

NLRB Pursues 10(j) Injunction and Bargaining Order Against Starbucks Based on Conduct In Union Organizing Campaign

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On June 21, 2022, the National Labor Relations Board (“NLRB”) issued a [press release](#) indicating that the Regional Director of Region 3 requested injunctive relief from a United States District Court on behalf of seven former Starbucks employees in Buffalo, New York after the employees were allegedly fired for engaging in unionizing activities. This petition comes on the heels of an initiative issued by the General Counsel (“GC”) of the National Labor Relations Board (“NLRB”), Jennifer Abruzzo, in February of 2022, which we previously discussed [here](#), to increase the use of injunctive relief under Section 10(j) of the National Labor Relations Act (“NLRA”) during organizing campaigns.

According to the Region 3 Regional Director, Starbucks engaged in an antiunion campaign after learning about organizing efforts among employees and allegedly terminated seven employees involved in the union’s campaign. The Regional Director argued that the 10(j) injunction would allow these employees to return to work while the parties resolved organization efforts. In addition to the 10(j) injunction, the Regional Director also requested a *Gissel* bargaining order for the Buffalo employees and a broad nationwide cease-and-desist order that would be applicable to all Starbucks facilities in the United States. A *Gissel* bargaining order would essentially force Starbucks to bargain with the union instead of conducting a rerun election. The Regional Director claimed that such order would be warranted since “traditional Board remedies will be unable to restore ‘laboratory conditions’ to enable the NLRB to conduct a free and fair rerun election.”

These extraordinary remedies sought by the Region 3 Regional Director are proof that GC Abruzzo's initiatives and advice memorandums are being fully embraced by Regional Directors around the country. With union representation petitions up by 57% in the first half of fiscal year 2022 (as we previously discussed [here](#)), we can expect to see an increase of Regional Directors seeking 10(j) injunctions and bargaining orders based on the spike in new unionization efforts.

We will continue to monitor these developments and will keep you informed as to any new updates in this developing story.

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