

## Practice Update

# Hospitality Sector: Union Updates 2018-19

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In 2018, labor/management relations developed in sometimes unexpected and surprising ways, making strange bedfellows and pitting former allies against one another. Employees protesting against the actions of their employers is not unusual. However, protests by two groups of Washington, DC, employees were extraordinary. The National Labor Review Board (NLRB) Professionals Association, representing career staff NLRB employees, picketed speeches made by the NLRB Chairman and the NLRB General Counsel. Picketers criticized the NLRB's "systematic attacks on the employees . . . and the agency (NLRB) as a whole." They further expressed concern regarding their upcoming collective bargaining negotiations, which they anticipated would include NLRB management's demands to reduce compensation, benefits and job protections. The second unusual group of protesting employees are represented by the Office of Professional Employees International Union. They picketed their employer, the AFL-CIO, which found itself on the opposite side of the bargaining table—as an employer opposing the concerns of its own employees, such as job security and increased economic benefits.

The amount of union activity in the past year also bucked expectations. Despite a Republican majority in Congress and a Republican president in the White House, union organizing and strike activity increased last year. Unions continued to target jobs

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that cannot be “exported,” such as jobs in the healthcare and hospitality industries. For example, approximately 6,000 employees represented by the UNITE HERE labor union struck more than thirty Chicago hotels and gained pay and benefit increases, including the continuation of health insurance benefits even when employees are laid off during annual cyclical business downtimes. Approximately 7,700 UNITE HERE members struck nationwide.

The number of strikes that included large numbers of employees also rose. In 2017, only seven strikes involved more than one thousand employees each. In 2018, more than 20,000 teachers struck in West Virginia; more than 20,000 teachers struck in Oklahoma; more than 40,000 teachers struck in Arizona; and other large teacher strikes occurred in Colorado, Kentucky and North Carolina. More than 15,000 patient care workers struck University of California medical centers in Los Angeles, San Francisco, San Diego, Davis, and Irvine. These strikes were supported by approximately 24,000 members of other unions who also refusing to work, known as a sympathy strikes. Finally, approximately 20,000 Google employees engaged in a one day strike to bring public attention to their dissatisfaction with the handling of sexual harassment complaints against managers.

Another surprise in the past year were the areas unions focused their activities on. In some cases, strikes or information campaigns turned unions against former allies. UNITE HERE focused attention on “go green” environmental initiatives, such as offering points or enhanced rewards programs to encourage guests to not have their rooms cleaned or linen and towels changed every day. UNITE HERE alleged that these environmental actions resulted in, and were possibly intended to, reduce the number of its members who are housekeepers. That UNITE HERE position is adverse to environmental groups, some of which were allies with unions in corporate campaigns.

UNITE HERE also claimed that the increased use of robots minimizes the work typically performed by its members, including housekeepers, food service employees who prepare and deliver room service meals, laundry services employees, and front desk employees. Additionally, UNITE HERE claimed that the proliferation of Uber and Lyft ride services has caused a reduction in the tips for hailing a taxi cab formerly received by front door employees. GrubHub and Uber Eats meal delivery services have also reduced the work of hotel food service employees who prepare and deliver room service meals.

Looking forward to 2019, we are already seeing the unexpected in labor management relations. The Federal Labor Relations Authority (FLRA) is responsible for enforcing the rights of approximately 2,100,000 non-postal federal government employees to unionize. The Chairwoman recently announced that FLRA will no longer recognize or negotiate with the Union of Authority Employees, which has represented approximately fifty FLRA employees for decades. Ironically, the now un-represented FLRA lawyers are responsible for filing union related legal challenges on behalf of other federal government employees against their federal government agency employees.

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