

# Workers organizing at McLean Hospital face staunch resistance

By Katie Johnston Globe Staff  
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Nurse Devin Fratus said mental health specialists in his unit get punched, kicked, and insulted by patients — and make as little as \$18 an hour. CRAIG F. WALKER/GLOBE STAFF/THE BOSTON GLOBE

When executives at McLean Hospital in Belmont found out late last summer that nurses and other clinical staff were seeking to form a union, the leaders of the world-renowned psychiatric hospital launched a full-throated defense.

They hired a California firm charging \$400 an hour, plus expenses, to set up shop on campus and hold meetings to dissuade employees from supporting the effort. They sent out a steady stream of messages about how the union could restrict pay raises and flexibility. They also raised questions about the fate of another group of McLean workers who organized with the same union in June.

A flier posted in mid-October noted that the clinicians should wait to see what happens in those contract negotiations “before signing a union card and exposing yourself to the risks of collective bargaining.”

The pandemic has emboldened employees to stand up for their rights, especially those who’ve been on the front lines for almost two years. And when companies struggling to regain their footing are faced with the higher costs often associated with union labor, some are fighting back with everything they’ve got.

The fact that McLean brought in the Crossroads Group Labor Relations Consultants, a high-profile anti-union firm that has worked on many health care campaigns, is a sign that the hospital is prepared to do whatever it takes to defeat the effort, said John Logan, a San Francisco State University labor professor.

“It’s really like planting a flag saying the union’s not welcome here and we’re going to play hardball in order to keep the union out,” he said.

McLean Hospital, which opened in 1818 as the Asylum for the Insane in Charlestown, is one of the most famous mental health institutions in the country, helping establish a more enlightened approach to treating patients who had previously been kept in jails and poorhouses, according to its [website](#). In 1895, the hospital moved to a 107-acre site in Belmont selected by famed landscape architect Frederick Law Olmsted, where numerous elite patients, including Sylvia Plath and James Taylor, have been treated.

McLean’s golden age may have waned, according to the 2001 book “Gracefully Insane” by Globe columnist Alex Beam, but the Harvard-affiliated hospital is still geared toward the affluent. More than half of its patients have private insurance, a much higher rate than at other private psychiatric hospitals in the state, according to fiscal year 2020 data from the Center for Health Information and Analysis in Boston, and 1.5 percent pay for treatment out of pocket, including programs that cost [thousands of dollars a day](#). Less than 13 percent of its patients are on Medicaid, compared with a nearly 48 percent statewide average.

McLean is part of Mass General Brigham, the state’s biggest and most expensive health care system, and is the busiest psychiatric hospital in the state, generating nearly \$285 million in operating revenues in fiscal 2021 for an overall loss of about \$2.7 million.

In a statement to the Globe, McLean chief of staff Adriana Bobinchock said it is the hospital’s responsibility to give employees all the facts about belonging to a union. Information in the Crossroads education sessions “comes directly from the National Labor Relations Board,” she noted, the federal agency that protects workers’ right to organize.

“Our employees have the right to know and understand their rights so they can make an educated decision about whether to support or oppose union representation in the event of an election,” she said. “We respect and will protect those rights. It is our view, shared by many clinicians, that our patients benefit when care teams can work directly with their managers rather than through an outside third party.”

McLean did not respond to questions about how unions affect patient care. But a [2020 study](#) by the Illinois Economic Policy Institute found that union hospitals were better prepared for the COVID-19 pandemic than nonunion hospitals, with higher staffing levels that allowed registered nurses to provide one to four more hours of care per patient compared to their nonunion counterparts.

When the pandemic started, the number of union elections nationwide dropped, according to filings with the federal labor board, but activity has picked up in recent months — and so has employer resistance. In January, 74 new [union-busting campaigns](#) were identified by LaborLab, a pro-union organization that seeks to expose anti-union activity. Those [efforts](#), documented through federal filings from outside consultants, unfair labor practice charges, and news reports of employers intimidating employees or delaying contracts, mark a 250 percent increase over last January, due in large part to resistance to new union drives at dozens of Starbucks stores across the country, including several in the Boston area.

Efforts to prevent campaigns before they start also appear to be on the rise, according to LaborLab. In January, two days after REI workers at a store in Manhattan filed for a union election, the outdoors retailer's chief executive sent an e-mail to all employees noting the company's opposition to organized labor.

The pressure created by anti-union campaigns is intense, Logan said. Employees are bombarded with “propaganda” and required to sit in high pressure “captive audience” meetings and one-on-one sessions intended to keep them from voting “yes,” he said. Last year, Amazon and Starbucks sank considerable effort and money into trying to stamp out union drives, hiring high-priced consultants and posting anti-union fliers in bathroom stalls. The recent wave of union busting even drove comedian John Oliver to devote a [23-minute segment](#) to it on his HBO show.

Union-avoidance campaigns can go on for months and cost companies millions, Logan said.

“Part of the intention of these consultants is to create this unbearable tension in the workplace and to tell people, ‘This is because of the union, and if the union comes in, this is what it would be like all the time,’ ” he said.

All of this is allowed under the National Labor Relations Act, as is telling workers that the company could shut down if they organize, though [threatening closure is not](#). Illegal actions, which also include harassing or firing employees for union activity, are prevalent, according to a 2019 study by the Economic Policy Institute, which found that US employers were [charged with violations](#) in more than 40 percent of union election campaigns. But there are no penalties for those actions, a fact that the labor movement is trying to change with the [PRO Act](#) legislation, which would also forbid forcing workers to attend anti-union meetings.

Companies spend \$340 million a year on union-avoidance consultants who meet directly with employees, the Economic Policy Institute found. But because fees don't have to be reported for consultants who only meet with management, the figure doesn't reflect the full scope of activity. Logan estimates that three-quarters of companies facing union drives hire anti-union

consultants and lawyers, 543 of which are named on LaborLab's ["union busting industry watchlist."](#)

Efforts to chip away at unions can also take place after one is formed. The National Right to Work Legal Defense Foundation, which provides free legal assistance to employees fighting "forced unionism," is working with nurses at St. Vincent Hospital in Worcester to [decertify the union](#). A group of nurses who crossed the picket line during the recent [nine-month strike](#) at the hospital, many of whom were hired to replace the striking nurses, gathered enough signatures to arrange an NLRB election next month.

Given that only 6 percent of the private-sector workforce is organized, many employers bring in outside counsel because they don't know their rights or how the law works, said Sean Higgins, a research fellow at the Competitive Enterprise Institute, a free-market think tank that supports workers' rights to choose if they want to join a union. "Most employers don't want to have their workforce organized because it drives up their labor costs," he said.

The American Federation of State, County and Municipal Employees Council 93, which on Thursday filed for an NLRB election for more than 600 McLean nurses, mental health specialists, and community residence counselors on the Belmont campus, said the response has been unusually aggressive. Michael Penn and other consultants at the Crossroads Group have apparently been given an office on the Belmont campus since signing a contract in September, said union official John Killoy, and have held more than 100 mandatory small group meetings with clinical staff at all hours of the day, including during orientations for new hires. Workers said that the hospital even allowed Penn to sit at the nurses' station where confidential patient records are kept, which they said violates HIPAA privacy laws.

McLean did not respond to questions about the allegation.

The success of the union campaign by the hospital's research and lab assistants early last summer has driven management to use "backhanded tactics playing both groups off each other," Killoy said.

The research staff has been denied pay raises given to their nonunionized peers — both at McLean and systemwide at Mass General Brigham — because, according to a flier posted on campus in November, "any changes must under law be negotiated with their union."

Killoy said the union has told McLean that it would sign off on raises as long as they're fair and equitable.

Across Mass General Brigham, nurses are organized at a number of hospitals, including Brigham and Women's, but the McLean research employees are the only unionized researchers in the system.

Nora Monahan, a research assistant studying drug abuse and addiction who is on the union bargaining committee, makes \$15.30 an hour, she said — less than what she made scooping ice cream at J.P. Licks. "They're trying to make an example of our union," she said.

The anti-union consultants are having an impact, said Clara Brown, a community residence counselor, who is among the workers organizing. When a colleague's signed union card indicating her support for the campaign was lost in the mail, Brown said, she declined to sign another one because she was worried about retaliation: "People feel that management is watching more now."

They're also up in arms about the \$400 an hour McLean is paying Crossroads, noting that the money could be put toward workers' salaries or patient care. Nurse Devin Fratus said the mental health specialists in his unit, which treats patients with bipolar disorder and schizophrenia, get punched, kicked, and insulted by patients — and make as little as \$18 an hour.

In his meeting with Penn, Fratus said Penn told employees that, "whenever a hospital tries to unionize, patient care suffers." When Fratus asked for data, he said, Penn had none.

Finding out that Penn was once an organizer with the Teamsters didn't help, Fratus said: "It feels akin to somebody who spent their life as a firefighter and then turns around and shows people how to get away with arson."

*Globe staff writer Priyanka Dayal McCluskey contributed to this report.*

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