

Union Avoidance Consulting in Fast-Food & Retail: A Tactical Dossier

Overview: In recent years major fast-food and retail chains have begun seeing more union drives, and in response many hire professional “union avoidance” consultants to stymie organizing. According to the Economic Policy Institute (EPI), U.S. employers now spend **hundreds of millions per year** on anti-union campaigns – over **\$400 million annually** by some estimates ¹. These consultants promise to keep workplaces “union-free” by coaching managers and running aggressive anti-union drives. Their clients range from small franchises to multinationals (e.g. Amazon, Disney, etc.), and the tactics deployed are often identical whether in a concrete plant or a pizza parlor. (Because of reporting loopholes, actual spending may be much higher than reported ² ¹.)

Major Firms and Consultants: The union-busting field is dominated by a few well-known outfits. For example, **Labor Relations Institute (LRI)** – founded 1978 by attorney Phillip B. Wilson – is widely described as one of the largest U.S. “union avoidance” firms ³. LRI advertises a “Guaranteed Winner Package”: if the union drive is not defeated, the company pays nothing ³. Another prominent name is **Cruz & Associates** (recently reorganized as *Quest Consulting*). Its founder, Luis “Lupe” Cruz, is a former union organizer whose firms have grossed millions advising employers on anti-union strategy ⁴. Cruz’s teams specialize in Latino-dominated worksites – he was described by organizers as a “notorious union buster” targeting immigrant workers ⁵. **Sparta Solutions** is another specialist, offering “union avoidance” services (e.g. Aramark hired Sparta in 2015 for a workforce “vulnerability audit” ⁶). Smaller consultancies include **Balance Incorporated**, **Action Resources**, and **The Burke Group**, all cited in public reports. For instance, one labor analysis found that in 2013 the Aria Hotel (Las Vegas) paid Balance Inc. \$195K and Domino’s Pizza paid Action Resources ~\$167K for anti-union help ⁷. In 2016 Cruz & Associates received over \$600K (e.g. \$150K from Williams-Sonoma) and the Burke Group ~\$153K from Kraft-Heinz for similar work ⁸. (See below for more examples.)

Many traditional management-side *law firms* also play a union-avoidance role. Firms such as Littler Mendelson, Jackson Lewis, Ogletree Deakins and others regularly counsel employers in union fights. For decades Jackson Lewis has run multi-day “union avoidance” seminars (some called “*Union Avoidance War Games*” ⁹) and even published the staple *Winning NLRB Elections* handbook. It calls itself “management’s #1 choice for union avoidance training” ¹⁰. Littler and Ogletree host similar workshops on labor relations. (Individual consultants also include ex-union leaders or HR executives who have crossed over. For example, several drives have been fought by LRI consultants like Amed Santana – who was recorded warning a concrete-plant union drive that “the company could close its ready-mix operations if drivers unionized” ¹¹ – or by Luis “Louie” Alvarez, who posed under aliases as a friendly trainer ¹².)

Tactics and Playbooks: These firms employ a standard arsenal of anti-union tactics. Common elements include:

- **Mandatory “captive audience” meetings:** Consultants often run frequent compulsory sessions for employees (sometimes daily) to deliver anti-union messages. These presentations use scripted slide

decks, videos and handouts stressing the “disadvantages” of unions and quoting high-profile examples of failed union drives ¹³ ¹⁴ . For example, in a cement-plant case managers shut down production so LRI consultants could hold 60–90 minute “vote no” meetings with workers every day, saturating break rooms with anti-union posters ¹³ . (Other campaigns drop branded “Vote No” hats or stickers on union supporters.)

- **Prepared propaganda kits:** Anti-union firms provide turnkey materials – e.g. flyers, videos, customizable slide presentations and “talking points” – tailored to the workplace. In one case, LRI charged \$3,000/day to Buffalo Wild Wings and delivered a full anti-union media kit including customizable slide decks, videos, data charts and literature to distribute ¹⁵ . Similarly, consultants papered a bottling plant with flyers and misinforming posters during an organizing drive ¹⁶ .
- **“Union avoidance” audits and seminars:** Some firms market branded strategies. For example, Sparta Solutions touts “battle-tested methods” and promises to teach managers “advanced techniques for union avoidance” so the company “never goes through a union election again” ⁶ . Jackson Lewis’ union-avoidance seminar (dubbed “War Games”) uses militaristic rhetoric – advising managers to treat unions like a “contagious disease” and to “inoculate” workers against the “union virus” ⁹ . LRI itself published a multi-volume “Union Avoidance” manual for managers. Such trainings (often costing thousands per person) arm supervisors with legal-technical advice and psychological tricks for stifling organizing.
- **Stall-and-Delay tactics:** After a union petition is filed, consultants coach companies on every legal tactic to delay or derail an election or bargaining. This may involve challenging the bargaining unit composition, protracting hearings, or exploiting contract negotiations to push elections off the table ¹⁷ . (Unions and allies say such delays effectively strangle organizing momentum.)
- **Psychological warfare:** Techniques include personalized intimidation (e.g. “one-on-one” coercion by supervisors), positive reinforcement of anti-union employees, and internal spying. Many campaigns encourage a dogged management presence around suspected union sympathizers. In one oil-factory case the foreman of one shift interrogated a pro-union worker about why he wasn’t wearing an anti-union hardhat sticker – overstepping into unlawful coercion – while a consulting team deployed identical group messages to all workers ¹¹ ¹⁸ .
- **Fourth-Quarter/“25th Hour” materials:** To maximize legal leeway, companies sometimes use anti-union videos or memos at the latest possible moment. In the Cemex case, for instance, management recorded “25th-hour” videos – played to small groups just before the election — urging workers to reject the union on pain of a strike ¹⁹ .
- **Spreading disinformation:** Consultants are notorious for false or misleading claims. A common lie is that unionizing will immediately cost workers money. One Chipotle store’s anti-union meeting featured advisors flatly telling employees they’d have to pay dues “for life” even if they quit ²⁰ . In another case the consultant “invented a thousand things,” according to a worker, including a fake union contract that purported to take away earned benefits ¹⁶ . These fabrications are combined with apocalyptic predictions (plant closures, bankruptcy, or offshoring if workers unionize) to sow fear ¹¹ ¹⁴ . The overall goal is to “create a sense of dissension and division” among workers – convincing them that union goals are unrealistic and that “they’re better off letting the employer make all the decisions” ²¹ ¹⁴ .

Psychological & Behavioral Techniques: Union-avoidance campaigns deploy classic psychological strategies:

- **Fear and Threats:** The most potent tool is threatening workers' livelihood. Managers trained by consultants often "*hint*" or explicitly warn that the company may downsize, automate, or close if a union wins. For example, LRI consultant Amed Santana bluntly told cement drivers that their multi-billion-dollar company "*did not need the ready-mix part of its business and could close its ready-mix operations if drivers unionized*" ¹¹ . (Under the NLRA it is *legal* for an employer to predict potential closures, so such threats often skirt the line of illegality.) Union analysts note that these messages repeatedly frame organizing as a risk to jobs, investment and future raises ¹¹ ¹⁴ .
- **Denigration of Organizers:** Campaigns often vilify union advocates as troublemakers or outsiders. In one Amazon warehouse, a company-hired consultant told workers the union drive would fail because the organizers were "**thugs**," emphasizing that voting was "*futile*" ²² . This tactic plays on workers' distrust of "aggressive" union rhetoric, and is accompanied by urging employees to report each other's union activities.
- **Divide-and-Conquer:** Consultants exploit divisions (age, language, immigration status) to undermine solidarity. For instance, bilingual advisors like Lupe Cruz specifically target Latino or immigrant staffs with tailored messaging ²³ ⁵ . One campaign among soda bottlers was directed almost exclusively at Spanish-speaking workers, framing union participation as contrary to their cultural values ²³ ⁵ . In general, unionbusters emphasize identity differences to create "wedge" issues – e.g. suggesting that unions serve only veteran workers and not newer hires – thus reducing the cohesion of the organizing group.
- **Pressure and Isolation:** Workers who show interest in unions may be singled out. Tactics include segregating pro-union employees into smaller meetings where they face two or more managers, or assigning them "Vote No" stickers and telling others to avoid them. In the Kumho (tire) campaign studied by EPI, each worker was repeatedly cornered by supervisors asking "*How you gonna vote, man? You gotta vote no!*" – creating an atmosphere where a yes-vote was suppressed by fear ²⁴ . These tactics often exploit newer or nonunion workers (e.g. temps) to apply peer pressure: temporary employees, lacking legal protection, frequently don "Vote No" shirts so that full-timers appear to oppose the union, discouraging dissent ²⁵ .
- **Economic Guilt/Plea:** Another approach is to frame the union as greedy or unnecessary. Consultants may praise a company's pay and benefits while ominously warning that a union negotiation "*could force [those] benefits to disappear*". In one case a consultant tried convincing minimum-wage workers that "*they don't need any more*" pay than they already have ²⁶ . In essence, workers are told the union will take away their hard-earned gains and cost them money (e.g. citing dues or negotiated wage cuts). This plays to workers' immediate self-interest and prompts them to question the value of forming a union.

Case Studies (Fast Food/Retail): Publicly documented examples illustrate these methods in action:

- **Dollar General (Barkhamsted, CT, 2022):** After a small union drive at a rural Dollar General, the company hired LRI to run its anti-union campaign. Employees reported daily mandatory meetings and one-on-ones in which consultants and managers "bad-mouthed" unions and insisted workers

were being deceived ²⁷ . Workers felt constantly monitored (“They followed us...right there...they were listening,” one said) and coerced to oppose the union ²⁷ . In this case LRI was paid roughly \$83,500 to oppose just six employees’ union cards ²⁷ .

- **Chipotle (Buffalo, NY, 2023):** When Buffalo-area Chipotle stores filed for NLRB elections, the Teamsters exposed an aggressive anti-union campaign. Mandatory “listening sessions” – actually anti-union talks – were held with small groups of baristas. Teamsters President Sean O’Brien noted that consultants explicitly spread misinformation: e.g. telling workers they’d owe *union dues for life* if the vote passed ²⁰ . (Chipotle, like many firms, does not publicly disclose consultant fees, but labor analysts flagged the “union avoidance” consulting as central to the campaign.)
- **Amy’s Kitchen (Santa Rosa, CA, 2022):** During an ongoing labor fight at the frozen-food plant, Amy’s executives retained a firm called Quest Consulting (founded by Lupe Cruz) to discourage unionization. Workers complained that Cruz and his team roamed the production lines and break rooms distributing anti-union fliers and leading cautionary lectures filled with falsehoods ¹⁶ . One organizer said consultants “papered the plant” with misleading posters and told “*a thousand things*” about how unions would hurt workers ¹⁶ . (Public filings show Cruz’s previous firm grossed up to \$5 million in receipts, highlighting the business scale of such consulting ⁴ .)
- **Buffalo Wild Wings (Nationwide, 2012):** When the Sheet Metal Workers union leafleted B-Dubs, the company hired LRI consultants to quash organizing. Federal filings reveal LRI was paid \$3,000 per consultant per day and provided “ready to launch” anti-union materials and scripted counter-messaging ¹⁵ . This included slide presentations and videos prepared by LRI, enabling local managers to carry out a uniform “*vote no*” campaign with minimal on-site consultant time.
- **Amazon (Staten Island, 2021–22):** In Amazon’s high-profile Staten Island warehouse election, the company spent heavily on consultants (reportedly tens of millions). Among numerous illegal tactics documented by the NLRB was having an anti-union consultant tell workers that the union drive would fail because the organizers were “thugs” and a union would “*never happen here*” ²² . Amazon also promised to fix workers’ grievances if they abandoned the union. The NLRB has since demanded Amazon train all managers and outside consultants on workers’ rights to organize ²⁸ . (In fact, one analysis describes Amazon as “*the nation’s biggest user of external anti-union consultants*,” paying over \$14 million in 2022 alone ²⁹ .)

These examples highlight that even in low-wage sectors, companies routinely invoke high-priced anti-union specialists to disrupt organizing drives at an early stage.

Training for Managers/Franchisees: A key part of these operations is “train the trainer.” Anti-union firms often hold seminars and workshops for supervisors. For instance, Jackson Lewis’ multi-day union-avoidance courses (up to \$1,000+ per attendee) train managers to “inoculate” workers against unions ¹⁰ ⁹ . LRI and others likewise send consultants to educate on-site managers about the legal do’s-and-don’ts of persuasion. In the Cemex campaign, LRI held small-group sessions to teach managers how to stay *just* within legal limits while urging drivers to vote no ³⁰ . Nationwide franchisors (restaurants, retail chains) commonly require store owners to report on union threats and conduct “Labor Relations” training, often using materials supplied by consultants. In short, corporate and franchise leadership are coached to act as the frontline of the anti-union campaign, implementing consultant-designed scripts and tactics on the ground.

Legal and Regulatory Issues: Many anti-union tactics run afoul of labor law, yet enforcement is weak. Labor experts report that in roughly 30% of private-sector union elections, employers are charged with illegal coercion or firing of supporters ³¹. Some high-profile cases illustrate this: in the *Cemex* cement plant election, the NLRB found multiple supervisors and consultants (supplied by LRI) had violated the Act by interrogating pro-union workers and issuing unlawful threats of plant closure ¹¹. Similarly, the Amazon warehouse complaint (now an NLRB case) alleged unlawful surveillance and threats (including the “thugs” remark) by company agents ²². When companies are found violating the NLRA, the usual remedy is an order to cease and desist, post notices, and sometimes rerun the election – rarely significant monetary penalties.

Under the Labor-Management Reporting and Disclosure Act (LMRDA), employers and consultants must file “persuader reports” (Forms LM-10/20) disclosing anti-union contracts and fees. In practice, however, most consulting activity goes unreported by exploiting an “advice” exemption. EPI notes that 71–87% of employers hiring union consultants do not file the reports, because the consultant labels work as mere **advice** ². (The Obama administration’s DOL Persuader Rule sought to close this loophole by redefining reportable activity, but it was blocked in court. The Biden DOL has since reissued a similar rule.) This lack of transparency means much of the consulting industry remains “in the shadows” ².

A number of lawsuits and NLRB decisions have tested boundaries. For example, the 2015 *NLRB v. Exchange Parts* case clarified that mandatory one-on-one anti-union meetings can violate the law. And the Bush-era *Beck* cases limited what union dues must cover, which employers use as anti-union rhetoric (arguing workers shouldn’t fund politics or “outsiders”). On the political front, the union-busting industry has sponsored model labor laws and lobbied against reforms: many management-side attorneys actively support “right to work” laws and oppose bills like the PRO Act (which would ban captive-audience meetings and strengthen penalties). In fact, critics note that the Trump administration even considered nominating a union-avoidance attorney (Doug Seaton) to the NLRB, underscoring how entrenched these interests are ³².

Patterns in Fast-Food/Retail: In fast-food and retail chains (McDonald’s, Starbucks, Walmart, Amazon, etc.), the playbook is consistent:

- **Mandatory Crew Meetings:** Corporate and franchise managers hold “all-hands” meetings advertised as “listening sessions,” but in practice they consist almost entirely of anti-union lectures. For example, a Starbucks manager in New York single-handedly led an hour-long captive meeting to convince one young barista to vote union-opposed, reciting company benefits and warning unions would take them away ³³.
- **Retail Store Closures:** A common threat is that unionization will lead management to close the store or lay off workers. (Chains rarely carry out such promises, but the specter of store shutdown or moving stores out of state is repeatedly invoked.)
- **Props and Incentives:** In a now-famous casino campaign, workers encountered “Vote No” branded steaks on their lunch buffet ³⁴. In another instance, Delta Airlines used posters humorously suggesting flight attendants spend money on video games instead of union dues ³⁴. These stunts signal the lengths companies will go to make anti-union sentiment “fun” or omnipresent.

- **On-Site Surveillance:** Especially in retail stores or restaurants, managers are instructed to watch out for union paraphernalia and to report who reads union flyers. Some companies have trained store security or even law enforcement to monitor union activities.
- **Use of Franchisor/Area Coaches:** Chain headquarters will often send “field coaches” (experienced managers or outside consultants) to travel between stores, especially ones with union petitions. These roving anti-union specialists deliver standardized talks and ensure consistency of message across locations.

Lobbying and Politics: Union avoidance consultants do not operate in a vacuum. They are intertwined with broader political efforts:

- **Regulatory Advocacy:** Trade associations (e.g. National Retail Federation, Restaurant Assoc.) and business coalitions lobby Congress and state legislatures to pass laws favorable to employers, such as rolling back enforcement of labor standards or opposing card-check recognition. Consultants often feed “industry intelligence” to these bodies.
- **Persuader Rule and Disclosure:** The long-running battle over the DOL’s Persuader Rule (expanded in 2023) reflects consultant influence. Business groups challenged stricter disclosure of persuader activity, delaying transparency. Without mandatory reporting, workers often don’t know how much money their employer spent fighting them ² ³⁵.
- **Public Hearings:** In late 2022, a Senate HELP Committee hearing on Starbucks’ union fights prominently cited EPI data on anti-union spending ³⁶. The hearing exposed industry practices to public scrutiny: Witnesses testified that “large corporations spend millions each year just to deter and suppress their workers from forming a union” ³⁶. Such political pressure – and proposed legislation like the Protecting the Right to Organize (PRO) Act – aims to curtail the worst abuses (e.g. by banning captive-audience meetings and increasing penalties).
- **Think Tanks and Legal Advocacy:** Many union avoidance leaders are affiliated with conservative or libertarian legal groups. For example, Seaton (ex-Littler) helped draft model labor policies. Industry-aligned law centers routinely publish whitepapers promoting “flexible labor laws” and train politicians on “right to manage” arguments.
- **Campaign Spending:** Corporate PACs and industry trade groups pour money into elections, often backing candidates who pledge to keep labor laws employer-friendly. While direct ties between consultants and political donations are opaque, the overall ecosystem strongly favors anti-union politicians.

Conclusion: In sum, a handful of dedicated firms and individuals dominate the union-avoidance industry in the U.S. Through costly and sophisticated campaigns, they guide employers in fast food, retail and beyond to thwart organizing. Their methods – from captive-audience meetings and slick propaganda to targeted psychological appeals – blend legal advice with tactical militancy ¹⁴ ²¹. As documented by regulatory filings and press investigations, these consultants routinely deploy large-scale, high-budget programs (with invoices in the tens or hundreds of thousands of dollars for even small union drives ⁷ ³⁷). The result is that many low-wage workers face a steep uphill battle: even when they seek a union, they must first overcome an entire industry committed to preventing collective action.

Sources: Authoritative investigations and filings – including NLRB decisions ³⁰ ¹¹, Economic Policy Institute studies ¹ ², labor journalism ²⁰ ¹⁶ and union organizing reports ²² ¹³ – provide the basis for this dossier. All information is drawn from publicly verifiable research and official records.

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¹³ ²⁴ ²⁵ ³¹ Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining | Economic Policy Institute

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²² ²⁸ Amazon Told Workers Union Organizers Are ‘Thugs,’ Labor Board Investigation Finds

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