



BARGAINING 2021

KEEPING YOU INFORMED

WHAT WILL HAPPEN ON OCTOBER 1?

The current collective bargaining agreements between Kaiser Permanente and the USW expire on September 30, 2021. Our union, as well as all unions in the Alliance of Health Care Unions, remain committed to reaching a fair successor labor agreement with KP.

At the bargaining table, our USW bargaining team along with the Alliance leaders, stood together to improve our wages and benefits. We have fought for accountability from KP to address the wage disparities for our members, and solutions to the burnout of union members all across the Alliance.

As we've expressed your concerns during these negotiations, KP has continued to tell stories about competitors threatening to overtake a health care giant. The reality is that KP emerged from the pandemic with at least \$44 billion in cash reserves and a healthier outlook than many health care systems. The real threat is a new crop of KP leaders that have abandoned the organization's long-time commitment to partnership, justice and equity.

KP has insisted on dividing us through a 2-tier system, refuses to recognize our work and sacrifices with only 1% wage increases throughout negotiations, and refuses to work collaboratively on staffing solutions. Under these circumstances, a strike or lockout is a very real possibility. Once again, we must be prepared.

Because there has not been a labor dispute at KP in many years, you may be unfamiliar with what happens when a contract expires or during a strike or a lockout. Stay informed by attending our tele-town halls, watching for updates from our local union Communication and Action Team (CAT), and watching for text message updates.

STRIKES, LOCKOUTS AND WORKING WITHOUT A CONTRACT

WHAT MIGHT HAPPEN ON OCTOBER 1 IF WE HAVE NOT AGREED TO A NEW CONTRACT?

There are a number of possible outcomes:

1. We could agree to extend the contract while we continue to bargain. (KP must also agree to this)
2. We could vote to go on strike. We are required by law to give 10 days' notice to ensure patient care can be accommodated.
3. We could continue to work without a contract, and KP must honor all the terms of our contract except arbitration unless the parties have already negotiated to impasse, or
4. The company could choose to lock us out.

Each of these situations would mean different things for USW members.

Our bargaining committee will not do anything to jeopardize members' jobs, and we will do everything we can to avoid a work stoppage. Still, often the best way to avoid a strike is to be prepared for one. That's why we want every USW member at every KP site to be ready for the worst-case scenario.

IF THE PARTIES AGREE TO EXTEND THE CONTRACT WHILE THEY CONTINUE TO NEGOTIATE, CAN WE STILL STRIKE OR BE LOCKED OUT BY KP?

No. During the limited period of an agreed extension, all provisions of the labor agreement remain fully enforceable, including our right to arbitrate grievances, and the prohibition of strike and lockout. Extensions are either limited to a short duration or terminable by either party with some notice to the other party. This is how the right to strike is retained as a powerful lever where extensions are agreed.

IF WE WORK WITHOUT A CONTRACT, CAN THE COMPANY CHANGE OUR PAY, OUR BENEFITS, OR OUR RIGHTS ON THE JOB?

Generally, no. By law, when a contract ends KP cannot make any unilateral changes to terms and conditions of employment without negotiating those changes with our union. The “terms and conditions of employment” are the terms of the old contract and the parties’ past practices. The exceptions to this rule are the no-strike/no-lockout and arbitration provisions of the contract.

CAN I BE FIRED FOR PARTICIPATING IN A STRIKE?

No. Your right to strike is protected by law, so it would be illegal for KP to fire you for simply participating in a strike. You can, however, be disciplined or discharged for engaging in misconduct on a picket line including violence, threats of violence, or property destruction. Misconduct on the picket line can also lead to an injunction against the union limiting our right to picket. We will establish picket line rules in the event of a strike to protect our rights and our jobs.

CAN KP FIRE PROBATIONARY EMPLOYEES FOR HONORING THE PICKET LINE?

No, the law does not recognize any difference between employees – you are either an employee or you are not. Probationary employees are only probationary under the contract and have the same legal rights as every other employee. The union will not do anything to jeopardize anyone’s job.

