

How Starbucks' Supreme Court case could completely change the U.S. labor power balance

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Member **Camille Bryant** (New Orleans) was quoted in a February 7 story in *Nation's Restaurant News* regarding the unfair labor practices case out of Memphis that is currently before the U.S. Supreme Court.

"Unions often seek injunctions to maintain the status quo while an unfair labor practice works its way through the NLRB," Camille Bryant, a labor and employment attorney for McGlinchey Stafford law firm, said. "If Starbucks wins, then it will be more difficult for the NLRB to obtain an injunction from alleged unfair labor practices. The NLRB will have to meet a much more heightened burden of proof, which can be very costly. Based on the costs of prosecution and the risk benefit analysis, the NLRB may elect not to pursue some section 10(j) temporary injunctions if the heightened standard is applied."

If Starbucks loses the case, however, that decision will also have implications for future labor cases brought to court. According to Bryant, it could even affect the growing unionization movement in the U.S. as a whole:

"If Starbucks loses, employees will likely become more emboldened in their right to organize as they will seek immediate protection against any perceived labor violations," she added. "Given the widespread public support of unions over the past several years, an adverse decision may only embolden unionization efforts."

Bryant advises employers to be extra careful when communicating with and responding to unionizing employees at their company, and to take extra steps to "ensure that they are not threatening, interrogating, promising, or spying on employees' activities, and they should have clear rationale for any adverse actions that are taken against employees."

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