

Hospitality Update

SEIU Paints A Bull's Eye On Fast Food Industry

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It's common for fast food workers in Canada, Germany, France and Australia to be represented by a union. But in America less than 2% of fast food workers are unionized – and most of them work in stores located on college campuses, in hospitals or in government buildings where labor unions are commonplace. Indeed, until very recently, the conventional wisdom among union leadership was that employees working in freestanding fast food restaurants were simply too short-sighted, too transient, or too timid, to be viable targets for union organizing. Accordingly, even though it promises the possibility of hundreds of thousands of new union members, the fast food industry has gone largely ignored by unions. All of that may soon change.

A Fast-Food First

The sandwich makers and delivery drivers at ten Minneapolis Jimmy John's restaurants recently voted in an NLRB-conducted election to determine whether they would be represented by a union. The election could not have been any closer with the vote splitting right down the middle. Ordinarily a tie NLRB vote is considered an employer victory because it does not show that a majority of the voters want union representation. But following the election, the union filed a slew of objections and unfair labor charges against the company, meaning that the election's ultimate validity and its outcome remain in doubt. Moreover, the closeness of this high profile vote is not likely to go unnoticed for it suggests that fast food workers may be a new, untapped market for union organizers.

Although the Jimmy John's vote may be but a single, isolated election, it and other recent organizing attempts among Starbucks baristas at various locations around the U.S., may also presage coming attractions – especially because one of organized labor's major players, the Service Employees International Union (SEIU) has also turned its attention to fast food employees.

Preview Of Coming Attractions

The SEIU is an innovative and entrepreneurial union with a long history of successfully penetrating low-union density industries and organizing low skill/low paid/low benefited service workers such as janitors, security guards and home healthcare providers. So it came as no real surprise when, in an internal white paper, the SEIU described "fast food" as the "signal industry of the new, low-wage service economy" and devised an "organizing plan . . . to transform the low-wage economy by making the SEIU the dominant union . . . in seeking organizing breakthroughs in the fast food sector."

Under this ambitious plan, the SEIU's stated *long term* goal is to engage workers in low-wage service industries "at a pace and scale not seen under the current laws" and to "raise standards for workers in one or two metro areas," using those new standards "as a platform for broader organizing in the industry."

Speaking in more specific and immediate terms, the union's plan sets a *one year* goal of organizing 15,000 food service employees in Los Angeles County and thousands of additional workers in an east coast market and then to use those organizing successes as a springboard for organizing and bargaining elsewhere.

The SEIU's plan also lays out the strategic blueprint the union will use to accomplish these ambitious aims. These strategies include the following:

- choose metro areas with labor-friendly local political environments (Los Angeles and an east coast market) and favorable workforces;
- initiate a focused organizational experiment in those areas to test the union's theory and bring organizing resources to bear on those limited geographic targets;
- target seven to ten of the largest chains in these areas to keep bargaining manageable and map out geographic clusters where field work can be concentrated;
- build broad-based support for the targeted workers via extensive community outreach and organizing as well as by political work with prominent local elected officials;
- while staying focused on the seven to ten targeted chains, bring workers together across companies within geographic clusters to build a sense of movement and solidarity;
- use activities surrounding the passage of a living-wage ordinance as a vehicle to excite, build momentum, build worker lists, ID potential leaders, and to potentially support collective action; and, of course
- move fast and furious.

Whether, when and how the SEIU makes good on its plan remains to be seen. But the union-free lunch that the fast food industry has long enjoyed may soon be coming to an end. So fast food employers everywhere – and especially those in L.A. and in the northeastern metropolitan areas – would be well advised to get ahead of the curve and to develop and implement systems that minimize their union vulnerabilities, alert them to nascent organizing and allow them to respond to the challenges of union organizing in a lawful and effective manner.