

United States Senate

WASHINGTON, DC 20510-4504

January 18, 2023

Howard Schultz
Chief Executive Officer
Starbucks Corporation
2401 Utah Avenue South
Seattle, Washington 98134

Dear Mr. Schultz,

I write to express my serious concerns over Starbucks' concerted and relentless campaign against its workers' efforts to organize. The National Labor Relations Act declares it to be the policy of the United States to encourage collective bargaining.¹ Workers have a fundamental right to organize and participate in workplace democracy without fear of employer interference or retaliation.²

Unfortunately and unacceptably, Starbucks has shown a flagrant disregard for those fundamental freedoms and has engaged in a pattern of egregious unlawful behavior. Therefore, I urge you to immediately halt your aggressive and illegal union busting campaign, resolve any existing violations and pending allegations, and negotiate a first contract with workers that is fair and just.

There have been nearly 500 unfair labor practice cases filed against Starbucks and its affiliates. Further, the National Labor Relations Board (NLRB) has issued 69 complaints in response to those charges and has sought emergency preliminary injunctive relief in five additional cases in the Federal courts. These allegations include claims that you personally threatened a worker by saying "If you hate Starbucks so much, why don't you work somewhere else?"³

These violations include discriminatorily discharging more than a dozen union organizers,⁴ attempting to interfere with workers' right to distribute and wear union material,⁵ and refusing to bargain with the union.⁶ Remarkably, Starbucks argued that a preliminary injunction reinstating seven employees allegedly discharged for unionizing their store in Memphis, Tennessee was unnecessary because the union had prevailed in the election anyway.⁷

The recent conclusion by the NLRB's General Counsel that Starbucks unlawfully terminated Jaz Brisack for "the crime" of her courageous and effective union organizing effort in Buffalo is particularly troubling.⁸

Ms. Brisack's dedication to her job and her devotion to improving the working conditions at Starbucks should be rewarded and respected. The Buffalo store where she worked became the first Starbucks location to unionize, and since then, in no small part due to her efforts, the Starbucks organizing wave has spread like wildfire. However, rather than embrace Ms. Brisack's dedication to making Starbucks a better place to work, your company embarked

¹ 29 U.S.C. § 151 (1935).

² 29 U.S.C. § 157.

³ Bloomberg, "Howard Schultz's Comment to Pro-Union Starbucks Worker Was Threat, Labor Board Alleges," Josh Eidelson, Oct. 28, 2022, <https://www.bloomberg.com/news/articles/2022-10-28/starbucks-ceo-comments-to-pro-union-worker-was-threat-nlrb-says?leadSource=verify%20wall>.

⁴ *Starbucks Corp.*, Cases 14-CA-290968 *et al.*, 2022 WL 7506363 (Oct. 12, 2022), *Starbucks Corp.*, Cases 07-CA-292791 *et al.*, 2022 WL 6435891 (Oct. 7, 2022), and *McKinney v. Starbucks Corp.*, No. 2:22-cv-2292-SHL-cgc, 2022 WL 5434206 (W.D. Tenn. 2022).

⁵ *Starbucks Corp.*, Cases 14-CA-290968 *et al.*, and *Starbucks Corp.*, Cases 19-CA-289275 *et al.*, 2022 WL 16709898 (Nov. 3, 2022).

⁶ *Siren Retail Corp. d/b/a Starbucks*, 372 NLRB No. 10 (2022).

⁷ *McKinney*, WL 5434206.

⁸ Bloomberg, "Starbucks Illegally Terminated Union Leader, US Officials Say," Josh Eidelson, Dec. 30, 2022, <https://www.bloomberg.com/news/articles/2022-12-30/starbucks-illegally-terminated-architect-of-union-campaign-us-officials-say?leadSource=verify%20wall>.

on a ruthless union busting campaign that made her working conditions so untenable that she was forced to resign from her position. In response, she filed an unfair labor practice charge, claiming that Starbucks unlawfully discharged her because of her protected concerted activity and last month, the NLRB found merit to her claims and has issued a complaint against Starbucks.

Such egregious violations alone are bad enough, but it is especially alarming that Starbucks went so far as to have the police called in response to a peaceful congregation of workers after they tried to present their request for union recognition⁹ and attempted to interfere with an employee testifying in an NLRB proceeding pursuant to a subpoena.¹⁰ These actions represent a significant escalation from Starbucks' previous union busting tactics including holding captive audience meetings and conducting one-on-one "counseling" sessions to isolate pro-union workers.

Starbucks has continued its delay tactics in pending cases, both before the NLRB and in the Federal courts, as well as in bargaining with the union.¹¹ It has been nearly 400 days since the first Starbucks union was certified by the NLRB, and yet you and your company have refused to bargain a first contract in good faith. Instead, you have approached bargaining sessions with increasingly intense obstacles that include shutting down pro-union stores.¹²

Mr. Schultz, my request to you is simple: Obey the law. Sit down with your workers and bargain in good faith. Agree to a first contract that is fair and just. Stop shutting down pro-union shops and reinstate workers who have been fired for union organizing, including Ms. Brisack. Further, I reiterate my previous request for all relevant material as stated in correspondence dated October 4, 2022, appended below. Please provide these answers and materials no later than February 1, 2023.

This request should not be difficult. Starbucks is a \$122 billion-dollar corporation. In the first nine months of last year, Starbucks made \$3.3 billion in profits and had enough money to provide its outgoing CEO, Kevin Johnson, with a \$60 million golden parachute on top of his 39 percent pay raise. While Starbucks workers have risked their health and well-being to make your company successful during the pandemic, you became \$800 million richer and are now worth \$3.8 billion.

The American people are growing increasingly disgusted with this type of outrageous corporate greed. As a United States Senator, I have zero tolerance for large, profitable corporations that flagrantly violate labor law, treat their workers with contempt, and refuse to bargain in good faith.

I look forward to hearing from you soon.

Sincerely,



BERNARD SANDERS
UNITED STATES SENATOR

⁹ *Starbucks Corp.*, Cases 14-CA-290968 *et al.*

¹⁰ *Starbucks Corp.*, Cases 19-CA-289275 *et al.*

¹¹ Seattle Times, "Starbucks illegally refused to bargain with WA and OR stores, NLRB says," Renata Geraldo, Dec. 28, 2022, <https://www.seattletimes.com/business/starbucks/starbucks-illegally-refused-to-bargain-with-wa-and-or-stores-nlrb-says/>.

¹² CNN, "Starbucks closes location that was the first to unionize in Seattle," Danielle Wiener-Bronner, Nov. 22, 2022, <https://www.cnn.com/2022/11/22/business/starbucks-closure-union/index.html>, Newsweek, "Starbucks to Shut Unionized Store Days before Christmas: 'Cartoon Villains'," Shira Li Bartov, Nov. 18, 2022, <https://www.newsweek.com/starbucks-shut-unionized-store-days-before-christmas-cartoon-villains-1760764>, and Huffington Post, "Starbucks Broke Law By Closing Unionized Store in Ithaca, Labor Officials Say," Dave Jamieson, Nov., 1, 2022, https://www.huffpost.com/entry/starbucks-ithaca-store-closed-union_n_631a197be4b0eac9f4d4c5cb.