

GREAT RESULT IN THE RALPH & KACOO'S ELECTION: WHAT DOES IT MEAN FOR THE FUTURE?

Insights
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As many hospitality employers already know, recently a small, newly formed, independent union (the National Alliance of Bartenders, Servers and Related Trades, Local 1) tried to unionize the bartenders and servers at Ralph & Kacoo's Baton Rouge location. The organizer was an ex-bartender named Kenneth Fails, who had been fired earlier.

Obtaining signatures from a significant number of restaurant employees, the union petitioned the National Labor Relations Board to hold a secret ballot election where employees could vote on whether they wanted to be represented by the new union, or remain union-free.

The election was held last Friday, and when the votes were counted the result was 25-2 in favor of remaining union-free. In other words, only two employees voted "yes" to unionization, while 25 voted "no."

This is a significant win for the company, and shows the value of letting employees know the facts about unions: what they can and cannot do, how bargaining really works, and the value to employees' job security of remaining union free.

But does it mean the recent concern about unions is over? By no means! There are many larger and more sophisticated unions out there including the Hotel and Restaurant Employees Union (HERE) and the Restaurant Opportunities Center of New Orleans (ROC-NOLA) which have many more resources and a lot more experience at elections than the fledgling Bartenders Local 1. ROC-NOLA has been especially

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active in downtown New Orleans and the French Quarter, and may soon branch out into other areas.

The Ralph & Kacoo's victory shows that a vigorous campaign of educating employees on the facts can succeed. But it is far easier to get out your pro-employee message early, before union organizers can get a foothold in your establishment. Training managers about what they can and cannot say on the union issue, reviewing your policies to make sure they are effective and legally compliant, and auditing your wage/hour practices, all can help "union-proof" your restaurant.

For more information or if you have any questions, contact any attorney in the New Orleans office of Fisher Phillips at 504.522.3303.

This Legal Alert provides information about a specific recent development. It is not intended to be, nor should it be construed as, legal advice for any particular fact situation.