



June 29, 2023

VIA EMAIL

Lynne Fox, International President
Workers United, an SEIU Affiliate
22 South 22nd Street
Philadelphia, PA 19103

RE: Workers United's Requests for Information Relating to Starbucks Gender Affirming Care Health Benefits

Dear Ms. Fox,

This responds to your June 26, 2023, letter in which you reiterated your request for information pertaining to alleged “changes in coverage and employee costs for gender affirming healthcare,” and stated your position that Starbucks has an obligation to bargain over the decision and/or effects of any changes to its “gender affirming healthcare.”

As an initial matter, and as noted in my letter dated June 14, 2023, Starbucks reiterates it has not made any change to the same-sex and gender affirming care benefits provided to partners, or other terms and conditions of employment offered to store partners in any certified store that would trigger a decisional or effects bargaining obligation.

With respect to the requests for information included in your May 31, 2023, letter, Starbucks again generally objects to your attempt to request information without identifying the specific bargaining unit for which you request this information. These requests are yet another transparent attempt by you and Workers United to circumvent single-store certifications and to demand “national” bargaining. Starbucks yet again rejects any attempt by Workers United to bargain or request information on a national scale. Single-store bargaining is the structure the Union sought and successfully obtained, and this is the structure that the National Labor Relations Board (NLRB) determined to be “appropriate” for purposes of collective bargaining.

Starbucks further objects to these requests because they seek highly confidential, personally identifiable, and protected health information relating to store-level partners without providing for the appropriate measure of confidentiality. Your requests create the potentially significant risks of identifying any partners who may receive gender-affirming care or the care they have accessed, given the small size of the certified single-store bargaining units you represent. Even if such information could be provided in a de-identified fashion, this information will, as a practical matter, identify partners receiving such care. Thus, if Starbucks were to respond to Worker United’s requests without any confidentiality protections in place, it will lead to potential outing partners utilizing gender-affirming care benefits. This is extremely concerning—and frankly unconscionable for an organization that purports to prioritize the unique needs of the LGBTQIA2+

community—because you have refused to discuss, let alone bargain over, Starbucks confidentiality concerns with respect to the Union’s requests for partners’ confidential information.

The cavalier nature in which you have requested this information—without any response to Starbucks attempts to discuss partners’ confidentiality interests—suggests that you have not considered the extreme sensitivity of a partners’ decision to seek gender-affirming care. Furthermore, it demonstrates your dereliction of duty to protect partners’ confidentiality interests as you attempt to use store-specific gender-affirming care data to advance your smear campaign and further promote fear-mongering amongst LGBTQIA2+ partners. Starbucks remains willing to discuss these confidentiality concerns with you to determine how to protect any information the Company may eventually be able to provide relating to partners who may elect to utilize gender-affirming care benefits.

Moreover, Starbucks objects to each request because they seek information regarding "gender affirming health care" benefits. Additionally, the term "gender affirming health care" is vague, unduly broad and overly burdensome. There is no specific procedure(s) on the list of Current Procedural Terminology (CPT)/Healthcare Common Procedure Coding System (HCPCS) Codes (the "Code List") that is identified as "gender affirming health care." These requests attempt to require Starbucks and its carriers to provide information relating to hundreds of different partners and to guess whether any particular service or procedure is "gender affirming health care" for which the Union is requesting information.

Accordingly, we request that you provide further information regarding your use of this term, so we can meaningfully consider your requests and attempt to respond. Please note that, in attempting to clarify your vague request, the Code List contains descriptions of procedures which could be provided for multiple reasons, including so-called gender-affirming and non-gender affirming reasons. By way of example, a breast reduction procedure could be considered part of a gender-affirming course of care for one partner, but it could also be considered for the removal of cancerous or pre-cancerous breast tissue and for other non-gender affirming reasons for another partner. Further, any one piece of "gender-affirming healthcare" (i.e., facial reconstruction and contouring) could be one of dozens of services provided to a partner on a particular day. If you specifically set out "gender affirming health care" services for which you are requesting information, you should also identify whether these "ancillary services" (i.e., anesthesia for facial reconstruction and contouring) would also be considered part of "gender affirming health care" for which the Union is requesting information and, if so, which "ancillary services".

Notwithstanding the foregoing, and without waiving the opportunity to further respond, Starbucks responds as follows:

1. At any of the Workers United represented stores has Starbucks modified the gender affirming health care benefits, including but not limited to changes in the type of benefit, carrier, cost to employees, or the network of providers for this care.

Response: Subject to and incorporating the foregoing objections, Starbucks requests that the Union clarify its requests and contact Starbucks to bargain over the confidentiality of the requested information for each single-store bargaining unit. Just as you noted in your June 26, 2023, letter, if you intend to respond and provide this more detailed information, please do so within seven days of this letter.

2. On what date(s) were the changes implemented at each store.

Response: Subject to and incorporating the foregoing objections, Starbucks requests that the Union clarify its requests and contact Starbucks to bargain over the confidentiality of the requested information for each single-store bargaining unit. Just as you noted in your June 26, 2023, letter, if you intend to respond and provide this more detailed information, please do so within seven days of this letter.

3. Provide a copy of the Starbucks policies and procedures for obtaining gender affirming health care before and after the above-described change(s).

Response: Subject to and incorporating the foregoing objections, Starbucks notes that information relating to the Company's benefit offerings has previously been provided to Workers United as part of the Company's responses to prior information requests. As such, the Workers United is already in possession of information relating to Starbucks policies and procedures for obtaining healthcare.

4. Identify the number of monthly claims (without providing identifying information) for gender affirming care during the 12-month period preceding the change(s) and the 12-month period following the change(s) at each represented store.

Response: Subject to and incorporating the foregoing objections, Starbucks requests that Workers United clarify its requests and contact Starbucks to bargain over the confidentiality of the requested information for each single-store bargaining unit. Just as you noted in your June 26, 2023, letter, if you intend to respond and provide this more detailed information, please do so within seven days of this letter.

Sincerely,



May Jensen

vice president, partner resources