



“Hello. I’m From The Union And I’m Here To Help You.”

By John McLachlan (San Francisco)

This is a message to our clients who have union-free operations. We assume that you operate non-union for a reason, and that you work hard to ensure that you preserve and maintain your non-union status. In case you needed one, here is just one more reason that remaining non-union gives you an edge in managing your operation.

Unions To Conventioneers: “Stay Out If You Know What’s Good For You”

The San Francisco Convention and Visitors Bureau recently expelled Unite Here Local 2 from its membership rolls. Unite Here Local 2 is engaged in a dispute with the major San Francisco hotels and has been working under an expired contract for almost two years. Rather than striking any of the hotels, the union has engaged in periodic limited work stoppages at a number of major properties in San Francisco.

Additionally, the union has obtained the names of conventions and events planning to come to San Francisco and has contacted the meeting and event planners to “warn” them that there could be union job actions if they book events in San Francisco before the hotel has reached an agreement on a contract with the union. Such communications are obviously designed to encourage major events and conventions to go elsewhere; it would be an understatement to suggest that such actions do not promote the Bay Area and its hospitality industry as a desirable location for business conferences and as a tourist destination.

What is the union’s reaction to the economic pain it is inflicting on the employers and the entire San Francisco Bay Region? The union president, Mike Casey, essentially said he didn’t care and planned further boycotts, even though the union’s actions had cost the Bay Area hospitality employers (and union members) \$5.5 million dollars in March, 2010. His conclusion: “Ultimately (the hotels) will settle with us because (our fight) costs them more money. The last thing we’re going to do is let the pressure off the corporations. If anything, we’re escalating. We added another boycott last week.”

The Union Is Not A Reliable Business Partner

Is it possible to be astonished but not surprised? We trust that the union’s statement does not come as a complete shock to any of our clients. This rhetoric and behavior is hardly unique to Local 2. Unions frequently use the stick of employer pain and loss to achieve their ends. Focusing on the carrot, unions also frequently make promises about the increased business that they can obtain for a property if it were to be a union property. We won’t say that unions have never generated business for a



hotel. But we contend that unions have cost employers far more than they have contributed to an employer’s bottom line. And unions are certainly more known for their use of the stick than for the carrot.

Nor are the employers’ bottom lines the only casualty of disputes between unions and employers. These tactics regularly hurt employees as well as the employers. Looking at the San Francisco situation, a property that is only partially full will need much less labor help in terms of servers, maids, bartenders and bell staff than will a property that is enjoying full occupancy. Fewer guests directly translate to lower earnings and fewer employment opportunities for employees. But the union seems unmoved, both by the pain it is causing employers and the injury to its own members.

We present this recent news item from one major American hospitality market merely as a cautionary tale to clients that have determined to build successful hospitality operations on a union-free basis, to remind you how important it is to ensure that you are addressing your employees’ legitimate needs. Constant emphasis on good employee relations forecloses any union’s attempt to capitalize on your mistakes to sell their inferior product – a product which helps neither employees nor the business on which all rely for their economic livelihood.

For more information contact the author at jmclachlan@laborlawyers.com or 415.490.9000.

Drafting A Social-Media Policy That Protects Your Business

By Michael D. Carrouth (Columbia)

Almost every business today relies on the Internet to help improve its operations. Social networking sites are playing an increasingly important role in how companies communicate with their customers and other interested parties. Social networking sites such as Facebook, LinkedIn, and Twitter are rapidly gaining new users.

While these technologies can be helpful, they can also be disruptive in the workplace, and have the potential to hurt a hotel's business. To help limit this risk, companies should take steps to ensure that their employees are properly using social networking sites as they relate to the company. A properly drafted and comprehensive social-media policy can help you manage the potential risk.

What's In Your Policy?

A well-crafted "Blogging and Social Networking" policy should:

- make it clear that online social networking and blogging activities are subject to all of the hotel's policies and procedures, including, for example, the company's policies 1) protecting the confidentiality of company information, 2) safeguarding company property, 3) prohibiting any type of employment discrimination or harassment, and 4) governing use of the hotel's communication and computer systems;

- prohibit employees from disclosing or discussing any of the company's confidential or proprietary information, or any information regarding the hotel's guests or business partners, or details of a particular event, in any online social networking and blogging activities – including even the fact that a particular person is a guest or business partner of the hotel;
- forbid employees from using the name, trademarks, logos, other identifying marks or copyright-protected material of the hotel or its guests in any online social networking and blogging activities;
- ensure that employees do not include their company email address in their personal profiles on social networking sites;
- remind employees who engage in online social networking and blogging activities to remain respectful of the hotel's brand, its employees, its products and services, its guests, its partners, its affiliates, its vendors and suppliers, and even its competitors (and their products and services). Material should not be posted that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful or embarrassing to another person or entity;
- require employees to make it clear in any online social networking and blogging activities that the views and opinions they express about work-related matters are their own, have not been reviewed or approved by their employer, and do not necessarily represent the views and opinions of their employer.

The *Hospitality Update* is a periodic publication of Fisher & Phillips LLP and should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult counsel concerning your own situation and any specific legal questions you may have. Fisher & Phillips LLP lawyers are available for presentations on a wide variety of labor and employment topics.

Office Locations

Atlanta phone 404.231.1400	Houston phone 713.292.0150	Philadelphia phone 610.230.2150
Charlotte phone 704.334.4565	Irvine phone 949.851.2424	Phoenix phone 602.281.3400
Chicago phone 312.346.8061	Kansas City phone 816.842.8770	Portland, ME phone 207.774.6001
Columbia phone 803.255.0000	Las Vegas phone 702.252.3131	Portland, OR phone 503.242.4262
Dallas phone 214.220.9100	Louisville phone 502.561.3990	San Diego phone 858.597.9600
Denver phone 303.218.3650	New Jersey phone 908.516.1050	San Francisco phone 415.490.9000
Fort Lauderdale phone 954.525.4800	New Orleans phone 504.522.3303	Tampa phone 813.769.7500
	Orlando phone 407.541.0888	Washington, DC phone 202.429.3707

www.laborlawyers.com

Fisher & Phillips LLP represents employers nationally in labor, employment, civil rights, employee benefits, and immigration matters

We're interested in your opinion. If you have any suggestions about how we can improve the *Hospitality Update*, let us know by contacting your Fisher & Phillips attorney or email the editor at mmitchell@laborlawyers.com.

See You Online – Or Maybe In Court

As the laws in this area continue to evolve, employers can reasonably expect to face lawsuits either because of their employees' online activities, or for taking adverse employment actions based on what employees say and do online. In the meantime, manage the legal risks presented by employee social-media use by developing and emphasizing to your staff a policy governing online statements that might affect the company. Many of these suggested policies are based on common sense principles – principles that sometimes don't find their way into the virtual world.

For more information contact the author at mcarrouth@laborlawyers.com or 803.255.0000.

Emails And Filters

Many readers of our various publications have requested that we send the issues via email, either instead of or in addition to, a hard copy. We're happy to do that, but lately more and more of our emailed issues are not being received. The problem may be updated spam filters that are either blocking our publications, or consigning them to a "junk" email folder.

If you would like to continue (or begin) receiving our publications via email, please 1) take a moment to let us know, and make sure we have the correct email address for you and anyone else in your company that you would like us to send to, and 2) check your settings to make sure that your computer knows to recognize our publications as acceptable email and not spam.

Be sure your filters are set to accept mailings from communications@laborlawyers.com.