

A warning to healthcare workers: Nurses union ordered to pay \$6 million for strike over COVID protections

Norisa Diaz and Kevin Martinez
29 July 2024

Healthcare workers entering into struggle over low pay, short staffing and abysmal working conditions, including over 7,100 Michigan Medicine workers, should take a warning from the recent court ruling assessing damages against the Service Employees International Union (SEIU) for an “illegal” strike by nurses at HCA Healthcare in California during the early days of the pandemic.

On May 31, the Service Employees International Union 121 RN was ordered by a federal arbitrator to pay \$6.26 million in damages to the for-profit hospital chain HCA Healthcare for holding an “unlawful strike” in June 2020. The nurses were fighting for more staff and personal protective equipment in the midst of the coronavirus pandemic as many of their colleagues fell ill.

According to a news release from the Riverside Community Hospital in Riverside, California, the SEIU was found liable for a May 2023 decision for a 10-day strike that “deprived the hospital of the rights it was due” under a collective bargaining agreement. The ruling sets a dangerous precedent where strikes in certain critical areas of public life and the economy can be declared “illegal.”

In the ruling, the arbitrator will award damages to cover the cost of replacing employees who left their jobs during the strike. The arbitrator also ruled that while the initial reason for the strike, understaffing, was valid under the nurses’ contracts, the issues related to PPE were not. SEIU Local 121 RN stated they would seek to reverse the decision.

The 2020 nurses strike at the Riverside Community Hospital took place at the onset of the global pandemic during the initial wave of mass infections and deaths. Like healthcare workers throughout the world, they were on the front lines of the fight against COVID. At the time, the Intensive Care Units (ICUs) were beyond capacity, with many nurses reporting working up to 13 hours a day with no breaks.

Hospitals in neighboring Los Angeles and throughout the country were also running out of hospital beds to take care of the influx of COVID-19 patients. The haphazard government response to the pandemic greatly exacerbated the situation facing hospitals and while the exact nature of the virus was still not fully understood it was undeniable that nurses and staff faced a greater likelihood of contracting the disease.

However, instead of quarantine measures and increased protections for at-risk workers, Governor Gavin Newsom, taking a lead from the Trump and then Biden administrations, simply asked the public to practice social distancing and wear masks, of any kind and quality. Soon even the most meager mitigation measures would be lessened, and eventually abandoned entirely. To this day, the airborne nature of COVID-19 has never clearly been explained to the public.

At the time of the strike in Riverside County, ICU beds were at 99 percent capacity going into the summer, and rather than prepare for a surge of patients, HCA Healthcare threatened to fire 10 percent of the nurses unless they accepted wage freezes, the end of company contributions to pensions and other cuts. HCA Healthcare also brought in scab workers to replace striking workers, the same scab workers that nurses are being asked to pay for, according to the recent ruling.

At least two workers at Riverside Community Hospital had already died from COVID infections and nurses at 19 of HCA’s hospitals filed complaints with the Occupational Safety and Health Administration (OSHA) for having to reuse gowns and not being given N-95 respirators. The threat to cut hours and reassign nurses to different positions and the resulting increased workloads forced workers into strike action.

While claiming there was no money to be found to assist nurses and provide them more resources, HCA Healthcare was the recipient of approximately \$1 billion in bailout funds from the misnamed “CARES” Act stimulus package. Even before the pandemic, HCA Healthcare was one of the wealthiest hospital systems in the world, with \$51 billion in revenue in 2019, and paying its CEO \$26 million while making \$7 billion in profits over the previous two years.

Workers at the hospitals were prepared to fight for better conditions and pay, but the SEIU, along with all the other corporatist healthcare unions, stood by as thousands of healthcare workers succumbed to the virus, and played its own role in isolating the struggle.

The SEIU had always intended to end the strike after 10 days, whether or not any of the nurses’ demands were met. Furthermore, the walkout was only called at one hospital in Riverside even though Local 121 covered two other HCA hospitals close by. This allowed HCA to bring in scabs and fill vacancies more easily,

bringing in at least 400 nurses from other hospitals during the strike.

Just before the strike, SEIU Local 1000 agreed to an 11 percent pay cut for 96,000 nurses, custodians, and state administrators as demanded by Governor Gavin Newsom.

The HCA Healthcare ruling is part of a wider response by the ruling class to suppress the growth of the class struggle, in which healthcare workers are at the forefront, with 14 of the 33 largest strikes in the US in 2023 involving healthcare workers. The continuing wave of strikes reflects a militant mood among the working class and youth, fueled by genocide, imperialist war, and skyrocketing costs of living. The ruling class, meanwhile, is working to ensure the trade union bureaucracies enforce the “no strike” clauses which are now an integral component of every labor contract.

The past year alone has witnessed strikes of a historic character, including the strike by 85,000 healthcare workers at Kaiser Permanente in October 2023, the largest healthcare struggle in US history conducted across eight states and Washington D.C. It was shut down by the Coalition for Kaiser Permanente Unions (CKPU) with the assistance of the Biden administration’s Labor Secretary, Julie Su, who played a central role in imposing a striking ban on railroad workers in the fall of 2022.

The three-week political strike by tens of thousands of academic workers at the University of California system against the police crackdown against anti-genocide protesters marked the entry of workers directly into the struggle against war and in defense of democratic rights.

The action has sparked a nervous backlash from the ruling class which is working to formally illegalize both the three-week UC strike and all similar actions going forward. Missy Matella, associate vice president of UC Systemwide Employee and Labor Relations said in a statement in late June that “While we are relieved this strike is over, we continue to seek clarity that our no-strike clauses are enforceable and that we can rely on our contracts to provide labor peace through the term of our agreements...”

The WSWWS stressed, “The chief lesson of the University of California strike is that the working class must become the basic force against war.” However, we emphasized that workers must first settle accounts with “the pro-capitalist, pro-war political system and the trade union bureaucracy which defends it.”

As the ruling class seeks to straitjacket workers and illegalize all strike actions with the assistance of the corporatist trade union bureaucracies, the continuing threat of COVID-19 shows that the capitalist elite throughout the globe is willing to accept mass death, and will take little to no measures to prevent future pandemics.

The US is in the midst of an accelerating summer COVID wave and somewhere between 620,000 and 720,000 Americans are being infected each day, or one in 50 to 70 people, and COVID infections have risen nearly four-fold since mid-May. Rather than take any measures to slow the spread of the virus the ruling class instead peddles the lie that COVID-19 is in the past, even as Biden contracts COVID for the third time.

Meanwhile, the spread of the highly pathogenic avian influenza (H5N1 bird flu) virus continues to alarm public health officials. The Colorado Department of Public Health and the Environment

(CDPHE) recently reported that five workers tested positive for H5N1 which they caught while culling thousands of chickens in order to prevent the spread of the virus.

As H5N1 is spreading quickly among poultry and dairy workers, only 61 people have even been tested for the virus since March, according to the CDC, a figure reflecting the overall lack of testing and tracing. H5N1 has a case fatality rate of above 50 percent among humans—roughly 50 times higher than that of COVID-19.

Invoking numerous parallels to the early days of the COVID-19 pandemic by then president Trump, the Biden administration continues to tell the public they have nothing to worry about and insist the outbreaks are “only” among agricultural workers.

It is hard to imagine a worse situation, where a novel virus is overflowing capacity, staff lack proper PPE, and coworkers are succumbing to the virus. Not only is a repeat of 2020 on the horizon if the capitalist profit motive is allowed to continue placing profits before lives, but H5N1 and potentially more deadly viruses are already threatening mankind.

The punitive ruling against nurses for striking in June 2020 is an act of class war aimed at discouraging actions by workers, no matter the provocation. The ruling deems that the rights of the employer and behemoth hospital systems take precedence over the lives and interests of workers.

A campaign must be waged by nurses and healthcare workers across the US and internationally to demand the overturning of this ruling, which is a direct assault on workers everywhere.

As Socialist Equality Party vice presidential candidate Jerry White said in a statement to Michigan medicine workers:

Staffing problems are not an accident. They are a deliberate policy. Hospitals are run as leanly as possible to maximize profit. At the same time, the Biden administration has overseen the dismantling of any COVID-19 public health measures, even as the death toll surpasses 420 a day and more than 1.4 million Americans have perished from the virus. The Democrats and Republicans also claim there is no money for decent living standards and healthcare even as they spend \$1 trillion on war, and the healthcare giants rake in hundreds of billions.

That is why profit must be taken out of medicine. The Socialist Equality Party calls for the establishment of a socialist healthcare system to guarantee free, high-quality healthcare for all. This will only be accomplished through the development of a powerful and politically independent movement of the working class.



To contact the WSWWS and the
Socialist Equality Party visit:

wsws.org/contact