

Amazon's Confrontation with Unionization: Some Questions and Answers For Union-Free Employers

Article

02.03.2021

Amazon employees in Bessemer, Alabama, will soon decide if they want to remain union-free or to unionize. About 5,000 employees who work at an Amazon Distribution Center will be eligible to vote in an upcoming union election, a process that will likely take several weeks to complete. Although union elections are not uncommon nationally, they typically involve much fewer employees and do not attract as much attention as the current campaign in Bessemer, Alabama. Amazon and its employees have a vested interest in the outcome of the election. The outcome of the election there will directly impact the Bessemer facility, its employees, and their communities. The overall process also raises questions and insights for other union-free employers and employees, such as the following:

Q: Why is the union campaign at Amazon in Bessemer generating national attention?

A: Probably the biggest reason for the attention is that it involves Amazon - - one of the largest, most successful companies. Amazon is essentially union-free, making it a big target for unions, many of which need new dues-paying members as their membership continues shrinking. Another reason for the media attention is the comparative size of the election. Approximately 5,000 Amazon employees are eligible to vote, which is much larger than the typical union election.

Q: What issues are driving the campaign at the Bessemer facility?

A: Only the employees and Amazon know for sure what is driving the campaign there, but some typical issues in other campaigns can include pay, benefits, safety, working conditions, or a union's need for more members.

Q: Can politics impact a union campaign, whether at the Bessemer facility or at other union-free employers?

A: Yes, politics can play a direct and indirect role in union campaigns. For example, sometimes politicians will publicly announce their support for or against unionization at a particular location. On a broader scale, national politics definitely shape national labor policy. For example, beginning on inauguration day, the Biden Administration began the process of reshaping the National Labor Relations Board (NLRB) with the ultimate goal of becoming more pro-union.

Q: Can employers, like Amazon, legally oppose unionization?

A: Some media articles have criticized Amazon for opposing unionization at its Bessemer facility. The criticism is misplaced. The National Labor Relations Act preserves the right of employers to lawfully oppose unionization by, for example, explaining important facts about unionization, including its related risks. Most employers are wisely reluctant

to waive their right to oppose unionization by entering into “neutrality” agreements.

Q: How will Amazon employees cast their ballots determining whether they will be unionized?

A: Normally, employees cast their ballots in person during a secret ballot election monitored by the NLRB. For the upcoming vote at the Bessemer facility during the pandemic, however, the ballots will be cast by mail, a process requiring several weeks.

Q: How many votes are required to unionize the employees at the Bessemer facility?

A: The union must win a majority of the valid ballots cast by eligible voters. The NLRB manages the voting process. Ballots and the election result are subject to legal challenge.

Q: How might the union benefit from a win?

A: In financial terms, a union win often means more dues-paying members for the union.

Q: If the union wins at the Bessemer facility, what happens next?

A: From a labor law perspective, a union win (subject to legal challenges) means the union becomes the exclusive collective bargaining representative for all employees in the voting unit, even for those employees who do not want the union. The union wins the right to bargain with the company, but the ultimate results of those negotiations cannot be guaranteed.

Q: Would a union victory at the Bessemer facility mean that all of Amazon’s other facilities become unionized too?

A: No, a union win is normally site-specific and would not cover other locations. Nevertheless, a union victory there could encourage union campaigns at other locations, including possibly those in the Carolinas.

Q: No matter the result of the upcoming union election at Amazon, what can other union-free employers do now?

A: The vast majority of employers are union-free, which means they have the opportunity of working with employees on a one-to-one basis, respecting individual needs, and achieving overall goals. Each union-free employer has unique circumstances and needs, but a checklist of some typical opportunities can include:

- Conduct an attorney-client review of applicable workplace policies and procedures;
- Develop and implement a union-free approach or policy;
- Enhance effective communication with employees, including listening to opportunities or concerns;
- Review and update safety programs and procedures;
- Confirm that compensation and benefits are appropriate and competitive within the community or business segment;
- Support local community activities; and

→ Provide up-to-date labor and employment training for the management team.

Conclusion

The upcoming union election at Amazon's Bessemer facility is important to the employees, the employer, and their communities. The process there also reminds other union-free employers of ways to improve their workplaces.