

PATTY MURRAY, WASHINGTON  
ROBERT P. CASEY, JR., PENNSYLVANIA  
TAMMY BALDWIN, WISCONSIN  
CHRISTOPHER MURPHY, CONNECTICUT  
TIM KAINE, VIRGINIA  
MARGARET WOOD HASSAN, NEW HAMPSHIRE  
TINA SMITH, MINNESOTA  
BEN RAY LUJÁN, NEW MEXICO  
JOHN W. HICKENLOOPER, COLORADO  
EDWARD J. MARKEY, MASSACHUSETTS

BILL CASSIDY, LOUISIANA  
RAND PAUL, KENTUCKY  
SUSAN M. COLLINS, MAINE  
LISA MURKOWSKI, ALASKA  
MIKE BRAUN, INDIANA  
ROGER MARSHALL, KANSAS  
MITT ROMNEY, UTAH  
TOMMY TUBERVILLE, ALABAMA  
MARKWAYNE MULLIN, OKLAHOMA  
TED BUDD, NORTH CAROLINA

# United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

WARREN GUNNELS, MAJORITY STAFF DIRECTOR  
AMANDA LINCOLN, REPUBLICAN STAFF DIRECTOR

[www.help.senate.gov](http://www.help.senate.gov)

September 29, 2023

## VIA ELECTRONIC TRANSMISSION

The Honorable Julie Su  
Acting Secretary  
U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, D.C. 20210

Dear Acting Secretary Su:

As the chair of the President's Committee on the International Labour Organization (ILO), you will be charged with providing the official government response to Workers United's complaint alleging interference with organizing and bargaining rights by Starbucks Corporation. I write to remind you that only Congress can change federal labor law.<sup>1</sup>

The letter from Workers United, the trade union associated with the Service Employees International Union (SEIU) and the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), claims that United States labor law does not comply with the standards outlined by the ILO. It further claims that Starbucks Corporation has been able to violate the law because of these alleged gaps. Workers United requests that the United States Government accept an on-the-spot mission to allow all relevant parties to meet regarding the unionization efforts of Starbucks employees.<sup>2</sup> Furthermore, it notes the "stymied" PRO Act in the Senate, claiming the filibuster is to blame for the lack of action.<sup>3</sup> The PRO Act is a partisan effort to shift labor law in favor of unions, and the legislation does not even have unanimous support from Senate Democrats. The Senate Majority Leader has the power to bring the PRO Act to the floor for consideration, however he has not done so. The letter also alleges that United States labor law does not align with Conventions 87 and 98, questions the speed with which the National Labor Relations Board (NLRB) is responding to complaints filed by union organizers, and questions if the remedies provided by the Board are sufficient.<sup>4</sup> It is the role of the Senate to provide advice and consent to all treaties negotiated by the executive branch. As such, both Conventions 87 and 98 need approval from a two-thirds majority vote in the Senate in order to be ratified.

---

<sup>1</sup> Letter from Lynne Fox, Int'l President, Workers United, Mary Kay Henry, Int'l President, SEIU & Elizabeth H. Shuler, President, AFL-CIO, to Gilbert Houngbo, Dir.-Gen., ILO (May 8, 2023) (<https://static1.squarespace.com/static/61195afce6d74d317a220f9f/t/646408b384fb8e4a28e7d0a5/1684277429752/ILO+Starbucks+complaint+filed+May+11.pdf>).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Article 1 of the Constitution makes it clear that changes to federal law can only be enacted by Congress.<sup>5</sup> The American legal system allows for robust investigation of complaints and a system of adjudication that emphasizes due process. The allegations made by Workers United to the ILO are contradictory simply because the National Labor Relations Act is working to protect the rights of all workers. This includes the rights of workers who do not want to join a union. Workers, unions, and employers all have the right to file an unfair labor practice to the NLRB. If parties would like to seek broader changes to labor law, they may petition their elected officials to make such changes through legislation.

Only Congress, duly elected by the American people, can change federal labor law—regardless of the conventions passed by the ILO or any other foreign or international entity. Therefore, I request answers to the following questions, on a question-by-question basis, by **October 13, 2023**:

1. What is the current stage of the special procedures' complaint?
2. Please provide the HELP Committee with the observations on allegations that will be sent to the ILO.
3. Has the ILO requested an “on-the-spot” mission from the United States Government in regards to the allegations made by Workers United?
  - a. If so, has the President’s Committee to the ILO provided a recommendation to the President?
  - b. If so, please provide that recommendation to the HELP Committee.
4. What are the next steps involving the President’s Committee and the ILO?
5. Will Ms. Elizabeth Shuler, President of the AFL-CIO, be required to recuse herself from any discussions or recommendations given that Workers United is a trade union affiliated with the AFL-CIO?

Thank you for your prompt attention to this matter.

Sincerely,



Bill Cassidy, M.D.

Ranking Member

U.S. Senate Committee on Health,  
Education, Labor and Pensions

---

<sup>5</sup> U.S. CONST. art. I, § 3.