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**Testimony of Mary Kay Henry, International President of the  
Service Employees International Union (SEIU),  
Health, Education, Labor & Pensions (HELP)  
Committee, U.S. Senate  
“Defending the Right of Workers to Organize Unions Free from  
Illegal Corporate Union-Busting”  
March 8, 2023**

Good morning and thank you to members of the Committee. I’m honored to be here today as the International President of the Service Employees International Union, representing more than two million workers across the service and care sectors.

Thank you, Chairman Sanders and Ranking Member Cassidy, for holding this hearing today.

It’s an urgent and timely topic because, to be frank, the deck is stacked against working families across the nation.

**Working people are united – standing up in historic numbers, striking and organizing their unions.**

They’re demanding that elected leaders – including members of this Committee – take action to build an economy that works for all of us, not just billionaires and corporate executives.

I’ll give you some examples today of just how rigged the rules are for people working across every sector of our economy:

Crystal Orozco, a California fast-food worker who has been in the industry for 15 years, is one of the first people who comes to mind when I think of how the COVID-19 pandemic unearthed many of the problems in our system.

When Crystal demanded COVID safety protections for herself and her co-workers, her managers threatened to cut her hours.<sup>1</sup>

When Crystal and her co-workers began to organize their workplace, they faced intimidation and opposition from their employer.

When Crystal and her co-workers won a historic seat at the table for half a million California workers, fast-food corporations pooled their

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<sup>1</sup> *Vanmel Inc. d/b/a Jack in the Box*, Case 20-CA-284557.

resources to put a landmark state labor law<sup>2</sup> on hold and potentially overturn it.<sup>3</sup>

Sadly, this is just one of many examples of what we mean when we say the system is rigged against workers.

Because Crystal's experience is all too common among SEIU members, leaders in the Fight for \$15 and a Union, partners with Starbucks Workers United, and all across the economy.

That's why working people like Francis Hall of Crosby, MN are demanding a voice on the job through unions, and why they're calling on all of you on this Committee to reimagine an economy that works for all of us – not just billionaires and corporate executives.

Francis, a homecare worker and union leader with SEIU Healthcare Minnesota, is another example of how working people aren't taking no for an answer. When she's not providing critical care to her clients, Francis has been actively talking to other homecare workers about the importance of organizing. She says, "I'm fortunate to be part of a union and want all workers, including all homecare workers, to be able to join a union as well."

They're coming up with new, creative, bold ways to organize together across industries, sectors and geographies because they know the only way to counter corporate control is through collective worker power.

And it's not just one or two industries in which workers are pushing the envelope and coming up with solutions to build power together – it's spreading like wildfire:

- **Fast-food workers in California fought** and won the FAST Recovery Act<sup>4</sup> to give more than 500,000 workers a seat at the table to improve their wages and working conditions.

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<sup>2</sup> See Fast Food Accountability and Standards Recovery Act, 2022 Cal. Legis. Serv. Ch. 246 (A.B. 257) (WEST).

<sup>3</sup> See, e.g., Suhauna Hussein, 'I feel duped': Inside the fast-food industry's push to dismantle a new California labor law, L.A. Times, Feb. 2, 2023 available at <https://www.latimes.com/business/story/2023-02-02/inside-fast-foods-push-against-california-ab-257-higher-minimum-wages>.

<sup>4</sup> Fast Food Accountability and Standards Recovery Act, 2022 Cal. Legis. Serv. Ch. 246 (A.B. 257) (WEST).

- **Baristas at over 300 Starbucks stores, including Kathryn Howard of Salt Lake City, Utah** came together to win their unions and are demanding Starbucks meet them at a national table.
- **Airport service workers, like Morgani Brown of Charlotte, NC**, are demanding that every job within our publicly-funded airport system is a good one that supports families as airlines rake in record profits from consumers and take billions of our tax dollars.<sup>5</sup> They have a champion in Senator Markey leading on the Good Jobs for Good Airports Act.<sup>6</sup>
- **Service and care workers in the South** started the Union of Southern Service Workers to organize across industries around common problems they face, rejecting a legacy of systemic racism.
- **Home care providers in California** are done with a piecemeal approach, they're calling for statewide bargaining for half-a-million care workers. Home care workers across the country have a champion in Senator Casey with the Better Care Better Jobs Act.<sup>7</sup>
- It's spreading to **child care workers across the country**, who have a champion in Senator Murray with the Child Care for Working Families Act.<sup>8</sup>

Working people are driving forward solutions that support workers and their families across entire industries and across wide geographies.

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<sup>5</sup> U.S. Department of the Treasury: Airline and National Security Relief Programs. Accessed March 3, 2023. <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-american-industry/airline-and-national-security-relief-programs>. See also Patrick Burns, Halil Toros, and Daniel Flaming, "Flying Right: Giving U.S. Airport Workers a Lift" (Los Angeles: Economic Roundtable, 2017), available at [https://economicrt.org/wp-content/uploads/2017/06/Flying\\_Right\\_2017.pdf](https://economicrt.org/wp-content/uploads/2017/06/Flying_Right_2017.pdf).

<sup>6</sup> Good Jobs for Good Airports Act, S.4419, 117th Cong. (2nd Sess. 2022).

<sup>7</sup> Better Care Better Jobs Act, S.100, 118th Cong. (1st Sess. 2023).

<sup>8</sup> Child Care for Working Families Act, S.1360, 117th Cong. (1st Sess. 2021).

This is happening as public support for workers and their unions is at a 57-year high.<sup>9</sup> NLRB data show union filings were up more than 50% in 2022,<sup>10</sup> and last year saw historic levels of strikes and worker-driven action.

But even so, even with support for workers and their unions at an all-time high, workers are hitting a wall built by and for the wealthy and powerful.

**Corporations have rigged the rules of our economy against working people to maximize their own profits.**

They're pulling out all the stops against the very workers that power their profits.

They're exploiting workers, union-busting, and retaliating against worker organizing.

They're bullying workers, plain and simple. And, often, it's illegal.

Union-busting is big business, and employers like McDonald's, Amazon, American Airlines, HCA Healthcare, and Starbucks are willing to spend hundreds of millions to keep it booming.

Even when workers get creative and organize to make a change, corporations and their lobbyists spend millions to squash the gains workers make.

That's Crystal's story. Immediately after 500,000 fast-food workers won a voice on the job, fast-food corporations bankrolled a deceptive, multi-million-dollar campaign to silence them.<sup>11</sup>

Or just look at Howard Schultz, who has refused to testify before this very committee.

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<sup>9</sup> Megan Brenan, Approval of Labor Unions at Highest Point Since 1965, Gallup, Sept. 2, 2021 available at <https://news.gallup.com/poll/354455/approval-labor-unions-highestpoint-1965.aspx>.

<sup>10</sup> National Labor Relations Board, First Three Quarters' Union Election Petitions Up 58%, Exceeding All FY21 Petitions Filed, July 15, 2022 available at <https://www.nlr.gov/news-outreach/news-story/correction-first-three-quarters-union-election-petitions-up-58-exceeding>.

<sup>11</sup> See, e.g., Suhauna Hussein, 'I feel duped': Inside the fast-food industry's push to dismantle a new California labor law, L.A. Times, Feb. 2, 2023 available at <https://www.latimes.com/business/story/2023-02-02/inside-fast-foods-push-against-california-ab-257-higher-minimum-wages>.

Under Schultz's leadership, Starbucks continues to repeatedly, shamelessly stand in the way of partners who are demanding a voice in their workplace and a strong contract to build a better future for themselves and their families.<sup>12</sup>

Rachel Ybarra and their coworkers organized a store in Seattle, naming erratic scheduling, short staffing, low pay, and disrespect. Theirs became the twelfth union store that Starbucks corporate leadership decided to close after a campaign of anti-union bullying failed to quash workers' organizing.<sup>13</sup>

It's ridiculous that the future for tens of thousands of workers in a company like Starbucks is up to the whims of just one person – Howard Schultz – who continues to oversee a company that breaks the law without sufficient consequence.

It's not just Starbucks.

When workers exercise their right to form a union, they are routinely met with vicious corporate union-busting campaigns. Corporations break the law or strategically refuse to reach a first union contract - without facing any penalties.

Federal labor law still contains racist and sexist exclusions rooted in Jim Crow. We need to write new rules that protect all workers – Black, brown, and white – to ensure we can all thrive.

### **It's time for politicians to heed workers' demands.**

Working people have made meaningful progress under President Biden.

We've won 12 million new jobs – and many of these are union jobs.

We've won higher wages, action on climate, lower prescription drug costs, and more rights for pregnant and postpartum workers.

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<sup>12</sup> See, e.g., Dee-Ann Durbin, Starbucks violated workers' rights 'hundreds of times,' says labor judge, TODAY, Mar. 2, 2023 available at <https://www.today.com/food/news/starbucks-violated-worker-rights-unionization-labor-judge-rcna73078>.

<sup>13</sup> Rachel Ybarra, Starbucks cannot silence us by closing our stores, Seattle Times, Dec. 16, 2022 available at <https://www.seattletimes.com/opinion/starbucks-cannot-silence-us-by-closing-our-stores/>.

**But there's more work to do. Workers are demanding that their elected leaders finish the job by taking up a workers' agenda:**

- Pass a minimum wage of at least \$15.
- Pass legislation that makes it easier for workers to come together in unions and stop corporations from getting in their way — like the PRO Act.<sup>14</sup>
- Pass the Good Jobs for Good Airports Act<sup>15</sup> to ensure that all airport workers are respected, protected and paid living wages.
- Invest in our care economy to ensure care is affordable for working families and care jobs are good, union jobs, by passing the Better Care for Better Jobs Act<sup>16</sup> and the Childcare for Working Families Act,<sup>17</sup> among other measures.
- Pass commonsense immigration reform.
- And substantially increase funding for the federal agencies that protect workers' rights, including the National Labor Relations Board, the Department of Labor, and the Equal Employment Opportunity Commission.

We need leaders who advance the vision of unions for all and hold union-busting corporations accountable.

In turn, working people of all races and backgrounds will back politicians who take action to support their demands.

Their demands are big and bold, and they're necessary to rebalance the scales of our economy.

History shows sometimes the only way to rewrite the rules is through great disruption, militancy, and strikes.

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<sup>14</sup> Protecting the Right to Organize Act, S.567, 118th Cong. (1st Sess. 2023).

<sup>15</sup> Good Jobs for Good Airports Act, S.4419, 117th Cong. (2nd Sess. 2022).

<sup>16</sup> Better Care Better Jobs Act, S.100, 118th Cong. (1st Sess. 2023).

<sup>17</sup> Child Care for Working Families Act, S.1360, 117th Cong. (1st Sess. 2021).

Nothing is off the table because our future – the future of America's working families – is at stake.

We won't stop fighting until we win.