is Martin Luther’s assertion that paying the neighbor too little for his labor violates the commandment against stealing.¹⁹

Where it seems that employees are paid at least reasonably well—though “what the market pays” is not a sufficient criterion of justice—job security may be another concern of economic justice. Nor are economic issues the only justice questions. In recognizing the laborer’s vulnerability, Luther’s comments about stealing also broach the issue of unequal power. Besides the basic right and freedom to organize, employees’ desire for greater voice in issues affecting them may surface as an ongoing concern—one that will not go away even if employees decide against union representation.

Chaplains who are identified formally as members of management may be in a good position to facilitate creative conversational engagement with questions of justice in the organization and its culture.²⁰ These conversations may well address justice in the workplace, especially during and/or after a union campaign. Not only compensation and job security, but also continuing questions
of voice and effective expression of employee views, may be appropriate subjects. Those in management may propose their own questions for consideration as well. Such conversations may provide a safe—or at least relatively safe—venue in which new perspectives on justice in the workplace may emerge. Aware that questions of justice in the organization may be “difficult and potentially polarizing issues,” Bruce Hartung also calls dialogue on these issues “courageous conversations.”

Chaplains who are not formally in management may also contribute directly or indirectly to these conversations, helping to shape the dialogue by being alert to patterns of interaction that deserve to be addressed. Such patterns may include widely shared employee perceptions of a lack of respect, unfair treatment or a need for greater participation in discussions and decision making. Outside the unionization context, chaplains also may have opportunities to facilitate employees’ own conversations about what they believe a just workplace looks like.

Such attempts to enhance the reality and the perception of justice in the healthcare workplace may be undertaken boldly and hopefully, with the awareness that progress usually consists of small steps. Further, and especially in the Lutheran tradition, justice is not served by self-righteousness. Because justice in the workplace is always human justice, a measure of humility, openness to repentance and an awareness of the ambiguity of all human endeavors will help chaplains and others retain a balanced perspective without losing sight of justice.

Make judicious use of the religious traditions

The Christian denominations, Judaism and Islam provide many resources—scriptures and other sources of teaching, formal positions of denominational bodies, reflections by theologians and other thinkers—that may prove relevant to labor relations questions. Many religious bodies have issued statements recognizing the rights of employees to organize and to engage in collective bargaining. A few have gone further, e.g., by criticizing the alleged pro-management bias of United States labor law or insinuating that every workplace should be organized. In 1997, General Synod XXI of the United Church of Christ adopted a resolution, “Affirming Democratic Principles in an Emerging Global Economy,” which asserted “the responsibility [sic] of workers to organize for collective bargaining with employers regarding wages, benefits, and working conditions ….”

The Roman Catholic tradition is particularly well known for the thoughtful pro-labor tenor of its social teachings. Attention to justice for workers and respect for their dignity is present but not prominent in the Ethical and Religious Directives for Catholic Healthcare Services. One directive (Directive 9) reminds employees that they, too, have a responsibility, both to the “religious mission” and to “the institution’s commitment to human dignity and the common good.” Recently, on the other hand, fifty Catholic theologians and scholars from across the country were willing to sign an open letter supporting workers’ right to organize in a Catholic healthcare system.

Chaplains who work in healthcare facilities affiliated with religious bodies are wise to become familiar with positions they have taken on labor questions. Those who belong to religious groups other than their organization’s sponsoring body also are well advised to know their stances on these issues as well. Chaplains may find it helpful to investigate what the wider religious community has said about labor relations. A national organization, Interfaith Worker Justice (IWJ), has gathered such resources from numerous traditions and posted them on its Web site. The resources are varied—only a few are formal statements by an official body—but those selected do reflect IWJ’s pro-labor perspective.

In addition, some religious bodies have generated guidelines to promote equity and facilitate genuine dialogue in labor-management relations. A 1995 resolution of the United Church of Christ (UCC) offered succinct practical guidelines to church-related employers, including those in UCC-related healthcare. A joint labor-management task force commissioned by what is now IWJ developed a more extensive set of guidelines in 1999. This document provides guidance to all parties, including boards of directors, involved in an organizing campaign.

This survey of guidance and resources from the religious traditions is necessarily a cursory one. Chaplains’ day-to-day immersion in the relational and administrative realities of an organizing campaign will reveal both the strengths and the practical limitations of any resources at hand, including religious
guidance. Engagement and experience with the “living human documents” who are living out the labor relations questions may be chaplains’ most important resource. Ongoing reflection on this experience, coupled with background knowledge of labor relations issues and familiarity with traditional resources, will help chaplains respond creatively and helpfully as the issues unfold in real human time.

References

2 See Richard Haugh, “The new union strategy,” Hospitals and Health Networks, May 2006, http://www.hospitalconnect.com/hhnmag/jsp/articledisplay.jsp?dcrpath=HHNMAG/PubsNewsArticle/data/2006May/0605HHN_Coverpercent20Story&domain=HHNMAG. One union source told Haugh that “corporate campaign” is an industry term, not the union’s: “When employers . . . decide to waste precious healthcare dollars on fighting the workers’ decision to join a union, we just use all the relationships necessary to convince them to take the other path.”

3 Mayer, Labor Union, CRS-8.


7 Ibid., 12, 30n. Lafer, who certainly favors unionization, details a host of ostensible legal and practical obstacles faced by unions and employees who support them.

8 See the editorial “Recognizing Labor” (The Nation, January 1, 2007, 3-4), advocating congressional passage of the Employee Free Choice Act.


10 Ibid., 203.


13 Ibid., 203.


17 Ibid., 6.


21 Ibid., 11.

22 Moe-Lobeda, Public Church 31, 70.

23 In addition to Christian denominational resources, see Labor on the Bimah: A Special Resource for Synagogues and The Qur’an and Worker Justice, accessible via the Interfaith Worker Justice website (n. 26). As the web host’s name and the resource titles would suggest, these are unabashedly pro-labor resources.


The IWJ website is http://www.iwj.org/index.html. Among the pro-union formal statements cited there, one is from the Central Conference of American Rabbis.
