

## Fast Food restaurants Should Expect More Union Harassment

Insights

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I question whether the union's strategy of publicly embarrassing restaurants in front of customers will bring in members, but it is clear that unions are going to increase their public attacks. So I was not surprised to read the following headline on CNN Money Today, "Fast Food Workers Strikes Planned In 150 Cities." You may recall that beginning in 2012, union driven protests demanding a "living wage" occurred in approximately 100 cities, including Boston, Chicago, Denver, Houston, Los Angeles and Memphis. A number of states and cities have since raised the minimum wage for all employers or for employers who do business with the government. However, the protest's ultimate goal is to sign up union members and organize fast food restaurants.

For various reasons, including high employee turnover, fast food restaurants have been difficult to organize. However, a group of unions believe that they are making progress. In addition to the highly public and embarrassing protests, various groups have filed OSHA safety complaints, wage-hour actions, and allegations of systematic wage theft. These class actions are costly to defend against.

In most cases, restaurant owners enjoy property rights that allow them to limit protest activities to public sidewalks. However, a number of California laws allow unions and their affiliate organizations to aggressively handbill in parking lots, around doors, and near drive through's. Some Teamsters locals increasingly handbill restaurants and grocery stores who buy products from food processors or distributors whose workers the union seeks to organize. One disturbing union tactic is to

research the voluminous health inspection reports of a restaurant concept's hundreds of stores in an effort to find evidence of cockroaches, rodents or other violations. Instead of emphasizing that the hand billing is due to an underlying distribute with your restaurant's supplier, the embarrassing handbills make broad claims about the alleged unsanitary habits of the unfortunate restaurant chain.

Fast food restaurant concepts and their franchisees would do well to prepare for the increased frequency and viciousness of organizing efforts. First, these employers should review their work practices and seek to stay ahead of union pitches. Second, employers should audit and ensure strict compliance with OSHA standards and the host of food safety and security requirements. Finally, most restaurants are tightly staffed and may not have management available on all shifts who are equipped to respond to sophisticated hand billing, picketing, and other embarrassing actions. Employers should implement quick-response teams and provide some level of training to all supervisors.

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