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BLOGS

Labor & Unions

Amazon Workers Vote Down Union Organization Attempt, But Is That The Last Word?

Late last week, the National Labor Relations Board (“NLRB”) finished counting the ballots in a highly-publicized attempt by the Retail, Wholesale and Department Store Union to organize an Amazon distribution center in Alabama. The votes were mailed in over a six-week period, a process the NLRB has used to replace in-person voting since the outset of the COVID-19 pandemic. It took several days to count over 3,000 ballots, a count which resulted in a rejection of the union by more than a 2 to 1 margin.

Despite this seemingly convincing statement by the employees, the result is likely not yet final. Under NLRB procedures, the Union has the opportunity to file objections which, if sustained, could result in a re-vote or an order declaring the Union the winner. One concern raised by Union representatives, that has been reported, is that the Post Office installed a mail box outside the Amazon facility. If this objection is raised, it would seem to put the Union in the incongruous position of arguing that there is something wrong with making it more convenient for voters to cast their ballots.

Regardless of the challenges raised, and the outcome of those appeals, the pace of union organizational attempts will likely pick up in the near term. Massive employers like Amazon and Walmart will certainly continue to be likely targets. But even smaller employers must be on alert, as unions will likely be emboldened by the shifting political winds in Washington. And some have speculated that a visible defeat, such as this, will be used by union supporters as “proof” that the system is flawed, thus driving more union-friendly enactments in Congress and at the NLRB. Although those on the other side of the argument will no doubt argue that the Amazon pay scale, which already provided for a minimum \$15 per hour, not anything to do with the election process, persuaded the employees that they did not have anything to gain by voting for the Union.