

Starbucks: Legal bullshit against active work councils

[We are the NGO aktion ./ arbeidsunrecht - an Initiative for democracy in business and enterprise. We are non-profit organisation and committed to decent working conditions. Our actions are often directed against union busting, i.e. the systematical obstruction of unions and works councils by employers. And so it is today.]

We are here to denounce the methods of McDonalds and Starbucks. 144 of the 158 Starbucks branches in Germany are operated by the company "AmRest Coffee Deutschland" according to the "*Federal Association of System Gastronomy*". The company operates on a European level as **Societas Europaea**, SE for short. This is a form of company in the EU, which does not provide the representation of interests by works councils.

There are two active, pro-union works councils at Starbucks in Berlin - they are apparently the last of their kind in Germany. In order to force them to surrender and to replace them with management endorsed ones, Starbucks engages in subtle legal nihilism and brutal union busting. The management plays with the definition of what a "company" is, i.e which works council is responsible for which stores. The Munich Human Resources department at Starbucks constantly alters the layout of the five Berlin districts - often without any geographical logic.

The new structure brings together stores that are far away, and in business terms, that doesn't make sense. It is obvious that the changes have only one objective: after the restructuring, the works councils would have to be dissolved and new elections would take place. Apparently AmRest wants to get rid of the democratically legitimized works councils.

AmRest also relies on legal intimidation and attrition: Michael G, a Berlin works council chairman, has to fend off six attempts at dismissal - including completely unsubstantial constructs that are cobbled together so cheaply that many lawyers would find them too embarrassing.

Rough goof from Starbucks Syndikus Sauer

For example, Starbucks accuses work council chairman Michael G. of a comment that he made on an article of arbeidsunrecht, sent from his private Facebook profile. In it Michael writes: 'There is also a lot to report about working conditions at Starbucks, but surely someone would be sour if that were to happen'. The company's authorized signatory and lawyer, **Alexander Sauer**, saw in the adjective "sour" an allusion to himself and constructed a reason for dismissal - because of an

alleged violation of honor. Oops! From a legal point of view, the maneuver can at best be seen as a harassment. That this legal bullshit is even tried in court is a mockery of the rule of law.

You must say you to me!

Elsewhere, management tries to fire the works council chairman because he addresses his superiors by last name. In a previous warning it states, that he was instructed to use their first names.

An allegedly friendly tone is employed to hide the tough union busting methods of the company. Rules of conduct of this kind cannot in fact be issued unilaterally by the employer; for good reason they are subject to co-determination by the works council.

Those responsible, Alexander Sauer and his colleague Joana Johannsen, are unlikely to assume that these constructs will stand up to a labor court. Their repeated attacks are designed to systematically wear down an active trade unionist.

We demand:

**Leave Michael alone! Steer clear of active works councils!
Prevent union busting - strengthen works council!**