

# Respecting the Just Rights of Workers

GUIDANCE AND OPTIONS FOR CATHOLIC HEALTH CARE AND UNIONS





June 22, 2009

Dear Brothers and Sisters in Christ:

Leaders of the labor movement, Catholic health care, and our bishops' Conference have been in a quiet and substantive dialogue for more than ten years exploring how Catholic social teaching should shape the actions of unions, management and others in assuring workers a free and fair choice on questions of representation in the workplace. This extraordinary discussion produced *Respecting the Just Rights of Workers: Guidance and Options for Catholic Health Care and Unions*.

The starting points for the agreement were the recognition that Catholic Social Teaching holds that "health care is a human right...both a service and a ministry...[it] is a fundamental social good that is essential to the well-being of local communities and society" and the affirmation of "two key values: (1) the central role of workers themselves in making choices about representation and (2) the principle of mutual agreement between employers and unions on the means and methods to assure that workers could make their choices freely and fairly."

This document reflects and applies longstanding principles of Catholic teaching. It encourages civil dialogue between unions and employers focusing on how the workers' right to decide will be respected. Under the agreement, management agrees not to use traditional anti-union tactics or outside firms that specialize in such tactics and unions agree to refrain from publicly attacking Catholic health care organizations.

We all know that there can be risks in dialogue. Skeptics can point to what can be lost. But some instances of conflict and controversy surrounding Catholic health care and labor have diminished Catholic values, health care ministry, the labor movement and our common commitment to a fair and just workplace. None of us – Catholic health care, the labor movement, or the Church – has been well served by the status-quo with all of its conflict and contention. It is time to renew our focus on the heart of Catholic health care, the patients we serve and the workers who provide the care. This will require restraint and cooperation, new attitudes and behaviors by all those in our health care ministry – workers and managers, bishops and consumers.

We are convinced that these "options and guidance" can be a help and resource in this process. It will not be easy. These are not mandates and one size fits all solutions. Many will find shortcomings. The pain and damage from past disputes is real. But in our hearts we know the contentious status quo diminishes all of us – Catholic health care, labor, and the Church.

The Domestic Justice and Human Development Committee of the Bishops' Conference initiated this process more than a decade ago, which produced the original document "A Fair and Just Workplace." I wish to thank all those involved who sought common ground without abandoning their own strong convictions and the needs of their communities. I especially want to thank Cardinal Theodore McCarrick for chairing this process on behalf of our Conference and Dean John Feerick and the Feerick Center at Fordham University for facilitating this complicated effort.

We all believe now is the time to offer renewed commitment and new practical alternatives which encourage all of us to listen to workers, to respect their free choices and to work for quality, affordable, accessible health care for all.



**Bishop William F. Murphy**

Diocese of Rockville Centre

Chairman

USCCB Committee on Domestic

Justice and Human Development



# Part I – Introduction

## A. HISTORY

More than a decade ago, the Domestic Policy Committee of the United States Conference of Catholic Bishops (“USCCB”), invited the leaders of Catholic Health Care and the labor movement to join in a quiet, candid dialogue over the requirements of Catholic social teaching in shaping a just and fair workplace within Catholic Health Care. To facilitate this dialogue, the USCCB Domestic Committee appointed a Subcommittee on Catholic Health Care and Work. Its members included Bishops, the President of the Catholic Health Association, representatives of major Catholic Health Care systems, representatives of the Leadership Conference of Women Religious, and representatives of the AFL-CIO and the Service Employees International Union.

The Subcommittee was charged with: (1) identifying the critical issues driving/shaping the work environment today; (2) identifying the core convictions within the Catholic tradition regarding relationships within the work environment; and (3) identifying new models of relationships between management and labor, as well as between religiously sponsored health ministry and organized labor.

The Catholic Health Care and Work Subcommittee began by seeking to identify and agree on a framework for what constitutes a just workplace and the principles of Catholic social teaching that ought to guide decisions affecting work, workers, and their rights. In August 1999, the USCCB Subcommittee agreed upon and released a “working paper” entitled, “*A Fair and Just Workplace*” (hereinafter “*Fair and Just*,” with citations to relevant subsections of the document). The paper represented a difficult, but important consensus of the group reached through considerable dialogue, candid discussion, and accommodation to find common ground.

The starting point now – as then – is that, in accordance with Catholic social teaching, “health care is a human right ... both a service and a ministry. ...[I]t is a fundamental

social good that is essential to the well being of local communities and society....” (*Fair and Just*, Introduction) Since its early origins, the Catholic Health Care ministry has grown significantly, such that its hospitals now are among the largest employers and health care providers in their local communities, and often, their broader regions. Our times, moreover, pose considerable challenges to how health care is delivered, financed, and structured.

These challenges inevitably have an impact on the relationship between employers and workers. And, Catholic social thought guides us here, as well, focusing on the rights and responsibilities relating to work. Indeed, creating and sustaining a workplace that provides equal employment opportunities, promotes employee participation, ensures employee safety and well-being, provides just compensation and benefits, and recognizes the rights of employees to organize and bargain collectively, are no less parts of Catholic social thought than the teachings concerning the fundamental right of access to health care. (*Id.*, citing National Conference of Catholic Bishops, *The Ethical and Religious Directives for Catholic Health Care Services*, 8 (1994))

The core of Catholic social thought emphasizes that “[p]roviding a just and fair workplace for workers is one way that Catholic Health Care can affirm the dignity of each worker and make a contribution to the common good.” (*Fair and Just*, The Catholic Tradition) Fundamentally, “[w]orkers must be able to participate in the decisions made in the workplace that affect their lives and their livelihood.” (*Fair and Just*, Participation)

Catholic teaching insists that “it is up to workers . . . to exercise the right to decide through a fair and free process how they wish to be represented in the workplace. Workers may decide to be represented by a union or not to be represented. Catholic teaching respects their decision.” (*Fair and Just*, Participation)

The *Fair and Just* document reflects these core, common understandings. In December 2006, the leadership of the

major organizations involved in the Subcommittee on Catholic Health Care and Work came together in a focused way to find the means to carry out and apply the principles set out in the working paper. This mission was undertaken by Cardinal Theodore McCarrick, at the time the Chairman of the Domestic Policy Committee of USCCB; Sr. Carol Keehan DC, the President and Chief Executive Officer of The Catholic Health Association of the United States; John Sweeney, the President of the AFL-CIO; and Dennis Rivera, the Chair of SEIU Healthcare. They were assisted by John Carr of the USCCB and Gerry Shea of the AFL-CIO.

These leaders met and developed a proposal whereby the USCCB, Catholic Health Care, and the labor movement would designate representatives to search for new alternatives that would reflect Catholic teaching, the values of the working paper, and the experiences of the participating groups in local communities. This effort has recognized the difference between general principles as set forth in “Fair and Just” and what is practiced in local communities.

Specifically, this group commenced an initiative to explore and develop constructive alternatives for use in situations where workers were seeking union representation. To help facilitate this undertaking, they asked the Feerick Center for Social Justice at Fordham University School of Law to convene, mediate, and participate in the process of learning, discussion and reflection. The Center’s staff – working on a pro bono basis – diligently assisted at every stage of this process. Their contributions were valuable and significant, and we are grateful for the continued support of Professor John D. Feerick, Assistant Dean Robert J. Reilly, Associate Professor Elizabeth B. Cooper and all of the students who devoted their time and energy to this endeavor. (The students include: Louis Abrams (Fordham Law ‘09), Monica Brown (‘09), Patrick Fitzpatrick (‘09), Victoria Lai (‘08), J.C. O’Brien (‘08), Julie Salwen (‘08)).

The group met numerous times over the past two years, in both separate and joint meetings. The Center’s staff met individually with representatives of the Bishops Conference, the Catholic Health Association, and the labor movement. Though faced with many obstacles, misunderstandings and local conflicts, this effort was pursued with

good faith, a respect for differences, and a commitment to find common ground.

In this search for practical alternatives that reflect these principles, there was considerable common ground and some significant differences. The participants were united in the search for ways to carry out Catholic teaching on workers rights which all the parties could support. We reached broad agreement on alternative approaches and norms of conduct that would apply equally to management and unions and would respect workers’ right to freely choose whether or not to form a union.

We sometimes differed in our assessment and advocacy of various means and methods for workers to make their choices. For example, the participants differed in their views on the usefulness and difficulties of the traditional National Labor Relations Board (“NLRB”) process. We also had clear differences on the utility and value of other means of verifying what a majority of workers wanted (e.g., "card check" and similar mechanisms). Participants respected these differing perspectives and did not abandon strong convictions and positions in these areas. Nonetheless, we worked diligently and persistently to find agreement on other practical alternatives that all the participants could support.

We together affirmed two key values: (1) the central role of workers themselves in making choices about representation and (2) the principle of mutual agreement between employers and unions on the means and methods to assure that workers could make their choices freely and fairly. These common convictions led us to focus on alternative approaches that faithfully apply the principles of the “Fair and Just” working paper and move beyond the unnecessary and unproductive conflicts that have hurt workers, Catholic Health Care, the labor movement and the Catholic community.

Today, following this renewed, intense, constructive, and challenging dialogue, we present practical and workable alternatives to carry out the principles of the “Fair and Just” paper. We call it *Respecting the Just Rights of Workers: Guidance and Options for Catholic Health Care and Unions*. In issuing this document, our common goals are to find alternatives to the at-times destructive status quo and to

fashion practical approaches which reflect our principles. Most importantly, we have sought to agree on practical and workable alternatives which provide workers in Catholic Health Care institutions the right and opportunity to make truly free and informed choices and decisions about union representation.

## B. EXPECTATIONS

The participants in this effort (referred to as “we” throughout the document) are: Theodore Cardinal McCarrick; Most Reverend William F. Murphy, Bishop of Rockville Centre and Chairman of the United States Conference of Catholic Bishops Committee on Domestic Justice and Human Development; Most Reverend Joseph M. Sullivan, Auxiliary Bishop of Brooklyn (Ret.); John Carr, Executive Director of the Department of Justice, Peace, and Human Development of the USCCB; John Sweeney, President, AFL-CIO (assisted by Gerry Shea); Dennis Rivera, Chair, SEIU Healthcare (assisted by Amy Gladstein); Paul Booth, Executive Assistant to the President, AFSCME; Candice Owley, RN, Vice-President, American Federation of Teachers; Sr. Carol Keehan, DC, President of The Catholic Health Association of the United States; Michael Connelly, President and CEO of Catholic Healthcare Partners.

We have reached consensus on constructive ways to proceed which respects and protects the rights of workers to choose whether, and by whom, to be represented, all while respecting and strengthening Catholic Health Care. We are confident that this document will provide valuable guidance and options to unions and employers on how to proceed at the local level. Its use, we believe, can result in

more constructive and productive relationships between Catholic Health Care and organized labor in many different areas, especially in enhancing the lives and dignity of workers. We offer this document to the leaders of Catholic Health Care, Labor, and the Church throughout the United States for discussion and for consideration.

It is intended by the USCCB, Catholic Health Care and Labor that each shall continue to have the right to determine its own policies.

We anticipate that those working at the local level will have the keenest insights into ways in which the document may need to be adapted for their own circumstances. It is strongly recommended, however, that unions and employers enter into a Local Agreement that, at a minimum, addresses the following subjects (discussed in Part III, *A New Paradigm*):

- Respect
- Equal Access to Information
- Truthful and Balanced Communications
- Pressure-Free Environment
- Fair and Expeditious Process
- Meaningful Enforcement of the Local Agreement
- Honoring Employee Decisions

## C. EDUCATION

We agree to develop programs and vehicles to inform and educate the leaders of Catholic Health Care, Labor, and the Church about the principles and mechanisms of this document.

# Part II – Common Mission

We began this dialogue by focusing on common goals, shared values and points of agreement. We approached this process with candor, openness, and respect for differing views and seek to forge new ways of relating to each other, while developing positive and constructive relationships. We recognize and respect different responsibilities, perspectives and preferences among the participating communities. We aspire to create new opportunities where workers and employers can work together to build economically viable organizations devoted to quality, compassionate, and patient-centered care and which are respectful of Catholic mission and identity.

We present alternatives that fully respect Catholic teaching and the rights of workers to make their own decisions on whether and how to be represented by a union. This approach requires civil dialogue between unions and employers focusing on how the workers' right to decide will be respected.

We reaffirm together that:

- We value the Catholic Church's teaching on the dignity of work and the rights of workers;
- We recognize and respect Catholic Health Care's faith-based mission and Catholic identity, the legacy and current commitment of women religious, and the ongoing commitment to build and sustain institutions responsive to the needs of the poor, the vulnerable, and the marginalized, following the example of the healing ministry of Jesus;
- We recognize and respect the role of unions as an organized movement that is committed to improving workers' lives and to creating a more just society through leadership development, economic citizenship, and fuller political participation;
- We recognize that both Catholic Health Care and Unions have a commitment to quality patient care; and

- We respect each person as an inherently valuable member of the human community, deserving to be treated with dignity.

In accord with these foundations:

- A.** We affirm our respect for each other, our communities, and our mutual commitment to enhancing the lives and dignity of workers;
- B.** We share a commitment to a core principle of Catholic Social Teaching that workers have the right to decide through a fair process – free of coercion and based on accurate and truthful information – whether and by whom to be represented in the workplace;
- C.** We agree that one essential way that Catholic Health Care affirms the dignity of workers and makes a contribution to the common good is by providing a fair and just workplace for workers;
- D.** We recognize that conflict and controversy at times have characterized management and union relationships. This has not resulted in the best use of resources, has not been conducive to building a community of trust in the workplace, has not been in workers' interests, and has not supported the mission of Catholic Health Care ministry. Some of these conflicts have also divided our Church and often diminished those involved;
- E.** We believe that holding mandatory and one-on-one meetings to discuss union representation, distributing misleading and disparaging communications, filing meritless litigation, and using undue political and community pressure may have hindered employee choice in some past organizing campaigns. We seek to reduce the tension and conflict that too often have been a part of our interactions. We affirm our commitment to the importance of creating a more positive and productive work environment, one that promotes dignity, mutual respect and harmony;

- F. While we have a variety of perspectives and some disagreements on the best ways to safeguard workers' rights, we acknowledge a fair and just workplace may exist with or without a union. Whether workers decide to be represented by a union or not to be represented, Catholic teaching respects their decision;
- G. It is for workers to decide how best to have real participation and a voice in the workplace. Some workers may choose to be represented by a union. We emphasize that this choice does not necessarily represent a negative judgment on leadership or conditions in a particular workplace. We recognize that even where fair and just conditions exist, workers may choose to organize because of their convictions about the role unions play in creating a more just society through leadership development, economic citizenship, and fuller political participation. We further acknowledge that unions may play a beneficial role in any workplace;
- H. In all situations, Catholic Health Care institutions should seek to provide structures for workers to have a voice in the workplace that is meaningful, non-threatening, creative, and informed so that workers and management can build efficient, economically viable, and responsive organizations committed to mission and service;
- I. We mutually dedicate ourselves to creating a work environment that promotes employees' participation in decisions which affect their work; ensures employee safety and well-being, a living wage and adequate benefits; and provides opportunities for advancement, learning and growth;
- J. We further dedicate ourselves to providing quality, patient-centered care, to creating and preserving a sound patient care environment, to meeting the economic challenges of a changing health care environment, to serving the poor, and to providing access to services that are essential to caring for human needs;
- K. We recognize and respect Catholic Health Care's faith-based mission and Catholic identity, the legacy and current commitment of women religious, and the ongoing commitment to build and sustain institutions respectful of human life and dignity in line with the Ethical and Religious Directives of the USCCB and responsive to the needs of the poor, the vulnerable, and the marginalized, following the example of the healing ministry of Jesus.
- L. Unions and employers will respect each other's mission and not disparage each other's institutions, leaders, representatives, effectiveness or motives;
- M. In addition, we are committed to identifying issues of common interest that reflect our shared values and on which we can work together, including: support for affordable and accessible health care for all, adequate reimbursement for health care, concern for the weak and vulnerable, and respect for the human dignity of each individual.

# Part III – A New Paradigm

In Section A, we offer the principles that we believe are the foundation of a “fair and just” process for workers to choose whether or not to form a union. These principles outline appropriate conduct for both employer and union representatives to ensure that employees are able to make an informed decision without undue influence or pressure from either side. This Section includes practical specifics related to an election supervised by the National Labor Relations Board (“NLRB”); if the parties mutually agree to another method, as previously addressed, they must likewise reach agreement as to how the principles would apply in those circumstances.

Unions and employers can ensure a fair process by incorporating these principles into negotiated ground rules and mechanisms in a written, enforceable Local Agreement. Section B includes suggestions on how to lay the groundwork for creating and executing a Local Agreement that reflects our common principles, and accommodates local issues and special circumstances.

## A. Principles for a “Fair and Just” Organizing Model

The following principles are aimed at creating an atmosphere based on mutual respect, equal access to truthful communications, and freedom from coercion.

The principles articulated here apply directly to unions, employers, and their representatives and are not meant to constrain the rights of individual employees. We respect the rights of employees to acquire and exchange information so they can make their own independent choices.

### 1. Respect

- a. Throughout this process, unions and employers are committed to respecting each other’s mission and legitimacy and will not demean or undermine each other’s institutions, leaders, representatives, effectiveness or motives.

- b. Throughout this process, unions and employers are dedicated to ensuring that organizing campaigns will not disturb patients or interfere with the delivery of patient care.

### 2. Equal Access to Information

- a. Every Local Agreement will contain an Equal Access Provision, which will include agreed upon mechanisms that ensure ample opportunities for employees to receive information and answers to their questions. All such communications will be proportionate, mutually agreed upon, and conform to the “truthful and balanced” principles expressed in this Section, and will respect any employee’s request for confidentiality.
- b. Employees will have equal access to information from the union and the employer. The union and the employer will have access to the same means of disseminating information and will agree in advance on an equal number of written, verbal or other communications to be made available to employees.
- c. Communications with employees may include, but are not limited to, written materials, voluntary meetings, or hotline-style phone numbers, provided any such communications do not put pressure on employees and do not create disruptions in the workplace.
- d. The employer will not conduct mandatory group or one-on-one meetings with employees on the subject of unionization or raise the subject of unionization in mandatory meetings held on other topics. Likewise the union will respect the boundaries of the Local Agreement and will not conduct activities outside those boundaries that are intended to pressure employees.

- e. Neither the union nor employer will initiate or engage in communications that are outside the scope of the Equal Access Provision of the Local Agreement.
- f. The Equal Access Provision in no way will prevent employees from fully exercising their legal rights, including the right to participate or not participate in union activities.

### 3. Truthful and Balanced Communications

- a. The union and the employer will agree to review and jointly approve all written communications to all employees to ensure that they conform to the principles of behavior as described in this Section.
- b. Verbal communications by the union and the employer will be factual, accurate, and holistically truthful. Neither will overstate nor exaggerate the advantages or disadvantages of union representation, selectively use “facts” or isolated examples to create false or misleading impressions, or draw negative conclusions based on personal or anecdotal experiences.
- c. Communications with employees will be confined to topics related to the advantages and disadvantages of union representation and will not include unrelated topics that disparage individuals or institutions. Unions and employers will agree on communications guidelines to ensure accurate and balanced information is conveyed regarding issues such as union dues, strikes, union security, job security, expectations of collective bargaining, and similar issues.
- d. Union representatives will not: state or imply that employees are subject to unfair wages, benefits or working conditions without union representation; use isolated examples from other workplaces to create unreasonable expectations about the benefits of union representation; or make false promises or

guarantees about improvements that will be made through collective bargaining.

- e. Employers will not: state or imply that wages, benefits or working conditions will worsen as a result of unionization; use information from union constitutions and by-laws to create fears about fines or expulsion from membership; or artificially raise concerns about the consequences of signing union authorization cards.
- f. Neither unions nor employers will engage in negative campaigning, use advisors that engage in tactics that are not consistent with the principles outlined in this Section, or attempt to circumvent these principles by supporting or assisting employee committees or outside organizations. Neither the union nor employer will involve outside parties to influence the decision of workers or engage in external campaigns to do so.

### 4. Pressure-Free Environment

- a. Neither the union nor the employer will make comments or engage in activities that could reasonably constitute harassment, threats, intimidation, or coercion.
- b. Neither the union nor the employer will lead employees to believe that they will be advantaged or disadvantaged as a result of their support for or opposition to union representation.
- c. Both the union and the employer will respect the request of any employee who does not wish to engage in a discussion or accept literature.
- d. Neither the union nor the employer will discourage employees from participating in meetings or other means of communication that are consistent with the equal access provision.

## 5. Fair and Expeditious Process

- a. The union and employer mutually agree that employees will make their choice through a secret ballot election, supervised by the NLRB, or another mutually agreed upon process (e.g., non-Board election or other method of majority verification) provided the union and employer have entered into a Local Agreement, and both the union and the employer are committed to avoiding lengthy hearings and delays.
- b. The union and the employer will expeditiously reach agreement on (1) the appropriate bargaining unit(s) with the precise classifications of employees comprising the units and other criteria for eligibility of employees to vote; (2) the date, time, and place of the election; and (3) the specific payroll date used to determine eligibility to vote.

## 6. Meaningful Enforcement of the Local Agreement

- a. As part of the written Local Agreement, the employer and union will: (1) designate a neutral authority who shall have binding authority to enforce the Local Agreement and resolve issues that arise during the course of the Local Agreement, not including those issues the parties agree should remain within the purview of the NLRB, (2) define violations of the agreement and appropriate remedies to serve as guidelines and parameters for the Rapid-Response Team (see Subsection 6(b)) and designated neutral, and (3) establish procedures and timelines for addressing issues and alleged violations.
- b. After the Local Agreement is executed, the union and employer will work cooperatively to resolve problems informally whenever possible. Toward that end, they will create a Rapid-Response Team consisting of representatives of both the union and employer who speak for and

bind each party. The Rapid-Response Team will be charged with mutually and quickly resolving issues and ensuring that the intent of the rules is preserved during the campaign.

## 7. Honoring Employee Decisions

- a. At the core of this document is the principle that workers have the right to decide in a free and fair manner whether or not they wish to be represented by a union in the workplace.
- b. The union and the employer will honor the results of the election. Neither will engage in negative or disparaging conduct, in keeping with the principles of this section, regardless of the outcome of the election.
- c. If the employees decide not to choose the union as their exclusive bargaining agent, the union shall cease any campaign activities and may re-commence organizing activities only after a mutually agreed upon time period that should be set forth in the Local Agreement.
- d. If the employees decide to choose the union as their exclusive bargaining agent, the parties will immediately begin working in good faith to reach a collective bargaining agreement. The bargaining should proceed in accordance with the principles articulated in this document. If a collective bargaining agreement is not negotiated within a reasonable time period, the parties will seek mediation assistance in negotiating the agreement.
- e. If at or near the conclusion of a collective bargaining agreement, a majority of employees no longer wishes to be organized through the union, the employees will have the opportunity to choose whether or not to decertify their union through an expeditious voting process. The conduct of any decertification process will proceed according to the process and procedures provided for in this document.

## B. Preparing to Enter a Local Agreement

### 1. Jurisdictional Issues

Unions will assume responsibility for resolving jurisdictional issues among themselves and are encouraged and expected to refrain from organizing campaigns until such issues are resolved. Questions raised about union jurisdiction should not be used to delay the opportunity for employees to participate in a fair decision-making process or to otherwise circumvent the principles outlined in this document.

### 2. Conduct Prior to Reaching an Agreement

Prior to reaching a Local Agreement, the union and the employer should adhere to the principles for behavior described in Part III.A, and act in accordance with the Common Mission values embodied in Part II. Neither the union nor the employer will involve outside parties to influence the decision of workers or engage in external campaigns to do so. We recognize, however, that there may be instances, especially where the campaigns began before this document was shared or issued, where there is conduct that would need to be addressed. (See Section III.B.4.)

### 3. Beginning of the Organizing Campaign

It is in the best interest of workers for the union and the employer to enter into a Local Agreement before an organizing campaign is fully under way. To achieve this goal, the union should notify the employer at the beginning of an organizing campaign, after employees have expressed interest in representation, and together schedule an initial meeting. Once notified, it is recommended that the union and the employer quickly seek to develop a Local Agreement containing the specific rules and other measures to which they will adhere during the organizing activity.

### 4. Past History

The union and the employer should develop approaches and common measures to address problems that may have arisen as a result of past conflict or activity. Employers and unions should strive to create a clean slate so that employees are able to make the decision based on truthful information in a pressure-free environment.

### 5. Addressing Local Issues and Circumstances

The union and the employer should take existing circumstances into consideration when developing a Local Agreement. For example, if an organizing campaign has yet to begin in earnest, unions and employers may need special rules for a period of time to allow employees to receive information and sign union authorization cards. Alternatively, if employees have already demonstrated interest in unionization through other means, unions and employers may wish to consider alternatives to the traditional method of triggering a union election (i.e., the signing of cards).

### 6. Commitment to Spirit of Agreement

The union and employer recognize that special circumstances could arise that are not specifically addressed in the Local Agreement, and agree to work cooperatively to develop appropriate responses or remedies in order to preserve the intent and spirit of the agreement. It will require unions and employers to be open-minded and committed to the principles outlined in this document. Most importantly, it will require employers and unions to put the best interests of employees above their own interests.

### 7. Time Frame

We recommend that the union and the employer endeavor to complete a Local Agreement within thirty (30) days of their initial meeting. During this time, the union and employer should work constructively and cooperatively to arrive at mutually agreeable guidelines for implementing the principles set forth in Section A.

## **8. Issue Resolution**

Prior to the execution of a Local Agreement, when unions and employers have behavior-related disputes or when unions and employers are unable to reach agreement on their own, we recommend that they seek assistance from a neutral party or parties who can facilitate the process and effectively resolve the disagreements.

Any disputes that arise after the execution of a Local Agreement will be submitted to the Rapid-Response Team, and if necessary, to the designated neutral, in accord with Part III.A.6 (Meaningful Enforcement of the Local Agreement).

# Conclusion

We offer this document, *Respecting the Just Rights of Workers: Guidance and Options for Catholic Health Care and Unions*, as a common alternative and way forward in carrying out the principles of Catholic Social teaching and the directions of the Working Paper “A Fair and Just Workplace.” It is a product of extensive dialogue, candid discussion and differing experiences that we put forth for wide sharing, discussion, consideration, adaptation and use at the local level. Recognizing that other approaches are possible, we recommend that unions and employers use the principles of the document as a guide for developing Local Agreements that are tailored to local issues and existing circumstances to insure that workers in Catholic Health Care have the right to choose to join or not join a union through a process which is free, fair and respectful of the roles and missions of Catholic Health Care and the labor movement.

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**Date: June 22, 2009**



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