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Organizing: NLRB Finds Merit in Charges Minneapolis Starbucks Restricted Rights

88 DLR A-9

Organizing

NLRB Finds Merit in Charges Minneapolis Starbucks Restricted Rights

National Labor Relations Board Region 18 has found merit in 16 charges filed against Starbucks Coffee Co. in Minneapolis under Section 7 of the National Labor Relations Act alleging the employer restricted protected activity rights on behalf of an Industrial Workers of the World union local (*Starbucks Coffee Co.*, N.L.R.B. Reg. Dir., No. 18-CA-18944, *charges filed 4/28/09*).

NLRB Region 18 is in negotiations attempting to reach a possible settlement with Starbucks of charges filed Jan. 7 by an employee of the national coffee store chain, Robert Chester, regional director of the NLRB's Minneapolis office, told BNA May 7.

The charges were filed on behalf of the Industrial Union 660 of the Industrial Workers of the World by Erik Forman, the same Starbucks employee who was reinstated in September under a settlement of unfair labor practice charges alleging an employer violation of NLRA Section 8(a)(1) at a Starbucks store in Minneapolis (195 DLR A-9, 10/8/08). In that previous case, Forman had alleged that he was unlawfully terminated July 10 for concerted protected activities at a Mall of America Starbucks store.

Under that settlement, Starbucks did not admit to any wrongdoing.

The new allegations cite violations of interfering with employees' rights at multiple Starbucks stores in the Twin Cities of Minneapolis and St. Paul, Minn. Among the alleged violations, NLRB charges Starbucks "warned employees against discussing work terms and conditions with coworkers," "communicated impermissible limitations on employee solicitation and distribution," "prohibited employees from entering non-work areas of the Employer's stores," and "disparately enforced a no distribution rule against distribution of literature related to Union/concerted activity."

Settlement Under Negotiations

A traditional settlement of such charges would include a notice to be posted in the workplace stating employee rights under NLRA, Chester said.

If the parties are unable to settle, NLRB would issue a complaint and schedule a hearing, he added.

Tina Smith of Starbucks corporate communications said Starbucks is reviewing a settlement NLRB proposed May 6 to resolve the charges.

Starbucks May 7 issued a statement pointing out that of the charges filed in January, NLRB dismissed allegations relating to discipline. "The remaining allegations relate primarily to enforcement of our solicitation and distribution policies at a handful of stores in Minneapolis," Smith told BNA.

Union Alleges Broad Pattern of Abuse

Forman May 8 told BNA the 16 charges are based on evidence from a broad sampling of events at Starbucks stores in the area, indicating a pattern of violations covering the region.

He said when Starbucks workers visited stores in the Twin Cities to tell co-workers they had formed a union, managers would not allow them to discuss the union over the counter and they would be "kicked out" of the stores.

Also, Forman said Starbucks regional vice manager told workers they could not invite co-workers to union meetings. He equated the invitations to asking a co-worker to his birthday party. "If I don't have the right to invite people to a union meeting while at work, I don't know what the right to organize is," he said.

"If you have the right to discuss baseball or church in the store, you should be able to talk about the union," he told BNA. "They had zero respect for our right to organize."

Forman added that the practices at issue in Minneapolis were similar to those at Starbucks in New York, where National Labor Relations Board administrative law judge found Dec. 19 that Starbucks Corp. violated the rights of employees under the NLRA by restricting activity on behalf of an IWW union local and by firing three workers because of their support for the labor organization (249 DLR A-1, 12/30/08). "We are seeing a national pattern of abuse of union rights," he said.

Forman Reinstated in 2008 Settlement

Last year, Starbucks settled charges Sept. 30 filed by Forman July 1 after the regional office in Minneapolis notified Starbucks that it had found sufficient evidence to support issuing a complaint claiming an employer violation of Section 8(a)(1). Forman had alleged that he was unlawfully terminated July 10 for concerted protected activities at a Mall of America Starbucks store.

The settlement agreement in December also required Starbucks to reinstate Forman and to post a notice at the Mall of America store for 60 days informing employees of the reinstatement and stating employees' union rights.

By Susan R. Hobbs