

## Union Activities: Hospital Guilty Of Interference.

A registered nurse who was a union activist was told by hospital management she could not discuss her pro-union point of view at the nurses station because doing so violated the hospital's rule against solicitations in patient care areas.

The nurse filed an unfair labor practices charge with the National Labor Relations Board (NLRB). The NLRB took her side in the controversy and the US Circuit Court of Appeals for the Seventh Circuit upheld the NLRB.

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***The hospital's policy against solicitations is perfectly legal, at least on its face. The policy forbids all solicitations in patient care areas and does not discriminate against or interfere with legitimate union activities.***

***Actual practice was a different story. Nurses got away with promoting all sorts of commercial and charitable causes, that is, things other than union business.***

UNITED STATES COURT OF APPEALS  
SEVENTH CIRCUIT  
March 11, 2008

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Policy or no policy, nurses routinely got away with selling Girl Scout cookies, collecting for the March of Dimes and the United Way, organizing birthday and going-away parties and selling cosmetics and hygiene products not only in break rooms but also in nurses stations, patient rooms, hallways, corridors and even in the ICU.

Singling out union organizing as the only form of solicitation that ran afoul of the hospital's no-solicitation rule was discriminatory and illegal anti-union interference, the court ruled. **St. Margaret Mercy Healthcare v. NLRB**, \_\_ F. 3d. \_\_, 2008 WL 638059 (7th Cir., March 11, 2008).