

## **SEIU Announces December 14 Protest of Financial Institutions Nationwide**

**December 4, 2009**

The Service Employees International Union (SEIU), a politically active labor organization with close ties to the Obama Administration, announced that on December 14 it will engage in nationwide protests of financial institutions that, according to the SEIU, have “taken our tax dollars but done nothing to help get the economy moving again.” See <http://www.seiu.org/2009/12/god-guns-and-goldman.php>. The December 14 protests, which are timed to coincide with the announcement of executive bonuses, are aimed mainly at Goldman Sachs and other investment banks headquartered in New York City; other protests are planned at unspecified financial institutions across the country.

This is the latest in the SEIU’s “Big Banks” project, which as we have indicated before, is part and parcel of a broader corporate campaign designed to put pressure on the banks themselves, or to convince the banks to pressure their customers, to sign neutrality and card check agreements with the SEIU to represent service employees. The SEIU has in the past disrupted shareholder meetings and sent letters via the SEIU Master Trust to boards of directors about executive pay and bonuses. For more information on the SEIU’s organizing efforts, see Morgan Lewis’s April 2009 White Paper “SEIU Union Organizing Efforts at Financial Services Companies,” available at [http://www.morganlewis.com/documents/LEPG-WP\\_SEIUUnionOrganizingEfforts\\_April2009.pdf](http://www.morganlewis.com/documents/LEPG-WP_SEIUUnionOrganizingEfforts_April2009.pdf). Also see the April 21, 2009 SEIU press release, “SEIU Master Trust Demands Investigation of More Than \$5 Billion in Questionable Payouts for Executives in 29 of its Portfolio Companies,” available at <http://www.seiu.org/2009/04/seiu-master-trust-demands-investigation-of-more-than-5-billion-in-questionable-payouts-for-executive.php>.

In anticipation of these protests, which will likely involve handbilling, banners, and demonstrations that verbally attack the financial institutions’ management and public image, we recommend that preparation be undertaken to issue appropriate media responses and ensure that protest activities do not interfere with employee and customer access to the targeted buildings. It may be appropriate to communicate with local or state police to develop protocols for responding quickly to protests that block property access, present safety or traffic concerns, or involve threats or acts of violence. Employees should be informed about the possibility of active protests and the procedure for reporting acts of intimidation or harassment by protesters. They should be advised at the same time that operations will continue and that they should report to work as usual.

If the protests take place on private property, the property owner may have the right to insist that the protestors move to adjacent sidewalks or other public property. Generally, under federal labor law, private employers have a legal right to enforce their private property rights against outside union organizers and activists who occupy their property to solicit or protest. This property right is not

unqualified and may be affected by state law, the validity of an employer's solicitation policies, including its practices with respect to other outside organizations, and the purpose of the demonstration. It is important to regularly review these policies to preserve the right to demand that union activists and organizers leave company property and seek law enforcement assistance, if needed.

Morgan Lewis attorneys have experience preparing clients to respond to a wide range of labor organization campaign activity, including corporate campaigns, union picketing, and labor-related political protests such as this one. We stand ready to assist you with your preparations for December 14.

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