Can physicians ethically participate in a strike?

Frustrated by a non-functional EHR, drastic pay reductions and serious patient safety concerns, the organized medical staff at an integrated health system are contemplating how to effectuate change. Ongoing negotiations with system management have failed and the medical staff views itself as without options. The medical staff is exploring whether to organize a strike to force concessions from system management. Physicians would be available for emergency treatment, would write refills for existing prescriptions and would be available to consult with nursing staff as needed. Physicians would not be required to participate in the strike, but participating physicians would decline to provide all other non-emergent and elective care. Assuming the strike is legal and wouldn’t violate any contractual terms and the medical staff’s concerns are substantiated, exceptional and dire, is it ethical for physicians to participate in the strike?

NO
Our responsibility is to our patients

As medical professionals, we must question whether or not a strike undermines our Hippocratic oath. Even if physicians can legally strike, we must first fulfill our ethical responsibilities to our patients. We have a unique relationship with our patients that transcends our own personal needs. Although the striking physicians would not intend harm, their inaction would certainly result in harm and upset the public, due to an inevitable delay in critical care. A striking physician group would need to gauge the potential negative response of the general public, who likely would find it unacceptable.

The proposal assumes that every other alternative to a strike has been exhausted, which is a false assumption predicated on the condition of continued employment by a health system. It is a false narrative, even in the current climate of medicine, that physicians are unable to make a living in private practice. There are other ways to garner attention—quit, start your own practice. Or

YES
It may even result in better health care for patients

Some physicians assert that, as professionals, doctors simply cannot go on strike. That is: the tactic of striking is not available to doctors by virtue of their extensive education and prestigious position in society. This view is founded in the misconception that strikes are for laborers and other tradespeople, but not professionals.

However, the existence of labor unions that include airline pilots, nurses, university professors, engineers and pharmacists quickly refutes the notion that professionals cannot form labor unions that, depending on the individual contract language, may strike. Many physicians are surprised to learn that physician unions already exist in our country, such as the Union of American Physicians and Dentists. (Interestingly, physician strikes are relatively rare in the United States but occur more often in many other countries as a tactic to collectively promote health care improvements for both patients and health care workers.)
Under the U.S. National Labor Relations Act, employees—including employed physicians—may collectively bargain over issues of wages, benefits and working conditions. As more physicians are hired as employees of larger hospital or health systems, rather than practicing within traditional independent solo or partnered medical groups, the numbers of physicians eligible for union membership and collective bargaining will continue to swell.

Some contend that physicians who strike violate ethical principles central to the practice of medicine—beneficence and non-maleficence—because patients benefit from physician care and are harmed when physicians withdraw that care during a strike. This overlooks the complex and nuanced medical practice setting in our country today, in which physicians are often employed by larger health care entities and no longer enjoy many of the traditional avenues to advocate for patients and care system improvements. In this emerging health care environment, a strike action by a collective physician group may represent a coordinated and committed effort to address workplace problems that may be “substantiated, exceptional and dire” as described in the scenario. The strike action itself has the potential to result in improved patient care and safety, thereby reducing harm (non-maleficence) and enhancing health (beneficence). In such a scenario, the motivation to strike is altruistic, seeking not only better work conditions for the physicians but also improved care for their patients.

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- **BOOK:** “What Patients Say, What Doctors Hear”
- **AUTHOR:** Danielle Ofri, MD
- **LOCATION:** Online
- **DESCRIPTION:** This book reveals how better communication can lead to better health for everyone.