

Health Care Labor Action Preparation Checklist

September 2023

Labor actions can involve various categories of health care workers, support staff, and vendors. These actions can affect a wide range of health care services and pose a significant threat to patient safety. While ASPR TRACIE does not take any position on the reasons or justification for labor actions, it is important for patient safety and continuity of operations for health care facilities to have a structured plan for these events. Health care emergency planners and human resources (HR) personnel can use this checklist (developed with subject matter experts) to mitigate the effects of strikes and related labor actions on patients and staff. It is not designed to be comprehensive, and there will be many licensure, certifications, legal, and regulatory issues specific to jurisdictions that must also be addressed.

I. Pre-Labor Action Steps

✓ Draft/revise response plan.

- Set overarching command objectives.
- Address adjusting/cancelling special events/meetings during labor actions.
- Identify/address service reduction need(s) based on affected job categories.
- Coordinate planning efforts with corporate/hospital executive staff, HR, security/emergency management, legal, and compliance personnel.
- Begin engaging staffing contractors to sign memorandums of understanding/contracts so they are in place once the union gives notice of a labor action.
- Review after action report(s) from prior events.
- Reach out to other health care facilities that have experienced recent labor protests to gather tips and lessons learned.
- Research related literature, national technical assistance centers, for related lessons learned and templates.
- Determine if past actions were accompanied by violent behavior, sabotage, etc.
 - How were these incidents managed/what lessons were learned?
- Determine which other groups may decline to cross picket lines that would affect hospital operations.
- Verify external contracts – if alternate delivery methods/vendors will need to be used assure they understand where to make deliveries, etc.
- Verify no other solidarity union protests or walk outs are planned.
- Ensure business continuity and recovery components are current and relevant to the pending labor action.
- Determine additional sources of security/escort personnel to assist with patient access if picketing is anticipated.
- Determine whether protests/picketing requires a permit, the conditions of legal picketing/protest actions, and other local and state regulations

- Based on state and local requirements, determine if designated areas for picketers need to be created.
- Determine additional security needs to monitor for vandalism events and in case of unrest
- ✓ **Confirm labor protest details, including:**
 - Dates/time
 - Duration (if specified)
 - Reason for strike/labor action
 - Plans for protests, march(es), other activities
- ✓ **Learn where labor protest(s) may occur.**
 - On campus
 - Off campus
 - Other location(s)
- ✓ **Monitor social and print media for intelligence.**
 - Determine who will monitor and when to start.
 - Develop a way to document, share, and archive information.
 - Determine thresholds for sharing information and with whom (e.g., any potential threats, information about picketing actions).
- ✓ **Identify data points and determine potential impacts.**
 - Likely number of staff affected
 - Other facilities in the area that may be affected
 - Impact on internal operations/work locations
 - Ambulatory site(s) involved
 - Impact on access to facility
- ✓ **Assign health incident management team (HIMT).**
 - Preassign HIMT for A/B shifts for labor action duration.
 - Ensure availability of hospital command center.
 - Set up hospital command center (HCC) day before strike begins.
 - Brief HIMT day before strike.
 - Provide closed-circuit television (CCTV) viewing in the HCC of relevant external and internal areas.
 - Prepare incident action plan (IAP).
- ✓ **Develop plan for rapid response support teams as needed.**
 - Develop support teams/providers for specific affected work areas (in addition to replacement staff) (e.g., “flying squad” nurses and nurse managers to support areas that are not able to effectively manage their workload).
 - Identify and prepare specialty specific teams (e.g., IT/IS, HR, PR/information monitoring, crowd control).
 - Plan for (in-person or virtual) shift handoff from strikers to replacements and vice versa.

- ✓ **Develop internal and external messaging plans.**
 - Determine means to communicate updates with staff via scheduled and unscheduled (i.e., critical) channels and cadence for updates.
 - Provide staff with regular awareness, reassurance, and instructions.
 - Update other campus and community partners on situation/plan.
 - Consider establishing a hotline for patients.
 - Consider establishing a hotline for staff.
 - Develop messaging plan for working with media, to include:
 - Identifying spokesperson(s)
 - Drafting messages that can be tailored during the event and highlight which services may be affected.
- ✓ **Preplan staffing alternatives, such as:**
 - Revisions in shift duration
 - Revisions in staffing patterns (reassigning staff from within the system/facility)
 - Reductions in staffing need by adjusting/reducing services and/or times of delivery
 - Approvals for overtime spending
 - Approvals to boost staffing using supplemental personnel and contractor support
 - Clarify contract cost and commitments.
 - Notify the union of the facility need to adhere to staffing company contracts/timing (e.g., once contract employees start, they may have to be used for a pre-set duration of time regardless of the strike duration).
- ✓ **Prepare for supplemental staffing (keep confidential).**
 - Determine roles staff who are unaffected by the labor action can assume.
 - Determine licensure and certification needs for supplemental staff (this may include need for background checks or special training).
 - Determine how facility credentialing will be handled.
 - Determine staffing supplementation needs, to include:
 - Regular staff (med/surge)
 - Specialty trained staff (e.g., ICU, burn, cardiac, OR, EVS engineers)
 - Other
 - Consider using student/trainee providers (if applicable).
 - Add additional IT support for badging, granting EHR and other system access and providing help desk support when contract employees are used
 - Prepare and provide orientation:
 - General (safety, access to campus, expectations)
 - Unit-specific
 - EHR and systems access and use
 - Other
 - Devise scheduling plan for day/night shifts/weekends.
 - Arrange for badging.

- Arrange access to notification systems as applicable (to ensure supplemental staff are receiving notifications and information).
- Provide computer access and orientation.
- Provide access to controlled areas (if appropriate).
- Set up pharmacy dispensing system permissions (if applicable).
- Determine mentor/supervision requirements for supplemental personnel (including duration of supervision if applicable).
 - Make assignments/assign mentors.
 - Monitor to ensure supplemental staff providing the best possible quality of care.
- Arrange for housing and on/off duty meals as required.
- Arrange for transportation if congregate housing used:
 - Plan for round trips 2-3x/day,
 - Determine if additional security is needed (e.g., escorts for shuttles).
- ✓ **Update security protocols as necessary.**
 - Anticipate potential areas of obstruction/conflict (e.g., main entrances, parking ramp entrance) and determine how escalating behavior including blocking access will be addressed in a stepwise fashion.
 - Plan to post/supplement staff in key locations for visibility, including:
 - On-campus protest site(s)
 - Key internal areas
 - Building entrances
 - Orient staff on role/authority/assignments.
 - Issue any special equipment.
 - Provide crowd control training.
 - Orient supplemental personnel on role/authority/assignment.
 - Ensure clear understanding of use-of-force policies relative to protestors.
 - Assign event-specific vehicle, foot, and other patrol areas (e.g., parking garage, staff entrance).
 - Verify needed CCTVs are operational.
 - Notify local law enforcement of event and collaborate to ensure:
 - Adequate onsite support
 - Communications plan integrated with facility security
 - Standby plans for supplemental support
 - Civil disturbance unit support (e.g., just-in-time crowd control training)
 - Demonstration route coordination
 - Secure any needed crowd or traffic control devices (e.g., barriers, rope cordons, fencing).
 - Ensure the lead officer has bull horn/batteries.
 - Review suspicious package response plan.

- Determine potential areas that may need additional physical protection (e.g., plywood for certain windows).
- ✓ **Monitor work areas for unrest, misinformation, etc.**
 - Conduct regular administrative rounds.
 - Deploy rapid response teams to correct misinformation.
 - Publish updated responses to frequently asked questions to all staff.
 - Provide leaders on units to correct misinformation.
- ✓ **Provide traffic control.**
 - Determine how responsibilities differ between facility/system and local law enforcement.
 - Keep entrance/exits clear.
 - Ensure parking garage(s) entrance/exits monitored and kept clear.
 - Maintain access to loading docks.
 - Keep ambulance entrance/helipad clear.
- ✓ **Address financial planning.**
 - Discuss required information for reimbursement from:
 - Insurance company
 - Risk management
 - Develop cost tracking methodology:
 - Personnel expense reports
 - Non-personnel expense reports
 - Develop system for tracking revenue loss.
 - Set up special account numbers as needed.
 - Orient impacted personnel on expected finance documentation.
- ✓ **Deactivate striking workers' access**
 - Badge access to facility deactivated
 - EHR access deactivated
 - Restrictions from accessing facility and “non-official” apps such as chat and messaging that may be unit specific, vs. led by hospital/health system.

II. Initial Response

- ✓ **Implement response plan.**
 - HCC activated and HIMT in place.
 - Announce to staff along with key telephone numbers.
 - Conduct periodic situation update meetings.
 - Determine liaison/point of contact with city/county (to monitor protest permits and other issues) and local law enforcement.
 - Security enhancements in place:
 - On campus
 - At entrances (including EMS entrance)
 - In parking areas

- Ensure CCTVs are operational.
 - “Spotters” should be rounding to identify any suspicious activity, numbers of picketers, etc.
- Continue to provide group transportation and bring in supplemental staffing through designated location(s).
- Consider additional support needs for on-site staff based on impact (e.g. additional food or sleeping resources on-site)
- Implement business continuity portion of response plan.
- Prepare to implement recovery plan.
- ✓ **Determine number of staff crossing picket line.**
 - Address resource management issues.
 - Notify the negotiation team of number and types of staff crossing.
- ✓ **Register supplemental staff per the plan.**
 - Address onboarding issues through rapid response team use and other support (challenges may be administrative, IT/EHR, clinical).
- ✓ **Monitor supplemental staff integration with regular staff.**
 - Deploy rapid response support teams where needed.
- ✓ **Monitor protest.**
 - Confirm protest restrictions are being adhered to.
 - Monitor for escalating behavior.
 - Implement de-escalation measures according to plan.
 - Implement crowd control/cordons according to plan.
- ✓ **Maintain traffic flow into/out of campus.**
 - Check on garage spaces being used by protesters.
 - Assure EMS access and provide information to EMS dispatch about current conditions as required.
- ✓ **Provide situation update messages to:**
 - Staff
 - Patients
 - Corporate headquarters
 - Campus partners
 - Local law enforcement
 - EMS agencies
 - Community officials
- ✓ **Implement administrator rounding on units.**
- ✓ **Implement social and print media plan.**
- ✓ **Defend physical systems by monitoring:**
 - Engineering vulnerabilities (e.g., plumbing, oxygen)
 - Phones/phone system
 - Information technology/systems
 - Doors for unlawful entry

- ✓ **Address any ambulatory care issues and satellite site issues.**
- ✓ **Rotate leadership team each operational period based on protest timeline,**
 - Provide situational updates at the beginning of each shift.
 - Review IAP for that work period.
 - Collect completed HICS forms.
 - Issue new HICS forms as needed.
 - Ensure needed phone numbers are made available.
 - Replace radio/cell phone batteries as needed.
- ✓ **Gather finance-related data on response cost(s), revenue lost, etc.**
 - Review with HIMT as appropriate.
- ✓ **Monitor negotiations as the situation allows.**

III. Ongoing Response

- ✓ **Continue using response plan to guide actions.**
 - Modify the plan as needed.
 - Ensure HIMT is updated on any changes.
 - Ensure business continuity plan continues to be used and revised as needed.
- ✓ **Continue monitoring staff crossing picket line and coming to work.**
 - Notify negotiation team of any changes.
- ✓ **Continue messaging plan for:**
 - Staff (increase personal communication efforts as practical)
 - Patients/the public (emphasize the facility is safe and capable of meeting their health care needs).
 - Corporate headquarters
 - Campus partners
 - Local law enforcement
 - EMS
 - Community officials
- ✓ **Continue to monitor and address any issues with:**
 - Supplemental staff integration, receptiveness, utilization, effectiveness
 - Facility security
 - Service delivery
 - Vendor deliveries
 - Facility operations including patient access
 - Protest permit/regulation adherence
 - Impact on traffic including EMS
 - Garage space utilization
 - Ambulatory sites

- ✓ **Continue staffing/use of rapid response teams.**
- ✓ **Prepare recovery plan**
- ✓ **Continue/resume contract negotiations.**
 - Provide staff with updates on progress.

IV. Recovery (an agreement has been reached)

- ✓ **Implement recovery plan.**
 - Continue supplemental staffing use/contracts per agreement.
 - Initiate sign out process for supplemental staff.
 - Cancel individual/group IT/IS, pharmacy, security permissions.
 - Restore employee access to facility, systems (e.g. badging, EHR) if suspended during labor action
- ✓ **Message agreement details to:**
 - Patients
 - Corporate headquarters
 - Campus partners
 - Local law enforcement
 - EMS
 - Community officials
- ✓ **Share agreement details with media via:**
 - Email
 - News conference / press release
 - Social media
 - Other
- ✓ **Create messaging /brand advancing campaign to the public and employees (if needed)**
 - Welcome back staff returning to work.
 - Identify ways to reunite everyone as “One Team.”
 - Consult with HR on helpful strategies post labor action.
 - Seek behavioral health support for staff as needed.
 - Solicit and implement team rebuilding ideas.
- ✓ **Finalize financial records.**
 - Calculate revenue loss.
 - Determine personnel expenses (e.g., cost of supplemental staff).
 - Calculate non-personnel expenses (e.g., hotel, transportation).
- ✓ **Conduct after-action analysis and update plans for future events**
- ✓ **Update risk management and insurance company.**
 - Provide them with the required paperwork.

*This ASPR TRACIE resource was developed in collaboration with our subject matter cadre and includes contributions from **Scott Cormier**, Vice President, Emergency Management, EC, & Safety, Medxcel; **Craig DeAtley**, PA-C, Director, Institute for Public Health Emergency Readiness, MedStar Washington Hospital Center; **John Hick**, MD, Hennepin Healthcare, ASPR TRACIE; **Mark Jarrett**, MD, MBA, MS, SVP & Chief Quality Officer, Deputy Chief Medical Officer, Northwell Health, and Professor of Medicine, Zucker School of Medicine at Hofstra/Northwell; and others.*