

Union Vote at Amazon

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UPDATE: On April 9, 2021, the National Labor Relations Board announced the results of the union election at Amazon's facility in Bessemer, Alabama. The union lost the election, receiving only 30% of the ballots cast for unionization: 1,798 votes against unionization; 738 for unionization. Although the union may challenge the result, the initial outcome is a significant defeat for the union.

What do approximately 6,000 employees in Alabama have in common? They are waiting for their ballots to be counted and related legal challenges decided by the National Labor Relations Board (NLRB) as part of a union campaign at Amazon's Distribution Center in Bessemer, Alabama. Because of the pandemic, voting has occurred using mail-in ballots, a cumbersome and sometimes controversial process. The initial election results will likely be known this week, but the long-term outcome and consequences of the election may not be known for many months or even years.

The attempt to unionize Amazon's facility in Alabama has generated national attention. Some view it as the union's opportunity to reverse a decline of unionization nationally and to gain a foothold in the south. Others view it as part of an ongoing effort to squelch an employer's right to lawfully oppose unionization. Either way, the results of this election will not bring a quick end to the national debate about unionization.

Bessemer employees in the "voting unit," a grouping of employees (non-supervisors) approved by the NLRB, are eligible to vote in the union election at Amazon. Normally, employees cast their votes, either "yes" for unionization or "no" against unionization, during a secret ballot election held at a neutral site at work and conducted by the NLRB.

During the pandemic, however, the NLRB prefers voting using mail-in ballots, which is the process used for the Bessemer employees. The

deadline for employees to mail their ballots has passed and the NLRB began counting ballots this week. For the union to win, a majority of the valid ballots must be marked "yes".

The actual counting of ballots should conclude this week, but the final results could take weeks to be certified. Both the union and employer have the right to challenge specific ballots for certain reasons, such as the voter not being part of the voting unit, or object to certain conduct occurring during the campaign. The NLRB would evaluate those types of issues and eventually certify the results of the election.

The primary legal consequence of a victory for the union is that it would become the certified collective bargaining representative of employees within the bargaining unit (typically defined the same as the voting unit) and can engage in bargaining with the employer. The results of the bargaining process are not currently guaranteed, although a bill pending in the Senate could change that. The union and employer must bargain in good faith, which can result in a contract covering terms and conditions of employment.

No matter the result of the ballot counting this week at Amazon's facility in Bessemer, Alabama, the outcome and impact will be debated for years.