

# The VA Employee Fairness Act

Sponsored by **Senator Sherrod Brown**  
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Section 7422 of Title 38 of the U.S. Code limits the collective-bargaining rights of certain Veterans Affairs (VA) clinical professionals, including registered nurses. This section restricts the ability of registered nurses to speak out about poor working conditions and to resolve disputes with management. As a result, the quality of patient care can deteriorate and problems in VA facilities can go unaddressed. The VA Employee Fairness Act would improve patient care in VA hospitals by expanding the collective-bargaining rights of registered nurses and other clinicians employed by the Veterans Health Administration (VHA). The VA Employee Fairness Act passed the House of Representatives in December 2022 with bipartisan support.

## 38 U.S. Code § 7422

- » Added in 1991 to Title 38 of the U.S. Code, Section 7422 allows only certain VA professionals to bargain collectively on all issues — giving them the ability to negotiate, file grievances, and arbitrate disputes over working conditions on all issues.
- » The statute contains broad restrictions to collective-bargaining rights for RNs and other clinical professionals over matters concerning professional conduct or competence (including direct-patient care and clinical competence), peer review, and compensation.
- » This section denies RNs and select other clinical professionals from having equal collective-bargaining rights as other workers in the VA, and nurses in other agencies including the Department of Defense.

## Restrictions on collective bargaining have a negative impact on patient care

Nurses are integral to the frontline of the VA health care system, and have a duty and right to advocate for their patients:

- » Patient advocacy often involves speaking up to management about issues in the hospital that affect patient care.
- » Without full collective-bargaining rights, management can leave VA nurses without resolutions to disputes over workplace issues that endanger patient safety, such as unsafe staffing, insufficient supplies, or assignment of a nurse to a unit without adequate training.

## The VA Employee Fairness Act

- » Repeals provisions from the statute that limit collective-bargaining rights for VA nurses.
- » Provides equal bargaining rights to health care professionals as other federal employees.
- » Gives registered nurses in VA hospitals the tools to speak up for patient safety and care.
- » Will reduce turnover, increase staff levels, and improve patient care for veterans.



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