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May 2, 2023

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VIA E-MAIL AND ELECTRONIC FILING

Mori Rubin
Regional Director
National Labor Relations Board Region 31
E:mail: mori.rubin@nlrb.gov

Re: New ULP Charge Against Amazon Logistics, Inc.

Dear Regional Director Rubin:

Our office represents Teamsters Joint Council 42 and Teamsters Local 396 (collectively, the “Teamsters” or the “Union”). On their behalf, we filed today the attached unfair labor practice charge against Amazon Logistics, Inc. (“Amazon”). We are also hereby requesting that the Region take expedited action on this critical charge, where the circumstances make clear that immediate injunctive relief, including a temporary restraining order, is necessary to protect a courageous group of employees who have stood up to one of the largest, most virulently anti-union employers operating today—Amazon.

The employees in question are a group of over 80 delivery drivers and dispatchers working out of Amazon’s DAX8 facility in Palmdale, CA. Although these drivers wear Amazon uniforms, drive Amazon trucks, identify themselves as Amazon employees, are continuously monitored and surveilled by Amazon managers, and receive their work assignments from Amazon, Amazon has attempted to legally separate itself from these employees through a sham “Delivery Service Partner” (“DSP”) structure. Under this DSP structure, Amazon finds individuals—often with little to no experience running businesses—and purports to help those individuals “start” businesses, all while selling them a false fantasy.

What these individuals do not know is that they are buying into a system owned and controlled by Amazon. Amazon provides “branded” DSPs everything from the trucks to the uniforms that drivers use—all prominently displaying Amazon’s logo exclusively—requiring that the DSP obtain this equipment from Amazon affiliated providers. When using these Amazon trucks, the DSPs are prohibited from driving for any customer other than Amazon. Amazon creates the

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routes, sets delivery targets and goals, directly oversees and monitors the performance of the Amazon drivers working through the DSPs, directly mandates certain minimum terms and conditions of employment for the employees who are ostensibly hired through the DSP, unilaterally decides to terminate employees, sets rules the DSP employees must follow, and indirectly controls other terms and conditions of employment by, for example, controlling the compensation received by those DSPs. Moreover, Amazon inspects every van before it goes on route; if Amazon deems a van unworthy to go on route, Amazon in its sole discretion can ground a vehicle and only Amazon can approve a grounded vehicle be released to the road. Further, if a DSP is unable to complete an assigned route Amazon in its sole discretion can transfer routes to another DSP.

The drivers at issue in the instant charge are ostensibly hired by an Amazon DSP named Battle Tested Strategies (“BTS”). BTS operates out of Amazon’s DAX8 facility, along with three other similarly captive DSPs that operate out of that same facility, doing the same work as BTS. This work is at the very core of Amazon’s business and is a major part of the promise Amazon makes to its customers—unrivaled delivery speeds achieved only by exploiting its workforces. Without these drivers breaking their backs to meet Amazon’s goals, Amazon could not meet the customer expectations around which Amazon has built its business.

BTS has been providing services exclusively to Amazon at the DAX8 facility for approximately three years. During this time, the control that Amazon exercises has become completely apparent to the employees in question and as often reported in the news, these employees have been subject to increasingly unrealistic performance expectations. They are also subject to inhumane heat in the desert, in trucks without air conditioning, with windows that did not roll down, with the internal temperature of the vans regularly reaching 100 degrees, and at times as high as 118 degrees. In addition to the safety issues posed by the extreme heat, Amazon also regularly sends drivers out in vehicles with bald tires while driving on twisty, dirt roads in the mountains surrounding Leona and Green Valleys and directs workers to drive vehicles with doors that do not properly open from the inside.

In or around April or May 2022 these employees finally had enough and began, together, to take steps to improve safety as well as other terms and conditions of employment. These employees raised their grievances directly with the DSP owner and even began to sign a petition airing their grievances, planning to engage in a walkout at the facility. Within hours of learning of the petition, two employees were terminated. Soon thereafter, Amazon called a meeting and instructed BTS on how to break any employee organizing efforts.

After many more months of enduring these conditions without improvement, employees decided to officially unionize with the Teamsters. At the end of April 2023, BTS recognized employees’ majority desire to be represented by the Teamsters, and also bargained a collective-bargaining agreement covering those employees. Upon uncovering the full extent of Amazon’s control, it became clear to the Teamsters that Amazon is the actual employer here—as a single and/or joint

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employer with BTS—and that no actual gains could be achieved without Amazon at the table. Thus, on behalf of employees, the Teamsters demanded that Amazon recognize the Union, sign the negotiated CBA, bargain with the Union, and provide certain information regarding its relationship with the employees.

Amazon immediately made clear, however, that it was not going to comply with its duties under the National Labor Relations Act (the “Act”). It refused to recognize the Union, refused to bargain with the Union, refused to sign the negotiated CBA, and refused to provide any information to the Union. In further violation of the Act, immediately after employees unionized, Amazon sent managers to the facility to have group and individual captive audience meetings with BTS employees where it denigrated the Union and told employees that it was terminating its contract with BTS—in effect sending the message to these and all other employees across the country that their protected concerted activity would lead to immediate negative consequences, including termination.

Amazon also hired security for this facility for the first time, and it increased the presence of Amazon managers at the facility, who monitor and surveil the newly unionized employees. Amazon created more onerous working conditions for the unionized employees by increasing the inspections of BTS operated vehicles (but not the inspections for other DSPs at the facility) and suddenly and arbitrarily grounding vehicles that would have previously been allowed to operate. Within days of learning of the Union, Amazon also started to find ways to delay drivers and interfere with their ability to meet performance goals by postponing package handoff to the drivers, placing packages in the wrong areas, or not listing the complete number of carts necessary for each driver. And perhaps in an indication of its true goals of severing and destroying this organizing completely, it instructed Amazon warehouse workers and the drivers for other DSPs at the DAX8 facility to refrain from talking to or interacting with any of the unionized BTS employees.

Under any standard applied by the Board, there is no question that Amazon is a single and/or joint employer with BTS under the Act. This means it is patently unlawful for Amazon to rid itself of these newly unionized employees—and to thus chill similarly situated employees at DAX8 and across the country who might themselves wish to organize—by chopping off this troubled appendage and terminating its contract with BTS. Allowing Amazon to do so at this stage when it has broadcast its clearly unlawful plans would betray the tenets underlying the Act and would cause irreparable harm not just to these drivers, but to the Section 7 rights of all DSP drivers across the country.

In the days since BTS recognized the Teamsters as the workers’ exclusive representative, the organizing drive has been the subject of national news coverage from, among others, the *Washington Post*, *Vox*, *Vice*, and *Jacobin*. See attached. Given this national spotlight, it is even more imperative that the Region use the full power of the Act to immediately and expeditiously

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investigate the charge, issue complaint, and seek both a temporary restraining order and injunction, under Section 10(j) of the Act, prohibiting Amazon from terminating this contract, at the very minimum until this matter has been fully adjudicated by the Board. Anything less will lead to a shutdown causing irreparable harm to unionized employees, the Union, and the collective-bargaining process, and will chill hundreds of thousands of Amazon DSP workers across the country from exercising their Section 7 rights, in a true miscarriage of justice.

Please feel free to call if you have any questions or would like to discuss. Please also have the Board Agent assigned to this case contact us as soon as possible to begin scheduling the presentation of evidence in this matter.

Very truly yours,

Bush Gottlieb
A Law Corporation

A handwritten signature in blue ink, appearing to read "Julie Gutman Dickinson".

Julie Gutman Dickinson
Hector De Haro

Attachments

cc: Randy Korgan, Organizing Director, Teamsters Joint Council 42
Victor Mineros, Secretary Treasurer, Teamsters Local 396
Willie Burden, Attorney, International Brotherhood of Teamsters

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Amazon Logistics, Inc. ("Amazon"), as a single and/or joint employer with Amazon Delivery Service Partner ("DSP") Battle Tested Strategies ("BTS")		b. Tel. No. 206 529 5817
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) Amazon DAX8 Facility 600 Technology Drive, Palmdale, CA 93551	e. Employer Representative Andrew Wlasichuk Director of Operations	g. e-mail andwlasichuk@amazon.com
		h. Number of workers employed 80+
i. Type of Establishment (factory, mine, wholesaler, etc.) Warehouse	j. Identify principal product or service Last Mile Delivery	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Attachment

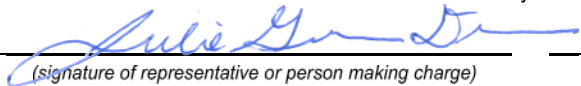
3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Teamsters Joint Council 42 and Teamsters Local 396

4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No. see attachment
Randy Korgan	Victor Mineros	4c. Cell No. see attachment
981 Corporate Center Dr.	880 Oak Park Road	4d. Fax No. see attachment
Suite. 200	Suite 200	4e. e-mail see attachment
Pomona, CA 91768	Covina, CA 91724	

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. 818 973 3228
 (signature of representative or person making charge)		Office, if any, Cell No. 213 200 0260
Julie Gutman Dickinson, Attorney (Print/type name and title or office, if any)		Fax No. 818 973 3201
Bush Gottlieb, a Law Corporation 801 N Brand Blvd, Suite 950, Glendale, CA 91203 Address _____	Date 5/2/2023	e-mail jgd@bushgottlieb.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Attachment to Charge Against Employer
Filed Against Amazon Logistics, Inc.
Filed May 2, 2023

1.g. Additional Email Addresses for Employer Against Whom Charge is Brought

amzlcompliance@amazon.com; andrewwlasichuk@amazon.com;
andredwlasichuk@amazon.com

2. Basis of the Charge

- A. Within the past six months, Amazon, through its agents, has violated Sections 8(a)(1) and (3) of the Act by, *inter alia*:
1. Making and announcing a decision to shut down a portion of its operations in order to avoid unionization and rid itself of its newly unionized workforce, in retaliation for employees engaging in union and other protected concerted union activities, including, *inter alia*, coming together to improve their terms and conditions of employment, and selecting the Teamsters as their exclusive bargaining representative.
 2. Creating more onerous working conditions for employees by increasing the presence of Amazon managers and bringing in security guard(s) to monitor, oversee, and surveil the newly unionized drivers and dispatchers in retaliation for drivers and dispatchers engaging in union and other protected concerted activities.
 3. Creating more onerous working conditions for employees by increasing the enforcement of work rules, such as on-property speed limits, in retaliation for employees choosing the Teamsters as their exclusive bargaining representative and engaging in other protected concerted activities.
 4. Creating more onerous working conditions for employees by increasing the number, frequency, and comprehensiveness of vehicle inspections required before employees can begin their main job duties, in retaliation for employees' union and other protected concerted activities.
 5. Creating more onerous working conditions for employees by increasing the frequency with which trucks are being grounded—thereby preventing those vehicles from being available or causing the newly unionized drivers to wait for issues to be rectified—in retaliation for employees' union and other protected concerted activities.

6. Delaying employees' start time—putting them in danger of not meeting strict performance requirements and/or requiring employees to miss breaks to meet these requirements—by grounding vehicles that would not have been grounded were it not for employees' union and other protected concerted activities.
 7. Delaying employees' start time—putting them in danger of not meeting strict performance requirements and/or requiring employees to miss breaks to meet these requirements—by not having carts ready, having carts out of order or in incorrect locations, or delaying in providing drivers with the packages they need to deliver, in retaliation for employees' union and other protected concerted activities.
- B. In addition, within the past six months, Amazon, through its agents, has violated Sections 8(a)(1) and (5) of the Act by, *inter alia*:
1. Failing and refusing to recognize the Teamsters as the exclusive bargaining representative of the drivers and dispatchers working for Amazon DSP BTS (a joint and/or single employer with Amazon), without providing or having any good faith doubt that the majority of the unit in question had selected the Teamsters as their exclusive bargaining representative.
 2. Failing and refusing to execute a collective bargaining agreement reflecting the terms agreed to by Amazon agent and/or Manager, Johnathon Ervin.
 3. Failing and refusing to bargain with the Teamsters regarding the terms and conditions of employment for the newly represented drivers and dispatchers.
 4. Failing and refusing to bargain with the Teamsters over the decision and/or the effects of its decision to terminate its contract with Amazon DSP BTS.
 5. Failing and refusing to furnish relevant information requested by the Teamsters as employees' exclusive bargaining representative.
 6. Unilaterally changing employees' terms and conditions of employment by increasing the number of inspectors who inspect vehicles before drivers can begin their work.
- C. Finally, within the past six months, Amazon, through its agents, has violated Section 8(a)(1) of the Act by, *inter alia*:
1. Announcing to and threatening unit employees immediately after they chose to unionize that Amazon was shutting down and ending its contract with Amazon DSP BTS.

2. Threatening employees with job loss because they engaged in protected concerted activities and chose to unionize.
3. Threatening employees that their decision to unionize is futile.
4. Surveilling and/or creating the impression that it is surveilling employees' union and/or protected concerted activities by increasing the presence of Amazon managers and by hiring security guards for the first time at Amazon's facility.
5. Directing non-union employees at its facility not to speak with or engage with the newly unionized drivers and dispatchers.
6. Holding mandatory group and individual captive audience meetings on paid time where employees were forced to listen to anti-union rhetoric and unlawful threats.
7. Soliciting grievances in individual meetings with unit employees.
8. Granting benefits by providing unit employees with snacks and water immediately after employees chose to unionize.
9. Sending the message that union activity is not allowed on its premises by calling the police on a union representative who was not breaking the law and who had a legal right to be at the facility.
10. Hiring new security guards at its facility for the first time, immediately after employees chose to unionize.

Due to the egregious nature of Amazon's conduct, designed to chill all union and protected concerted activities, decimate the union, and undermine and destroy collective-bargaining, and due to the imminent threatened shut down and job loss in retaliation for union and other protected concerted activities, the Union requests immediate injunctive relief under Section 10(j) of the Act, including a Temporary Restraining Order to prevent the irreparable harm that will clearly result if Amazon is allowed to move forward with the shutdown and is allowed to eliminate not only the strongest union supporters but the entire unit of newly unionized employees.

4b. Tel. No. for Party Filing Charge

Victor Mineros: 626 915 3636

Randy Korgan: 909 877 4760

4c. Cell No. for Party Filing Charge

Randy Korgan: 951 906 1508

Victor Mineros: 626 536 2993

4e. E-Mail for Party Filing Charge

Randy Korgan: rkorgan@teamsters1932.org

Victor Mineros: victormineros@local396.net

Amazon delivery firm allows its drivers to unionize with the Teamsters

Eighty-four workers at Amazon contractor Battle Tested Strategies in California have reached a contract with the Teamsters, a major step forward in the battle to unionize the workers who deliver packages for the e-commerce giant

By [Lauren Kaori Gurley](#) and [Caroline O'Donovan](#)

Updated April 24, 2023 at 5:25 p.m. EDT | Published April 24, 2023 at 2:56 p.m. EDT

A group of Amazon delivery drivers and dispatchers who work for a contractor in Palmdale, Calif., have officially unionized with the International Brotherhood of Teamsters, a major step forward in the effort to unionize the workers who deliver packages for the e-commerce giant.

Last week, 84 workers at Amazon contractor Battle Tested Strategies reached a contract with the Teamsters, which the employer voluntarily recognized. Though the delivery drivers wear Amazon branded vests, drive Amazon branded vans and deliver exclusively Amazon packages, they are not directly employed by Amazon. Their employer — a third-party delivery company — recognized their union and negotiated their contract, not Amazon.

That contract includes an immediate wage increase as well as substantial future raises and addresses concerns, as well as addressing vehicle conditions and heat safety.

The delivery drivers told Amazon about their new union Monday, demanding the tech giant respect their right to a contract. Amazon governs wage floors, routes, delivery schedules, revenue and maintains the right to terminate and discipline drivers — and the new union contract will require that the company make changes to some of these terms. (Amazon founder Jeff Bezos owns The Washington Post.)

Rajpal Singh, an Amazon delivery driver at the Palmdale delivery center, said he's hopeful that the contract will address compensation and safety issues.

"We just want fair pay and safe jobs," Singh, 40, said in an interview. "I hope other drivers join in [because] what we deserve is not what we're getting."

Amazon spokeswoman Eileen Hards said in a statement, "Whether the Teamsters are being intentionally misleading or they just don't understand our business, the narrative they're spreading is false." She said the employees don't work for Amazon and that the company's deliver network is comprised of thousands of contractors that are independently operated and owned.

"This particular third party company had a track record of failing to perform and had been notified of its termination for poor performance well before today's announcement," Hards added. "This situation is more about an outside company trying to distract from their history of failing to meet their obligations."

Amazon in the past has vigorously defended the wages it pays, as well as its safety record. In a 2022 safety report it published in March, the company said its accident rate has decreased significantly as it has rolled out more safety features in its fleet. And it has encouraged its direct employees to work with Amazon directly instead of unionizing.

Amazon relies heavily on contractors known as "delivery service providers," who drive the blue-gray vans that deliver millions of packages every day to consumers' doors. While not directly employed by Amazon, they power a huge swath of its logistics network — which now rivals the size of UPS.

But labor advocates and union organizers say Amazon's expansion into last-mile logistics has come at a steep cost for delivery drivers across the country. Amazon's contracted delivery drivers have described skipping meals and rest breaks to deliver hundreds of packages a shift on time for skimpy wages compared with their peers at UPS, who are unionized by the Teamsters.

Previously, the Teamsters organized an Amazon delivery service partner in Michigan. Drivers for a company called Silverstar voted to join the Teamsters in 2017, but Amazon cut the company's contract shortly thereafter, BuzzFeed News reported.

Because the contractor Battle Tested Strategies recognized the union voluntarily after a majority of its drivers indicated they supported the union, the union can legally skip the election process typically required for a bargaining unit to receive federal recognition, the Teamsters said.

Johnathon Ervin, a veteran and the owner of Battle Tested Strategies, said he decided to recognize the union after repeatedly asking Amazon to address his drivers' concerns about heat and vehicle safety. He currently receives \$19.75 an hour to pay each driver, which he said prevents him from raising wages.

Over the past two summers, Battle Tested Strategies drivers have had to deliver as temperatures have soared far above 100 degrees Fahrenheit for multiple days in a row. One BTS driver was hospitalized for heat exhaustion last year, Ervin said.

Singh said there were days when he felt like he would pass out from heat exhaustion from walking into the back of his sweltering van to retrieve packages.

Delivery routes, where drivers are expected to drop off between 250 to 400 packages, typically run 10 hours.

But when Ervin allowed drivers to end their shifts without completing their Amazon's delivery routes last year over what he said were health concerns, Amazon threatened to put Ervin on official notice that he could lose his contract, he said.

While the Teamsters — with 340,000 represented UPS employees — have been trying to unionize Amazon drivers for years, their commitment to that effort was redoubled when Sean O'Brien, the current progressive union president, won a hotly contested race in 2021. O'Brien campaigned on a platform that was critical of past Teamsters leadership for not taking a more aggressive approach to organizing Amazon's growing logistics empire.

With their UPS contract expiring this August, O'Brien and the Teamsters are already gearing up for a potential strike.

The pandemic resulted in an uptick of labor activism at Amazon, which is the nation's second-largest private employer. In a first, Amazon warehouse workers in Bessemer, Ala. voted in 2021 on whether to unionize their warehouse, but the results were thrown out by a judge. The results of a second election held a year ago are stuck in litigation.

Around the same time last year, the upstart Amazon Labor Union made history when it won a union election in Staten Island, the first of its kind inside Amazon. That vote is also being challenged by Amazon, which is locked in a legal battle to get the union's victory thrown out.

An Amazon union just won a \$30 an hour contract

What happens next depends on Amazon, the workers, and the interpretation of outdated US labor law.

By Rani Molla | @ranimolla | Updated Apr 28, 2023, 4:46pm EDT



David Paul Morris/Bloomberg via Getty Images

***Rani Molla** is a senior correspondent at Vox and has been focusing her reporting on the future of work. She has covered business and technology for more than a decade — often in charts — including at Bloomberg and the Wall Street Journal.*

Amazon delivery drivers **unionized and negotiated their first contract** with the Teamsters union last week — a huge feat for workers at a company that has used its enormous size and strength to fight off worker organizing. On Friday, they unanimously ratified the contract, which will bring their wages from around \$20 currently to \$30 by September and would allow them to refuse to do deliveries they consider unsafe.

But that victory is a bit complicated.

The 84 California delivery drivers and dispatchers who unionized appear at first glance to be Amazon employees. They wear Amazon vests and drive Amazon-branded vehicles, have schedules dictated by Amazon, and can even be fired by Amazon. But they're technically employed by Battle Tested Strategies (BTS), one of approximately **3,000 delivery contract companies** that make up Amazon's extensive delivery network. BTS voluntarily recognized the union after a majority of workers signed union authorization cards and negotiated the union contract.

Amazon has told Vox that its contract with BTS, which exclusively delivers for Amazon, was terminated "well before" workers notified the tech giant Monday, but that the contract hasn't expired yet. The union said that the delivery people are still working for Amazon and that the contract goes through October, when it typically would auto-renew.

What happens next depends on Amazon, the workers, and the interpretation of outdated US labor law.

As American corporations increasingly rely on **contract workers**, existing legislation, written for more straightforward employee-employer relationships, puts these workers in a gray area where their rights can be unclear. Even for traditional employees, like those at Starbucks, **corporate pushback against unions** has made organizing a Herculean task. That means even small wins, like that of the delivery contractor against a giant tech behemoth, are impressive and can provide a pathway forward for how others might unionize in this day and age.

Unionizing on a small scale looks to be one of the many strategies unions like the Teamsters are using to try and gain footing in their uphill battles with giant corporations. It can be easier for unions to organize with individual contract companies, which might not have the explicit anti-union stance and tactics of Amazon. Contractors at other tech companies — like at Google, where a group of 50 **YouTube contractors voted to unionize this week** — will be paying special attention to what happens with this Amazon delivery union.

At the crux of the delivery driver issue is whether Amazon controls enough of what the workers do to be considered a joint employer.

"If Amazon is able to get away with ignoring the workers' decision and hiding behind the subcontractor relationships, then I'm afraid we'll have yet another story of the failure of American labor law," said Benjamin Sachs, a labor professor at Harvard Law School. "If this leads to a recognition that these drivers are Amazon employees, joint employees, then this could be massively important."

One element of note: These workers organized in California, which has a lower bar for who is considered an employee, and by extension, who enjoys union protections. For workers there to be considered independent contractors, they must satisfy **three conditions**: The worker must be free from the company's "control and direction," perform work that's outside the company's usual business, and be engaged in an "independently established trade."

Another element that the National Labor Relations Board will likely have to decide is whether Amazon terminated the contract with BTS in order to avoid working with a union, something that would be illegal if they were considered employees. Amazon mentioned that the company had a "track record of failing to perform" but didn't respond to questions about when exactly it told BTS it was terminating the contract and whether the e-commerce company had been aware of union organizing before then. BTS didn't respond to an interview request.

Randy Korgan, the Amazon division director for the Teamsters, said the delivery drivers had been involved in "concerted activity" for the last year and a half, in which they communicated with their contractor and Amazon regarding their issues about heat — they frequently deliver packages in near 100-degree weather — and vehicle safety.

The latest Teamsters unionizing efforts appear to be a smart tactic: Rather than facing Amazon and its anti-union resources head-on, organizing smaller subcontracting firms might be a less onerous strategy, according to Robert Bruno, a labor professor and director of the labor studies program at the University of Illinois, Urbana-Champaign.

“It’s an easier way to get in the door, an easier way to start to represent some folks,” Bruno said.

Amazon has directed much of its **anti-union efforts** — including establishing relationships with policymakers and burnishing its image with union allies through efforts like employing formerly incarcerated people — against the Teamsters and particularly in Southern California, which is a key logistics hub for the company. The Teamsters could leverage its union win and contract there, which includes things like better wages and addressing safety concerns, to convince other contractors and employees to unionize.

This is not the first union victory at Amazon, but it’s the furthest along. Amazon workers at a Staten Island warehouse voted to form an independent union **last year** but are still fighting to negotiate a contract. Another union vote at a warehouse in Alabama **failed**.

Teamsters previously **unionized** Amazon delivery drivers in Michigan in 2017, but they never achieved a union contract. The union **alleged** that their subcontracting company and Amazon illegally fired workers in retaliation for unionizing, but Amazon was able to escape blame by saying it wasn’t their employer, and the subcontracting company closed up shop in the state shortly after.

“Workers are much more active today in their pursuit to exercise their rights,” Korgan said.

The union is also more prepared, he said, having **passed a resolution in 2021** in which it created a division aimed specifically at building worker power at Amazon. Teamsters already represent UPS drivers, who deliver most of the other packages not delivered by Amazon’s network, so they see organizing the rest of its drivers as squarely in their wheelhouse. Korgan says there are other contracting firms like BTS that are “sympathetic” to their workers’ union efforts but many fear retaliation from Amazon.

While the BTS union and contract are certainly important, especially to the lives and livelihoods of those who work there, their greater importance might lie in symbolism.

“People were saying, ‘You can’t organize Amazon, nobody else has been able to organize it,’” Kate Bronfenbrenner, director of labor education research at Cornell University’s School of Industrial and Labor Relations, told Vox. “Now the Teamsters could say, ‘Well, we’re doing it.’ I think that will help give momentum to the movement to organize in the logistics industry.”

Update, April 28, 4:30 pm ET: This post was originally published on April 27 and has been updated to reflect the contract’s ratification.

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A Group of Amazon Drivers Just Joined One of the Biggest Unions in the US

Drivers in California have joined the International Brotherhood of Teamsters, in one of the first driver-specific unionization efforts in the company.



By [Jules Roscoe](#)
NEW YORK, US




April 24, 2023, 12:41pm   



IMAGE CREDIT: GETTY IMAGES

Amazon drivers and dispatchers in California have joined the International Brotherhood of Teamsters, one of the oldest, largest, and most powerful unions in the U.S., to organize for better working conditions, according to [an announcement](#) by the Teamsters on Monday.

On the same day, workers marched on Amazon's management offices at the warehouse to demand that the company respect their right to unionize. This is the first time the Teamsters have successfully organized an Amazon-related facility.

The group of 84 delivery drivers in Palmdale, California work at Amazon's DAX8 delivery station. They're not Amazon employees, but rather employees of an Amazon Delivery Service Partner (DSP) called Battle-Tested Strategies. The delivery company, not Amazon, is responsible for dispatching and planning routes for drivers—but it dispatches out of DAX8 and delivers Amazon-branded packages, often with Amazon-branded trucks or vans.

This is a significant development in the unionization effort across Amazon, one of the biggest employers in the country, because its large network of DSPs is how it's able to deliver packages so quickly.

“We want fair pay and safe jobs, to be able to provide food for our families,” said Rajpal Singh, one driver in Palmdale, in the press release. “We want to know we will make it home to our families at night after delivering Amazon packages in the extreme heat. We organized with the Teamsters to change our working conditions for the better.”

The Teamsters union is responsible for organizing UPS, one of the biggest package delivery companies in the country. UPS drivers also faced [extreme heat conditions](#) last summer, which the union responded to.

The drivers have joined Teamsters Local 396 and won “neutrality and voluntary union recognition,” the press release states. The local union organizing officials have negotiated a tentative agreement with the DSP, which members will vote on in the upcoming weeks. The agreement proposes

“immediate pay increases, substantial hourly raises in the fall, provisions that hold Amazon accountable on health and safety standards, a grievance procedure, and other benefits.”

“We deliver in an Amazon van, wearing an Amazon uniform, but when we petition Amazon, they ignore us. We have a mass of support, we are a union, and now they need to listen,” Singh said.

“Amazon delivery drivers at DAX8 have made history by organizing their union with Teamsters Local 396 to demand dignity and respect at work,” said Victor Mineros, the secretary-treasurer of the local. “I commend these workers for their courage to take on this greedy multibillion-dollar corporation. We are confident this will lead other Amazon workers nationwide to organize with the Teamsters.”

“Whether the Teamsters are being intentionally misleading or they just don’t understand our business, the narrative they’re spreading is false,” Amazon spokesperson Eileen Hards told Motherboard. “This group does not work for Amazon. Our delivery network is made up of thousands of independently owned and operated small businesses who provide delivery services for our company. This particular third party company had a track record of failing to perform and had been notified of its termination for poor performance well before today’s announcement. This situation is more about an outside company trying to distract from their history of failing to meet their obligations.”

The Teamsters organize UPS and DHL, two massive U.S. delivery companies, as well as workers in warehousing, trucking, and construction jobs. Currently, the union is in the throes of bargaining a contract renewal with UPS, as the current contract is set to expire on July 31. Workers are gearing up for a strike. Teamsters officials have been posting on social media.

The Teamsters also recently opened an Amazon division, which is responsible for overseeing unionization efforts at Amazon and preventing the company from getting a bigger foothold in rural communities. In one town on Long Island, New York, Teamsters organizing helped prevent Amazon from building a warehouse that would destroy a community’s only access to greenspace. The union says it intends to improve pay and working conditions in Amazon to match the industry standard, as Amazon’s injury rate has frequently been reported to be double the industry rate. Motherboard has previously extensively reported on the dangerous conditions both warehouse workers and drivers have to endure.

“We will be victorious in this fight,” Teamsters president Sean O’Brien wrote on Twitter. “Teamsters set the standard and are just getting bigger, faster and stronger.”

Battle-Tested Strategies did not respond to a request for comment.

Update: This story has been updated with comment from Amazon.

TAGGED: AMAZON LABOR UNIONTEAMSTERSDELIVERY DRIVERSSAMAZON DELIVERY DRIVERSSUPSHEATUNION
WORKERS RIGHTS



The Teamsters Organized Some Amazon Delivery Workers. What Happens Next Is Complicated.

BY

ALEX N. PRESS

Did the Teamsters just successfully negotiate the first tentative agreement for Amazon workers anywhere in America? The fact that the workers are subcontracted means the answer to that question isn't cut and dry.

When Sean O'Brien ran for the presidency of the International Brotherhood of Teamsters, he vowed to unionize Amazon. Building on the Teamsters' creation of an Amazon division in 2021, O'Brien, who won the union's top leadership in 2022, promised to prioritize organizing one of the largest and most anti-union companies in the United States. Led by Amazon division director and Teamsters Joint Council 42 director of organizing Randy Korgan, Teamsters have since been building ties with Amazon workers, both in the company's warehouses and among its delivery drivers, but no new bargaining units resulted.

That changed on Monday, when the Teamsters announced that eighty-four Amazon delivery drivers and dispatchers in Palmdale, California, site of Amazon's DAX8 facility, had unionized, and that the Teamsters Local 396 union had reached a tentative agreement, the first such agreement for any Amazon workers in the United States. The workers are employed by Battle-Tested Strategies (BTS), one of Amazon's roughly three thousand delivery service partners (DSPs), which granted voluntary union recognition after a majority of workers signed union-authorization cards.

While the details of the contract won't be released until members vote on whether to ratify the agreement, it "includes immediate pay increases, substantial hourly raises in the fall, provisions that hold Amazon accountable on health and safety standards, a grievance procedure, and other benefits," said Korgan in a press release. Voting will take place over the coming weeks.

"We want fair pay and safe jobs, to be able to provide food for our families. We want to know we will make it home to our families at night after delivering Amazon packages in the extreme heat," said Rajpal Singh, a forty-year-old Amazon driver in Palmdale. Singh was one of many BTS employees who marched on Amazon on Monday morning to demand that the company respect their right to organize.

But what followed the announcement wasn't so straightforward. Shortly after the Teamsters went public with the campaign, Amazon said that BTS "had a track record of failing to perform and had been notified of its termination for poor performance well before today's announcement." The following day, in comments to the *Guardian's* Michael Sainato, BTS owner Johnathan Ervin disputed Amazon's claims, noting that the company's current contract doesn't expire until October 3 and that the newly unionized drivers are currently delivering Amazon packages.

It's possible that Amazon is telling the truth, and BTS's owner hid Amazon's decision not to renew the contract from the workers and their union, hoping that his decision to grant voluntary recognition would result in good publicity; it's also possible that Amazon's decision to cancel the contract is retaliation against the workers. But the conflicting statements point to a key complication in organizing Amazon's drivers.

Amazon's DSP program launched in 2019, and DSPs are legally distinct companies from Amazon itself. That remove, an example of what David Weil has termed the "fissured workplace," separates the e-commerce giant and the more than one hundred thousand workers it employs to transport goods to your doorstep. These drivers may wear Amazon-branded clothing, drive Amazon-branded vehicles, and in all meaningful senses of the term be laboring under Amazon's edicts, but rather than taking workplace grievances to Amazon itself, those workers deal with DSP management. Amazon, in turn, gets millions of packages delivered, without the liability and responsibility that accompanies employer status.

Such a dynamic means that to avoid a union, Amazon can simply cancel the contracts of any DSPs whose workers organize — making organizing one shop at a time not only tremendously time consuming but potentially doomed from the start.

This isn't the first time Amazon has been suspected of retaliating against delivery drivers. A group of forty-six Silver Star drivers unionized with the Teamsters in 2017, and the union said that Silver Star and Amazon responded by illegally firing the workers. Shortly after the campaign, Amazon held a meeting in Chicago with the management of some of the city's DSPs. As one attendee told *Buzzfeed News*, "The whole purpose of the meeting was to say to you, 'Here's how to not get unionized. Because if you do, we pretty much don't want anything to do with a union.'"

Many DSPs exist solely to service Amazon, leaving them beholden to the company's changing expectations and directives. That means DSP management often has plenty of its own grievances against the company.

Stories of these owners racking up hundreds of thousands of dollars of debt abound. In 2021, two DSPs in Portland, Oregon terminated their contracts after Amazon refused to agree to a set of conditions that the DSPs said would improve revenue and driver safety. A letter from the attorney representing the two DSPs stated that "Amazon's conduct over the past two years has become intolerable, unconscionable, unsafe, and most importantly, unlawful."

Such frustrations may explain why management at BTS, the California company, voluntarily recognized its workers' union: some DSP owners might see a union as a useful bulwark against Amazon's unilateral, unworkable dictates. (BTS's owner couldn't be reached for comment.)

It's possible that the new BTS union will be a test case for determining whether Amazon's control over its delivery workforce makes it a joint employer. Workers just won such a union at YouTube, with the National Labor Relations Board (NLRB) determining that Alphabet, Google's parent company, is a joint employer and will have to bargain with the employees. In California, the threshold for being an independent contractor rather than a worker entitled to union protections requires meeting three conditions: the worker is free from the company's "control and direction," they perform work that is "outside the usual course of the hiring entity's business," and they are engaged in an independently established trade.

"If Amazon is able to get away with ignoring the workers' decision and hiding behind the subcontractor relationships, then I'm afraid we'll have yet another story of the failure of American labor law," Benjamin Sachs, a labor scholar at Harvard Law School, told *Vox*. "If this leads to a recognition that these drivers are Amazon employees, joint employees, then this could be massively important."

The timing of Amazon's cancellation of BTS's contract is a key question. If the NLRB finds that the company canceled the contract to avoid engaging with the union, that would be a violation of labor law. Amazon has yet to specify at what date it informed BTS that its contract would not be renewed, and the Teamsters say the BTS workers had been engaged in legally protected concerted activity for more than a year, raising the possibility that the cancellation of a contract during that period could have been a response to the organizing activity.

Should the Palmdale workers pursue the argument for joint-employer status, they'll have plenty of evidence to draw from. The letter to Amazon from the attorney for the two former Portland DSPs contains a series of grievances: per Motherboard, they include "cutting routes from delivery companies without notice, unevenly distributing workloads among drivers, lowering reimbursement for drivers' wages, accessing their employee's records and personal information, firing their drivers without input from delivery companies," and frequently changing "rules on a whim without notifying delivery service partners." A 2016 Department of Labor investigation also bolsters the argument: in that case, the investigator found that the company's control and supervision of the work and the delivery workforce constituted joint employment.

"We deliver in an Amazon van, wearing an Amazon uniform, but when we petition Amazon, they ignore us," said Singh, the BTS employee. "We have a mass of support, we are a union, and now they need to listen."

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