## BARNES &



## Will A Starbucks Union Affect Your Morning Cup Of Coffee?

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Many among us can't face the day ahead until they get their morning fix of caffeine, and Starbucks is a popular choice for procuring a morning beverage. While the coffee chain giant has long been known for employee perks and strong employee culture, some baristas in Buffalo, New York, recently formed the first union at a corporate-owned Starbucks store. The employees cited problems associated with understaffing, among other things.

The union's recent election victory means that Starbucks will have to sit down and negotiate in good faith a collective bargaining agreement to cover the terms and conditions of those workers' employment. Depending on the terms negotiated, believe it or not, changes to how and what you can order at a unionized café may be on the horizon.

Labor agreements typically cover wages, insurance benefits, grievance and arbitration procedures, workplace policies, and a host of other issues affecting employment. The employer and union go through negotiations to come to an agreement on specific language on each of the terms and then those terms control. For example, if a company agrees in a collective bargaining agreement that it will have a minimum staffing level for a shift, then a union can file a grievance seeking damages if the employer fails to keep staffing levels at the minimum. In a non-union setting, this typically is not a concern due to the absence of a grievance and arbitration procedure.

One item that could be of interest to coffee drinkers if it comes up in

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Labor and Employment Labor Relations National Labor Relations Board (NLRB) negotiations is limits on coffee orders. Baristas in Buffalo cited burnout from extensive mobile orders that allow customers to preorder and then pick up drinks and food at the café. The workers believed the volume was too much to keep up with. Custom orders – such as a latte with non-fat milk, two pumps of vanilla, one pump of mocha, and exactly two ice cubes – have been a point of frustration for baristas as well. The union may propose limits on the number of mobile orders a barista can be required to accept per hour and additional limits on the amount of specialty modifications that can be made to a drink. In other words, you may not be able to place a mobile order at the time you want or get all the customizations you desire if ordering from a location restricted by such an agreement. That doesn't mean Starbucks needs to (or will) agree to those proposals, but based on the employee complaints we've seen, it's likely to be an issue at the table – so it's possible such a provision could make its way into a labor agreement.

We're now seeing more union petitions being filed at Starbucks stores around the country, including in Chicago and Boston. To the extent we see a national wave of Starbucks cafés getting unionized, your morning cup of coffee may look different in 2022 and beyond.