

The Berkshire Eagle

Unfair labor practices investigated

By Scott Stafford, Berkshire Eagle Staff

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NORTH ADAMS -- The National Labor Relations Board began looking into charges of unfair labor practices at Sweet Brook Nursing Home in Williamstown this week, when it held a hearing in Northern Berkshire District Court.

The hearing took place on Tuesday and Thursday. It will be continued on Nov. 3-5.

A complaint filed by the NLRB cites 13 instances where Sweet Brook employees were discouraged from joining the Service Employees International Union Local 1199. The allegations include the surveillance, coercion and intimidation of employees, as well as interfering and restraining the rights of caregivers.

If the complaints are found to be true, Sweet Brook could be required to post notices to its employees in the nursing home admitting that it violated labor laws.

"It's unfortunate that NBH is continuing to waste precious health care dollars to continue to draw out their legal battles and violate workers' rights and the law in such a flagrant way," said Massachusetts SEIU spokesman Jeff Hall.

The 184-bed Sweet Brook Nursing Home is owned and operated by Northern Berkshire Healthcare.

Early in the union election process, Northern Berkshire Healthcare hired lawyers and filed a complaint alleging that some of Sweet Brook's nurses and nursing assistants should not be allowed to vote because they are supervisory personnel. The NLRB disagreed with that characterization. Some 180 employees are eligible to vote.

Dianne M. Cutillo, spokesperson for Northern Berkshire Healthcare, declined to comment on this week's hearings.

"We don't think it's appropriate to comment on hearings while they're still in process," she said.

The NLRB called off the election to unionize a week before it was scheduled to take place after receiving six complaints of unfair labor practices from employees. The board said there was enough evidence to believe that management had meddled so much in the process that the vote would be unfairly skewed.

Those six complaints allege that management had been threatening employees, discriminating against employees who favored the SEIU, unfairly coercing employees, and spreading fear through unfounded allegations.

A key factor in the employees' complaints is an internal email on March 3 that allegedly signaled management's plan to continue its strategy despite possible violations of labor law.

The email was written by Arthur Scott, Northern Berkshire Healthcare's vice president of human resources, to the company's executive team. In the email, Scott wrote that the NLRB takes a long time to react to complaints.

Because the "potential penalties [are] so minor, I think we should continue with our current practice," the email states.

"This has always been about protecting the quality of care we provide for our residents," said Annette Tatro, a certified nursing assistant at Sweet Brook. "We should be allowed do our jobs at Sweet Brook without being harassed or threatened by management. I'm relieved that the NLRB is taking steps to stop the outrageous behavior of management at Sweet Brook."