

Starbucks Emails Describe Efforts to Stop Unionization

By KRIS MAHER

January 9, 2008 9:21 p.m.

A series of emails by [Starbucks](#) Corp. managers sheds light on the company's efforts to thwart union organizing among its baristas.

The emails, which are part of a labor-dispute proceeding in New York and were reviewed by The Wall Street Journal, open a rare window onto the company's labor relations practices. Labor experts not involved with the case said the activity is not illegal. But the emails could prove embarrassing because they show managers using various methods to identify pro-union employees.

The Industrial Workers of the World, or IWW, has been trying to organize workers at Starbucks since 2004 and has been able to organize only several dozen at a handful of stores in New York and a few other cities.

According to several emails, in early 2006, Starbucks managers discovered that two pro-union employees in New York were graduates of a Cornell University labor program. According to an email, managers took the names of graduates from an online Cornell discussion group and the school's Web site and cross-checked them with employee lists nationwide. They found that three employees in California, Michigan and Illinois were graduates of the program and recommended that local managers be informed.

The emails are exhibits in a pending case before an administrative law judge in New York. Brandon Borrman, a Starbucks spokesman, said most of the documents relate to issues that were already settled in a separate agreement with the National Labor Relations Board, in which the company didn't admit any wrongdoing. He said the claims in that case were baseless but declined to comment on specifics, and said disclosure of the documents violates a confidentiality order.

Referring to Starbucks employees as partners, he said: "We honor the free choices of partners, and we strictly comply with labor laws, including those for organizing activities. It is unfortunate that a small group of activists continues to misrepresent itself as speaking on behalf of more than 150,000 partners world-wide when it does not."

In the pending NLRB case in New York, the IWW has accused Starbucks of committing about 30 labor law violations during 2005 and 2006. The union argues that the company's effort to identify union supporters was part of a broader campaign of unlawful activity, and it argues that the company discharged three employees because they supported the union.

"What possible nondiscriminatory reason could Starbucks come up with to scrutinize Cornell graduates working at the company?" said Daniel Gross, a former barista in New York. He alleges that he was fired in August 2006 because he is a union activist, and his termination is a subject of the pending NLRB case.

Workers at Starbucks often have higher pay and better benefits than typical part-time food-service employees. Starbucks in 2006 said its New York baristas typically start at about \$8.75 an hour. According to the Department of Labor, the group that includes counter attendants, cafeteria workers, food-concession workers and coffee-shop workers had a median wage of \$7.76 that same year.

The company emails show that managers have been fighting the union since 2004. "Below is a summary of the recent developments in New York City regarding our attempts to thwart a potential union situation," begins an email dated Oct. 29, 2004 by a Starbucks New York regional official.

In subsequent emails, managers identify whether an employee is an "IWW supporter" and discuss when pro-union employees will be reviewed and those that are "at risk" of being terminated.

Taking action against an employee based on union sympathies, such as firing an employee or directly asking if they support the union, would be illegal, said Chuck Cohen, a former member of the National Labor Relations Board and a partner at Morgan Lewis & Bockius in Washington. But "employers speculating about individual union sympathies is not unlawful," he said.

Several times, managers expressed concern that emails could turn up in a legal case. On May 13, 2005, a manager warned: "Also, not to sound too 007 here but I am going to ask that we delete these messages after reading and stick to verbal conversations as none of this is protected under attorney client privilege and is subject to full disclosure."

In an email the prior day, the manager suggested that managers avoid "any specific language around 'union avoidance,'" and added, "It's semantics but we really wan [sic] to avoid any wording that suggests we engaged in counter union activity."

In other emails, managers discuss employee relationships to discern their union preferences. In one case, managers sought information about a Halloween party employees attended, and noted that a discussion about the union between two employees ended in part because they "were attracted to each other and this became the focus of their evening."

Write to Kris Maher at kris.maher@wsj.com