

# NLRB rejects Amazon's objections to ALU Staten Island election win

Nick Barrickman, Philip Guelpa  
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The National Labor Relations Board (NLRB) announced August 31 that its hearing officer had recommended that Amazon's objections to the Amazon Labor Union's election victory last spring at a Staten Island warehouse be "overruled in their entirety." If upheld, this would be the first time a union has succeeded in winning such an election at any Amazon facility in the United States.

A formal ruling by a regional director is expected within a few weeks or months. The hearing officer's report states that Amazon failed to substantiate its claims that any actions by the ALU had coerced workers into voting for the union, or that the NLRB itself had been biased toward the union.

Amazon had raised 25 different objections to the ALU's victory at its JFK8 warehouse after the latter won an election to represent workers at the facility in April. Amazon went so far as to absurdly claim that media presence on the scene had coerced workers into voting for the ALU. This ignored the fact that the election was being held on the company's premises, which could have been restricted from the press.

During the election, which concluded in late March, the company berated workers with anti-union propaganda and held indoctrination meetings that workers were required to attend. In an NLRB hearing in June, an ALU organizer alleged that company managers had confiscated union-rights literature left in break rooms at the facility, among other forms of harassment.

"After conducting a hearing over 24 business days via the Zoom for Government platform and carefully reviewing the evidence and arguments made by the parties, I conclude that the Employer's objections should be overruled in their entirety," the hearing officer said.

The company immediately responded that it intends to appeal. Both sides have until September 16 to make additional filings. The company could also mount legal action alleging bias toward the union by the NLRB, something it has already claimed.

Even when all legal avenues have been exhausted, and assuming they all are found in favor of the union, negotiations for a first contract must still take place, which the company may attempt to drag out for years.

"There is virtually no penalty for a employer [sic] who does not reach a contract with the union," noted a CNN article on the ALU's union election win. The article quotes Cornell University School of Industry and Labor Relations (ILR) dean Alexander Colvin, who states, "If you don't start getting contracts, you won't be able to maintain the momentum."

The ALU recently announced plans to scale back its organizing drives at other warehouses following Amazon's legal challenge to its victory at JFK8 as well as organizing setbacks at Amazon's Staten Island LDJ5 warehouse. One of the few organizing efforts still being undertaken is at ALB1, located in Schodack, near Albany, New York. Workers there have filed with the NLRB to hold an election for representation by the ALU. The NLRB has yet to accept the petition and schedule the election.

In a recent visit to the Schodack facility, Chris Smalls and other organizers were threatened with arrest for allegedly trespassing on company property while campaigning at a public bus stop, which Amazon claims is located within the facility limits.

The ALU's election victory was an expression of the deep anger among the company's US workforce at the abysmal pay and brutal conditions to which they are subjected.

Some of the anger workers feel toward the rampant

exploitation was evident in recent conversations by workers at the Amazon JFK8 facility with *World Socialist Web Site* reporters. One worker, who asked not to be named, said he hated working on the night shift because managers were always watching and harassing workers. Now he works during the day, and managers are beginning to harass that shift as well.

He was fired awhile ago and was away from the site for several months before getting rehired. He said that “everything changed” in that short time. The company has reduced break times by 15 minutes and has gotten rid of COVID-19 safety rules. He said that his mother, who has ankle problems, also worked at Amazon. They assigned her a week straight of mandatory extra time (MET), which entailed 10-hour shifts. This was hard on her body.

Another worker reported that management’s surveillance of workers allowed the company to “focus in on certain areas and hear conversations. They lie or say they are not informed on it, but I know security cameras, and if I know Amazon, they love their data, so I doubt they don’t listen in.”

According to a CNN analysis, “There were 826 union elections from January through July of this year, up 45% from the number held in the same period of 2021.” The various organizations filing for elections have had a 70 percent success rate this year, “far better than the 42% success rate in the first seven months of 2021.”

According to CNN, the total number of workers involved in the recent unionization attempts, 41,000, were “a drop in the bucket among the estimated 105 million workers at US businesses who don’t belong to a union, according to Labor Department statistics.” Similarly, an article in the *Washington Post*, owned by Amazon founder Jeffrey Bezos, referred to the ALU’s victory as “mostly symbolic.”

As the *WSWS International Amazon Workers Voice* (IAWV) wrote previously, “Workers at other facilities have a vested interest in helping the JFK8 workers secure massive gains.” In order to mobilize this support, Amazon workers “must organize around clear demands, including massive pay increases, cost of living adjustments, workers’ control over safety inside the plant, limits on hours, and triple pay for overtime. Groups of workers must be sent to the other facilities to win them over in a united struggle.”

This is not what the ALU and its leaders have done. In response to the NLRB officer’s statements, the ALU called on the government to “expedite our certification [so] that the NLRB enforces Amazon’s legal obligation to negotiate with the workers of the ALU.”

This mirrors the organization’s previous strategy in which the ALU has sought to appeal to officials in the AFL-CIO and UNITE HERE trade unions and the Democratic Party in order to press its agenda at Amazon. The Democratic Party and the Biden White House in particular are promoting the trade union apparatus to contain and “manage” workers’ demands, as well as suppress the outbreak of open struggles that might upend both Wall Street’s profits as well as the US military confrontation with Russia and China.

According to the Department of Labor, pay increases among unionized workers in 2022 averaged only 4.4 percent, about half the current rate of inflation. In contrast, non-union workers saw average raises of 5.3 percent.

Regardless of the immediate fortunes of the ALU, Amazon workers must build independent rank-and-file organizations to facilitate their own means of communicating with one another, and which are capable of pressing for their demands and uniting them with other workers within the logistics industry internationally. It is only by mobilizing their own independent strength in unity with the working class more broadly that Amazon workers can secure safe and decent conditions.



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