

A labor lawyer breaks down the complicated relationship between Starbucks and its growing union

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In just four and a half months, Starbucks went from having zero union presence to employees voting to unionize at 32 stores around the country, with dozens of unionization elections occurring weekly. There have been growing tensions between the Starbucks corporation – which has made it clear that direct representation is preferable and that the unions have been disruptive — and union group SBWorkers United.

Chair of McGlinchey's Labor and Employment team **Magdalen Blessey Bickford** (New Orleans) spoke with *Nation's Restaurant News* about the legal complications of the struggle between Starbucks and its unionized employees, including issues of contract negotiation, union busting, unfair labor practices, and union elections.

Interim Starbucks CEO Howard Schultz claims that if he rolls out new benefits for employees, he would not be able to do so for unionized stores without contract negotiation. Is that true?

That is absolutely true. In a unionized facility they have a collective bargaining agreement, also called a CBA. You cannot change the terms and conditions of employment for anything good, bad or indifferent unless you bargain with the union. So, even if you decide I'm going to give every employee a million-dollar bonus, you can't do that unless you bargain with the union. It is not fair to assume that if the employer wants to offer something fantastic, the union will say yes. They may have their own reasons for saying no, even though on its face, it looks like a really positive thing.

So, a union becomes a middleman for all interactions between employer and employee?

If a site is unionized it has its own rules. Sometimes they might be able to create some sort of allegation of unfair labor practices in that scenario by saying 'you're trying to influence a unionized environment by doing this for our non-union people,' but that would be a hard road to fight.

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