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Round One Goes to the Company: Lessons Learned from Amazon's Union Organizing Drive

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On Friday, April 9, 2021, workers for Amazon in Alabama voted by an overwhelming majority to remain union-free, thereby preventing Amazon's first union-organized facility in the United States. According to organized labor, this is only the beginning of increased organizing activity and attempts to effect change through federal legislation. Proactive employers should act now to avoid getting caught in the fray.

Amazon's Vote

In November 2020, workers at Amazon's Bessemer, Alabama distribution facility filed a petition with the National Labor Relations Board (NLRB) to hold a unionization vote. Some employees there sought to join the Retail, Wholesale, and Department Store Union (RWDSU), in part and in hope, to provide a catalyst for similar unionization campaigns at Amazon facilities across the U.S. What ensued can only be described as a colossal election campaign, fueled by substantial spending by pro- and anti-unionization proponents, culminating in the vote on April 9, 2021. According to reports, 738 workers voted to unionize and 1,798 voted against unionization. Amazon won the election by a margin of more than two to one.

The RWDSU pledged to challenge the election results through objections to the election and unfair labor practice charges filed with the NLRB. This will mean protracted litigation and, if the charges are found meritorious, the RWDSU could insist on a second union election conducted at Amazon's Bessemer distribution facility. Even if Amazon succeeds in staving off these unfair labor charges, and the vote is upheld, the results of this election will likely fuel widespread organized labor efforts behind the Protecting the Right to Organize Act (PRO Act; see details in a recent article [here](#)), which would prohibit some of the company communication platforms utilized by Amazon in the recent election campaign. A version of the PRO Act has already been passed by the House of Representatives.

Observations

Amazon is one of the nation's largest and most successful employers. When challenged with a union vote, it ensured that its workers had all information necessary to make an informed decision on the issues, and advised employees that a pro-union outcome would insert an outside third-party into its business. Amazon, thereby, represented that such action was not the answer to whatever challenges might be present at the Bessemer distribution facility.

Action Items for Employers

Proactive employers can stay ahead of potential union threats by evaluating what made those Bessemer employees seek union representation in the first place. Serious issues that adversely affect employee morale are present in almost every workplace. A preemptive approach involves finding ways to open lines of communication and address such issues before tensions escalate and boil to the point of a union election petition. This requires constant attention from management, along with a willingness to listen and adapt to continuously shifting circumstances. Sincere efforts to change the culture of the workplace and promote teamwork and engagement will go a long way toward developing employee loyalty and helping your company remain union-free.

With the anticipated challenges to the Amazon vote and the ongoing push to pass the PRO Act, it is likely we will see a substantial increase in union organizing activity at both the local and national level. We will continue to keep you apprised of the developments and how they may impact your business. If you have any questions, please contact one of the authors or any member of Baker Donelson's [Labor & Employment Team](#).