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**American Pharmacists Association
House of Delegates – March 22-25, 2024**

NEW BUSINESS

(To be submitted and introduced by Delegates only)

Introduced by: Stephanie Gernant
(Name)

January 22, 2024
(Date)

APhA-APRS & APhA-APPM Delegations
(Organization)

Subject: Collective Bargaining

Motion: To adopt the following policy statement as written and part of the existing 2012, 2009 Collective Bargaining policy

2012, 1999 Collective Bargaining/Unionization

- I. APhA affirms the United Nations' Universal Declaration of Human Rights that collective bargaining is a fundamental human right.

Background:

In October of 2023, pharmacists' (and other health care professionals) right to collectively bargain received public attention following multiple major walkouts which cited steady decreases in pharmacists' working environments as a threat to the profession.¹ Poor working environments contribute to the decrease of pharmacy school applicants and the increase of licensed pharmacists leaving the profession on a national and international level.²⁻⁵ Poor working environments threaten professional unity as professional organizations like APhA must navigate competing interests between members (i.e., working pharmacists) and businesses (i.e., pharmacist-employers). Poor working conditions may also put patients at risk.⁶⁻¹⁰ In addition to causing unquestionable pain, morbidity, and mortality from medication errors, media reports and individual observations of poor and unsafe working conditions mire the public's trust and perception of pharmacy.

APhA has existing policy related to collective bargaining to provide APhA leadership, staff, and members a uniform voice on the subject. This includes the 1999, 1971 Unionization of Pharmacists policy, and 2012, 1999 Collective Bargaining/Unionization policy. These existing policies distinguish

roles that, while APhA the organization does not serve as a collective bargaining unit, APhA supports the right of pharmacists to participate in related organization and negotiate working conditions.

The 1991, 1971 Unionization of Pharmacists policy was initially developed in response to the American Nursing Association's creation of a national nurses' union, and is in line with the policies of other professional health care organizations.¹¹⁻¹³ This policy may be insufficient to define APhA's stance on collective bargaining due to wording which refers to pharmacists' rights to negotiate as individuals rather than pharmacists' rights to negotiate as collective bargaining units or trade unions. Further, this policy is insufficient to define APhA's stance on collective bargaining because it fails to reference other professions aside from pharmacists.

The National Labor Relations Act passed in the United States in 1935 recognizes employees' right to association.¹³ The proposed amendment to existing APhA policy references the United Nations Universal Declaration of Human Rights (UDHR).¹⁴ Proclaimed by the United Nations General Assembly in 1948, the UDHR sets out fundamental human rights to be universally protected as a common standard for all peoples and all nations. Select quotations of the Declaration include¹⁴:

- Article 23(4)- *"Everyone has the right to form and to join trade unions for the protection of his interests."*
- Declaration on Social Progress and Development. Part II, Article 10(a)- *"Social progress and development shall aim ...the following main goals: The assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; ..."*

This proposed policy addresses topics of a) Worker's Rights & Working Environment, b) Stress, Burnout, and Well-being, c) Patient Safety, and d) Collective Bargaining/Unionization/ Unionization of Pharmacists. This policy would target audiences such as pharmacy personnel, health care professionals, employers, government regulators, the media, patients, international sectors and public health organizations.

The final adopted policy, if approved as presented, would read as follows:

2012, 1999 Collective Bargaining/Unionization

1. [APhA affirms the United Nations' Universal Declaration of Human Rights that collective bargaining is a fundamental human right.](#)
2. APhA supports pharmacists' participation in organizations that promote the discretion or professional prerogatives exercised by pharmacists in their practice, including the provision of patient care.
3. APhA supports the rights of pharmacists to negotiate with their respective employers for working conditions that will foster compliance with the standards of patient care as established by the profession. (JAPhA. 39(4) 447; July/August 1999) (Reviewed 2001) (Reviewed 2007) (JAPhA. NS52(4):458; July/August 2012) (Reviewed 2017) (Reviewed 2019) (Reviewed 2020)

Literature to support the need for the proposed policy topic.

1. Le Coz E. 'Pharmageddon' hits US with walkouts at multiple pharmacies, including CVS and Walgreens. <https://www.usatoday.com/story/news/investigations/2023/10/30/phamageddon-walkout-hits-us-pharmacies/71386906007/> October 30, 2023
2. Antrim A. Despite Rapid Growth of Institutions, Pharmacy School Applications Decline. Pharmacy Times. April, 2023; 17(1). Retrieved Oct 2023 from: [https://www.pharmacytimes.com/view/despite-rapid-growth-of-institutions-pharmacy-school-applications-decline]
3. Bonner L. Pharmacists' well-being: Solutions for the short term, plans for the long term. Pharmacy Today. May, 2023; 29 (5):26-30. Retrieved Oct 2023 from: <https://www.pharmacist.com/CEO-Blog/pharmacists-well-being-solutions-for-the-short-term-plans-for-the-long-term>]

4. Clabaugh M, Newlon JL, Illingworth Plake KS. Perceptions of working conditions and safety concerns in community pharmacy. J Am Pharm Assoc (2003). 2021 Nov-Dec;61(6):761-771. doi: 10.1016/j.japh.2021.06.011. Epub 2021 Jun 12. PMID: 34176759.
5. Dilliard R, Hagemeyer NE, Ratliff B, Maloney R. An analysis of pharmacists' workplace patient safety perceptions across practice setting and role characteristics. Explor Res Clin Soc Pharm. 2021;2:100042. Published 2021 Jun 29. doi:10.1016/j.rcsop.2021.100042
6. Gabler E. How Chaos at Chain Pharmacies Is Putting Patients at Risk. New York Times. Jan, 2020. Retrieved Oct, 2023 from: [<https://www.nytimes.com/2020/01/31/health/pharmacists-medication-errors.html>]
7. Associated Press. Pharmacist Shortages and Heavy Workloads Challenge Drugstores Heading Into Their Busy Season. <https://www.usnews.com/news/business/articles/2023-10-07/pharmacist-shortages-and-heavy-workloads-challenge-drugstores-heading-into-their-busy-season> October 7, 2023
8. Kaplan A, Nguyen V, and Godie M. Overworked, understaffed: Pharmacists say industry in crisis puts patient safety at risk. NBC News. March, 2021. Retrieved Oct 2023 from: [<https://www.nbcnews.com/health/health-care/overworked-understaffed-pharmacists-say-industry-crisis-puts-patient-safety-risk-n1261151>]
9. Kaufman M. Pharmacists are burning out. Patients are feeling the effects. <https://www.washingtonpost.com/wellness/2023/03/30/pharmacy-shortages-staffing/> March 30, 2023
10. Robinson J. Nearly three-quarters of pharmacy staff considered leaving profession in the past year, finds RPS survey. The Pharmaceutical Journal. January 2023; 310(796). Retrieved Oct 2023 from: [<https://pharmaceutical-journal.com/article/news/nearly-three-quarters-of-pharmacists-considered-leaving-profession-in-the-past-year-finds-rps-survey>]
11. American Medical Association. ARC Issue brief: Collective bargaining for physicians and physicians-in-training. <https://www.ama-assn.org/system/files/advocacy-issue-brief-physician-unions.pdf> 2023
12. August J. Healthcare Insights: Collective Bargaining and Value for Patients. <https://www.ilr.cornell.edu/scheinman-institute/blog/john-august-healthcare/healthcare-insights-collective-bargaining-and-value-patients> May 2023
13. Hostetter M, Klein S. In Focus: How Unions Act as a Force for Change in Health Care Delivery and Payment <https://www.commonwealthfund.org/publications/2019/mar/focus-how-unions-act-force-change-health-care-delivery-and-payment> March 2019
14. National Labor Relations Board. National Labor Relations Act. <https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act>
15. United Nations General Assembly. General Assembly resolution 217 A. Universal Declaration of Human Rights (UDHR). Paris, France. December, 1948. Available from: [<https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Drafted%20by%20representatives%20with%20different,all%20peoples%20and%20all%20nations>]

Current APhA Policy & Bylaws:

2012, 1999 Collective Bargaining/Unionization

1. APhA supports pharmacists' participation in organizations that promote the discretion or professional prerogatives exercised by pharmacists in their practice, including the provision of patient care.
2. APhA supports the rights of pharmacists to negotiate with their respective employers for working conditions that will foster compliance with the standards of patient care as established by the profession.

(JAPhA. 39(4) 447; July/August 1999) (Reviewed 2001) (Reviewed 2007) (JAPhA. NS52(4):458; July/August 2012) (Reviewed 2017) (Reviewed 2019) (Reviewed 2020)

1999, 1970 Unionization of Pharmacists: State Participation in Employer/Employee Relations

The committee endorses the recommendations in the Provisional Policy Statement on Employment Standards submitted by the Board of Trustees at the special meeting of the House of Delegates in November 1969. The committee recommends that any change in this statement to provide that APhA function as a collective bargaining unit be rejected.

(JAPhA. NS10:353; June 1970) (JAPhA. 39(4):447; July/August 1999) (Reviewed 2001) (Reviewed 2007) (Reviewed 2012) (Reviewed 2017)

1999, 1971 Unionization of Pharmacists

1. The committee recommends that no change be made in the present policy of APhA with regard to becoming a collective bargaining unit.
2. The committee recommends that APhA continue its educational efforts concerning the mutual responsibilities of the employer and employee pharmacist inherent in the employment relationship.
3. The committee recommends that APhA continue to urge state associations to develop employee/employer relations committees to
 - (a) Study all aspects of both the professional and employment relationships that exist between the employer and the employee;
 - (b) Develop and recommend guidelines to provide direction and guidance to both the employed pharmacist and the employer in developing a mutually acceptable relationship;
 - (c) Conduct necessary surveys designed to provide information on salaries, benefits, and specific problems with attention given to possible regional variations in the data obtained; and
 - (d) Consider the establishment of an employment standards committee where feasible in each appropriate area of the state to act in an advisory and/or arbitrating capacity on matters pertaining to employment standards and employment grievances.
4. The committee recommends that colleges of pharmacy include the subject of employer/ employee relations within an appropriate course of the curriculum.

(JAPhA. NS11:273 May 1971) (JAPhA. 39(4):447; July/August 1999) (Reviewed 2001) (Reviewed 2007) (Reviewed 2012) (Reviewed 2017)

****Phone numbers will only be used by the New Business Review Committee in case there are questions for the delegate who submitted the New Business Item content.**

New Business Items are due to the Speaker of the House by **January 22, 2024** (60 days prior to the start of the first House session). Consideration of urgent items can be presented with a suspension of the House Rules at the session where New Business will be acted upon. Please submit New Business Items to the Speaker of the House via email at hod@aphanet.org.