



# Boston Medical Center v. Committee of Interns and Residents, 330 NLRB 152 (1999)

Topics Covered: Resident Physicians, Unions

## **Outcome: Favorable**

### **Issue**

The issue in this case was whether graduate medical students should be considered employees, with a concomitant right to unionize, under the National Labor Relations Act (NLRA).

### **AMA Interest**

The AMA believes that formal unionization of physicians, including physicians-in-training, should be subject to physicians' overriding duties under the Principles of Medical Ethics, including the obligation to provide access to care.

### **Case Summary**

The Committee of Interns and Residents, a union, sought recognition from the National Labor Relations Board (NLRB) of a right to bargain collectively on behalf of 430 interns, residents, and fellows at Boston Medical Center. Under prior NLRB decisions, graduate medical students were not deemed employees. However, by a split decision, the NLRB overruled its earlier precedent and found that graduate medical students should be considered employees under the NLRA. They should thus be entitled to form a collective bargaining unit, which could include more senior physicians within it as well.

### **AMA Involvement**

The AMA, along with the Massachusetts Medical Society, filed an amicus brief, which advocated that graduate medical students should have the right to negotiate as a group but should not have the right to strike.

Case Brief