

United States Senate

March 14, 2023

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

Dear Mr. Schultz,

As the Senators representing constituents from four unionized New Jersey Starbucks stores who are still waiting to form a first collective bargaining agreement, we urge you to negotiate with Starbucks Workers United (Workers United) in good faith as required by the National Labor Relations Act (NLRA) and swiftly form first contracts with them.

On May 4, 2022, the National Labor Relations Board (NLRB) certified the first New Jersey union at a Starbucks store in Hopewell Township with the employees voting unanimously to form a union.¹ Since then, despite Starbucks' blatant anti-union behavior,² three other stores in the state have voted to unionize. In forming these unions, our constituents have demanded commonsense requests like pay increases for the augmentation of their responsibilities due to the pandemic, higher quality training, more consistent scheduling, health and safety improvements, and the protection of benefits for part-time workers.³ In addition, these constituents have sent representatives to a national bargaining committee where they have developed non-economic proposals, which include non-discrimination policy enhancements to protect employees from harassment and bullying; the creation of a labor-management committee where employees and management can jointly resolve disputes that arise in a cooperative fashion; and seniority rights in union stores.⁴

Whether you agree or disagree with these proposals, the NLRA provides all New Jerseyans the right to bargain in good faith with you as their employer regarding their pay, hours, and workplace conditions. Section 8(a)(5) of the law clearly makes it an unfair labor practice to "refuse to bargain collectively with the representatives of its employees."⁵ And, Section 8(d) of specifically defines the duty to bargain collectively as "the mutual obligation of the employer

¹ <https://patch.com/new-jersey/princeton/mercer-county-starbucks-becomes-first-unionize-nj>

² <https://www.cbsnews.com/news/starbucks-union-workers-nlrb/>

³ <https://sbworkersunited.org/dear-starbucks/new-jersey>

⁴ <https://sbworkersunited.org/noneconomic-proposals>

⁵ <https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act>

and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment...”⁶

Your delay is cause for serious concern. Despite the first store in New Jersey unionizing over 10 months ago, and despite the first store nationwide unionizing over a year ago, your company has yet to form a first contract with our unionized constituents at your stores. We do not expect Starbucks to immediately accept all of the proposals made by the union. However, we urge you to sit down with union representatives in an honest attempt to form a collective bargaining contract in accordance with requirements set forth under the NLRA.

In December 2022, NLRB prosecutors filed a complaint against Starbucks where they accuse the company of not bargaining fairly at 21 stores in the Pacific Northwest. The complaint alleges that the company “failed and refused to provide and/or delayed in providing the Union with dates for an initial first contract bargaining sessions or sessions...despite the Union’s multiple offers of bargaining dates and requests for dates.” It also states that the employer “has failed and refused to meet and bargain with the Union for a first contract.”⁷ This NLRB complaint comes on the heels of a ruling from November 2022 where the NLRB members ruled that Siren Retail Corp., a subsidiary of your company, was illegally refusing to negotiate with the union at the Seattle Roastery restaurant.⁸ We are concerned that similar issues are occurring in New Jersey:

- While the Hopewell Township Starbucks unit was certified on May 4, 2022, it took over six months to hold a first bargaining session on November 29, 2022.
- While the Hamilton Starbucks unit was certified May 10, 2022, it took over six months to hold a first bargaining session six months later on November 30, 2022.
- While the Summit Starbucks unit was certified May 10, 2022, it took over nine months to hold a first bargaining session on February 13, 2023.
- While the Montclair Starbucks unit was certified August 19, 2022, it took nearly six months to hold a first bargaining session on February 14, 2023.

To our knowledge, second bargaining sessions have not occurred at any New Jersey stores. Across the country, Starbucks’ refusal to bargain virtually or in a hybrid format with the union (despite previous virtual negotiations with the union⁹), though of course not required by the NLRA, further shows a pattern of dragging your feet at even barebones efforts to facilitate swift bargaining.¹⁰

While Starbucks has gone to great lengths to present itself as a company that takes care of its employees, going so far as to call employees “partners,” it appears the reality is detached from this brand image. Indeed, just this month, a federal administrative judge ruled that your company had committed “egregious and widespread misconduct demonstrating a general disregard for the

⁶ <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>

⁷ <https://www.nlr.gov/case/19-ca-296424> and <https://www.nlr.gov/case/19-CA-297460>

⁸ <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/starbucks-refusal-to-bargain-complaint-pacific-northwest.aspx>

⁹ <https://sbworkersunited.org/press/starbucks-refuses-to-bargain-over-a-zoom-room>

¹⁰ <https://www.vice.com/en/article/n7z9mx/starbucks-union-negotiations-collapse>

employees' fundamental rights" while seeking to stop unionization in 21 of your Buffalo, NY, area stores.¹¹ This severe union busting occurs at the same time as your company repurchased 1.9 million shares of your common stock in the first fiscal quarter of 2023.¹² These negotiation delays seem to fit an anti-union pattern that are simply unacceptable. As New Jerseyans and Americans, these baristas are entitled to dignity in the workplace. We urge you to stop the unacceptable delay and negotiate with our constituents in good faith.

To this end, we would like to request a written response by March 27, 2023 that explains the most recent actions your company has taken to advance good faith negotiations with the union in New Jersey.

Sincerely,



Robert Menendez
United States Senator



Cory A. Booker
United States Senator

¹¹ <https://www.washingtonpost.com/business/2023/03/01/starbucks-union-ruling-buffalo/>

¹² <https://perfectunion.us/starbucks-resumes-stock-buybacks-schultz/>