

## C/SNA Background Document for ANA Statement on Registered Nurses' Rights as Public Employees to Advocate for Themselves and Patients

### **EXECUTIVE SUMMARY:**

- Recent legislative events in Wisconsin and Ohio addressing the rights of public employees to be represented by a labor union were discussed during the March Constituent Assembly (CA) meeting.
- The CA passed the following motion:

#### **CA Motion – March 13, 2011**

Whereas, the recent and continuing legislative actions in several states that seeks to remove and/or significantly limit the collective bargaining and free speech rights of public employees, including registered nurses, appears to be developing into a trend across the country, and

Whereas, in several states, these actions have circumvented normal legislative and democratic processes, and

Whereas, registered nurses bargain not only for wages, but as importantly, for improvements that address patient safety and workplace safety issues,

Be It Therefore, Resolved that the Constituent Assembly recommend to the ANA Board that ANA develop a carefully worded position statement that supports the rights of registered nurses to address these issues and that all C/SNAs be invited to sign on in support of this statement.

- The ANA Board considered this request and approved the motion below:  
Motion #7 – That the ANA board of directors issue a position statement related to recent legislative activities limiting worker advocacy rights. [Motion made, seconded and carried at the March 13, 2011 EBS]

### **BACKGROUND:**

The legislative events in Wisconsin and Ohio prompted significant public demonstrations and galvanized the union community—capturing attention of the national news media. In response, ANA reached out to the affected states of Wisconsin, Ohio and Indiana. Indiana's legislative discussions have since been tabled. President Daley and CEO Weston signed tailored letters that were sent to Wisconsin and Ohio, addressing their particular concerns. These letters were also shared with the C/SNAs. As a result, the Florida Nurses Association (FNA) requested a similar letter of support, which ANA provided.

***Code of Ethics for Nurses with Interpretive Statements (2001)*** – Provision 6 – The nurse participates in establishing, maintaining, and improving health care environments and conditions of employment conducive to the provision of quality health care and consistent with the values of the profession through individual and collective action. (p. 20)

Interpretive Statement 6.3 – Responsibility for the health care environment. This interpretive statement speaks specifically to the notion that nurses may participate in collective action such as collective bargaining or workplace advocacy as a mechanism for addressing terms and conditions of employment. Furthermore, it recognizes that the professional association also serves as an advocate for the nurse by seeking just compensation and humane working conditions. This may be accomplished by the professional association acting as the collective bargaining agent on behalf of nurses. A final statement notes, “While seeking to assure just economic and general welfare for nurses, collective bargaining, nonetheless, seeks to keep the interests of both nurses and patients in balance.”

***Nursing: Scope and Standards of Practice, 2<sup>nd</sup> Edition (2010)*** – This document notes that:

“Advocacy is a fundamental aspect of nursing practice. Registered nurses have long served as healthcare consumer advocates and used grassroots networking to influence social and political leaders and other advocates. Registered nurses firmly believe it is their obligation to help improve societal conditions related to healthcare, consumer care, health, and wellness. Such issues have included protective labor laws, minimum wage, communicable disease programs, immunizations, well-baby and child care, women’s health, curbing violence, reproductive health, end-of-life care, universal health care, social security, Medicare and Medicaid, financing and reimbursement of health care, healthcare reform, ethics, mental health parity, confidentiality, workplace safety and healthcare consumer rights.” (p. 20)

### ***ANA Bylaws (As Amended June 18, 2010)***

#### Article I. Name, Purposes and Functions

##### Section 2. Purposes:

- a. The purpose of ANA shall be to –
  - 1) work for the improvement of health standards and the availability of health care services for all people, and
  - 2) foster high standards of nursing, and
  - 3) stimulate and promote the professional development of nurses and advance their economic and general welfare.

##### Section 3. Functions:

The functions of ANA shall be to –

- g. promote and protect the economic and general welfare of nurses.
- k. support the CMAs’ right to engage in collective bargaining and workforce advocacy for nurses.
- n. assume an active role as consumer advocate.

**Conclusion:** ANA has a long history of advocating on behalf of the economic and general welfare of nurses. The action taken by the ANA leadership in issuing a position statement is consistent with the association's ethical obligation to support nurses' right to advocate for workplace conditions that foster safe, quality care for patients.