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THE LONG STRUGGLE OF THE AMAZON EMPLOYEES

LABORATORY OF RESISTANCE:
UNION ORGANISING IN E-COMMERCE WORLDWIDE



Updated, expanded second edition

ROSA-LUXEMBURG-STIFTUNG

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FOREWORD

Thank you to the Rosa Luxemburg Stiftung for continuing its important work on Amazon. Since the last edition of this report, Amazon has grown its global footprint, expanded into new businesses, and steadily increased its operations in Europe. It has made anti-competitive acquisitions and has continued unprecedented investments in automation, robotics, artificial intelligence and machine learning that will fundamentally change our world. Amazon is the global leader in e-commerce, but its ambitions don't end there. It seeks to insert itself into every facet of our lives. It is making aggressive moves to win government contracts for web services and public procurement—privatizing public services, and planning a major push into healthcare. It aims to own the essential infrastructure of 21st century commerce.

Amazon is fundamentally restructuring work. Jeff Bezos famously said that “your margin is my opportunity.” Good union standards are the “margins” that Bezos and company want to capture. In their view, retailers, grocers, logistics providers and others with unions and decent pay can be undercut by pushing workers to the brink, increasing precarity, algorithmic management, sub-contracting and automation.

We are pleased to report that in the last two years, the fight to force Amazon to respect workers' rights has intensified. Amazon workers in Italy, led by Filcams Cgil Nazionale, secured the first ever agreement with Amazon in Europe. In Germany and Spain workers continue to strike and for the first time, workers struck in the US. In New York City, the Retail Wholesale and Department Store Union (RWDSU) organized a broad-based community coalition that successfully defeated a USD 3 billion public subsidy that Amazon sought to extract from the state. And in Seattle, workers at headquarters are fighting to make sure Amazon addresses the existential threat of climate change, while others are refusing to build the technologies that enable the racist Trump administration from targeting migrant families for deportation.

Amazon isn't just a terrible employer; it poses a fundamental challenge to democracy. It is a champion tax avoider, decimating brick and mortar business that are the bedrock of the municipal tax base, while it avails itself of all the tax avoidance schemes that our broken tax law allows. Amazon engages in all manner of anti-competitive behavior and takes advantage of third-party vendors who are forced to trade on their platform. Amazon Web Services (AWS) controls more than one third of the global cloud computing market, a direct threat to a free and open internet. The facial recognition, artificial intelligence and machine learning technologies that run on AWS, are powerful tools that are already being abused by employers and governments. And Amazon is deeply irresponsible on climate, failing to sustainably power their immense data center network, while deploying AWS technology to get business from the oil and gas industry to speed extraction.

The good news is that resistance from civil society and regulatory scrutiny from governments is on the rise. Across the world people are recognizing that big tech* simply has too much power and something must be done about it.

We are trade unions with a proud history of struggle, fighting and winning though shop floor organizing and strikes. That work will continue and intensify in the years ahead. However, we should also join our allies in other movements as they fight for digital rights, fair competition, a just tax system and a livable climate. Our struggles are connected.

The fight against Amazon isn't just about one company. It is a fight for the soul of our democracy and the future of our economy. Will it work for the richest man in the world or will it work for all of us? I believe that we will prevail if we stick together.

In solidarity,
Christy Hoffman, General Secretary UNI Global Union

* The term 'Big Tech' refers to major technology companies like Apple, Google, Amazon and Facebook, which have inordinate influence.

Johannes Schulten (born 1981) and Jörn Boewe (born 1967) together run the Berlin-based journalism agency work in progress. Their work predominantly focuses on the continuing precariousness of the world of work and the attempts of wage earners to come up with solidarity-based solutions. They regularly publish articles in newspapers such as *der Freitag* and *neues deutschland*.

PREFACE TO THE UPDATED, EXPANDED EDITION

In the four years that have passed since Jörn Boewe and Johannes Schulten's study was first published in 2015, their characterisation of Amazon as a 'laboratory of resistance' has proven entirely accurate. With its anti-union corporate strategy, its attempts to divide the workforce, its constant monitoring of employees and its perpetuation of uncertainty among them through its use of fixed-term contracts, Amazon epitomises the challenges that trade unions will increasingly face in the coming years.

This assessment is further borne out by the considerable, enduring interest shown in the study by labour researchers, journalists and especially trade union activists in the years since its publication. The study has been downloaded countless times, and almost 7,000 copies of it were ordered in Germany alone. Moreover, it has served as a foundation for journalistic reporting on Amazon and has been discussed in trade union publications and at trade union events. It has also attracted a great deal of notice outside Germany, undoubtedly because it addresses a worldwide labour dispute with global corporation Amazon. The strong demand for the English translation is clear evidence of the study's international relevance. Furthermore, a brief summary of the study was translated into an array of languages and widely distributed as an online text in France, Italy, Poland, Slovenia, Spain, Portugal, Brazil and Argentina, predominantly in a trade union context.

The significant interest shown in the study, plus a number of exciting recent developments in the fight for better working conditions and union organising, convinced us that the time had come to update and rework the study. The findings of the 2015 study were supplemented by further interviews with trade union representatives and Amazon experts, conducted by Jörn Boewe and Johannes Schulten in an effort to provide an insight into the current situation both in Germany and worldwide.

Innovative pathways for the renewal of trade union practice can be seen in the new forms of strike action documented by the authors, as well as in the transnationalisation and politicisation of the conflict. This study is intended to encourage readers to consider these experiences carefully, evaluate them and build upon them. We hope that it will contribute to the advancement of the international trade union movement within Amazon and beyond.

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INTRODUCTION

On the morning of 9 April 2013, some 1,100 employees of the Amazon fulfilment centres in Bad Hersfeld, a small town in central Germany, formed a picket line in front of the gates. They were kitted out with whistles, high-visibility vests bearing the logo of service sector trade union ver.di, and posters calling for a collective agreement based on the rules applicable to retail and mail-order companies. Something had happened that nobody, least of all Amazon itself, had thought possible. For the first time in its almost 20-year history, the US online retailer was faced with a strike, originating not in the US but in Germany, which is not known for its strong strike culture. The walkout became a media event, with TV teams and photographers gathering by the 'yellow tower' of the FRA3 fulfilment centre in Bad Hersfeld every day. This was a modern-day David and Goliath story – a few hundred strikers taking on the world's leading online retailer.

More than six years have passed since then, and Amazon now holds the “dubious record for the longest labour dispute” in the history of the Federal Republic of Germany (WSI 2016). Amazon employees have downed tools on more than 300 days, and the strikes have spread to six of the company's eleven German sites (as at July 2019). Nevertheless, the strikers have not come tangibly closer to achieving their goal so far: Amazon stands firm in its refusal to even begin negotiations on a collective agreement.

The online retailer gives every appearance of being unfazed by the walkouts. Its stock response to press queries is that the strikes “have not had any impact on Amazon's punctual deliveries to customers” and that black ice and snow cause Amazon far more headaches than industrial action.

Amazon boss Jeff Bezos even told the *Frankfurter Allgemeine Zeitung* that his company is an “excellent employer in Germany” and is aligned with the collective agreement applying to the logistics sector as a whole (Lindner 2014). The message is clear, and is not conveyed solely by company management: there are repeated reports about Amazon employees who express their annoyance at the “negative portrayal” of their employer by ver.di. For a time, expressly ‘pro-Amazon’ and ‘anti-ver.di’ groups even formed at some Amazon sites.

While these explicitly anti-union groups no longer exist, strikers at Amazon still have to contend with large groups of employees who are “indifferent” or outright opposed to the union (Dörre et al 2016: 177). Between 30 and 50% of permanent employees at the Bad Hersfeld, Leipzig, Rheinberg and Werne sites are union members, though, and on a good day, half the shift or more can be found demonstrating in front of the gates. Yet the strikes at Amazon remain minority strikes.

This study is based on participatory observation of a number of trade union meetings. When we were gathering material for the 2015 study, we interviewed various industry



experts and solidarity group members, plus full-time salaried and volunteer union officials from Germany and other countries. For the updated edition, we interviewed eleven more full-time salaried and volunteer union officials from Germany and further afield – including Orhan Akman, who is ver.di's national coordinator for the retail sector and is currently heading up activities targeting Amazon at ver.di's national headquarters – plus two Amazon experts. We also conducted a short quantitative survey, polling shop stewards on Amazon's efforts to obstruct union and works council activities. All the interviewees had some connection to the labour dispute at Amazon. We would like to take this opportunity to thank them for their assistance and their trust in us.

Following the introduction, we will review the impact of Amazon's approach to collective agreement standards in the German retail sector and examine how work is organised at the company's fulfilment centres (Part 2). We will then address Amazon's global expansion and trade union responses to it in Europe, the US and Latin America (Part 3) before turning to the dynamics of the labour disputes in Germany (Part 4). Here, we will focus both on the strikers' achievements and management's actions, especially its sophisticated attempts to obstruct trade union and works council activities. We will conclude by providing an interim assessment of the conflict to date and outlining four major challenges that we believe Amazon employees will face in their fight for humane working conditions (Part 5).

LABORATORY OF RESISTANCE

To observers who feel solidarity with the strikers, the situation is an odd one. From one point of view, the conflict seems to be never-ending, with the risk that the strike movement may run out of steam. Has ver.di miscalculated? Has it underestimated its opponent?

Did it rush into the conflict ill-equipped and underprepared? This line of thinking prompted Konstanz-based social scientist Stefan Sell to advise ver.di to halt strike action for a time and instead focus on driving forward "the further organising of employees at the sites here in Germany" (Sell 2015). The *tageszeitung* even branded the strike "Germany's saddest labour dispute" (Beucker 2017).

Yet anyone on the ground in an Amazon fulfilment centre is sure to form a completely different impression. Even after six years, the strikers are showing no signs of flagging. The fulfilment centres are veritable hives of union activity to an extent that is not often witnessed even in union strongholds – despite unfavourable conditions, massive union-busting efforts and intimidation. Most fulfilment centres now have active shop-steward structures, something that exists virtually nowhere else in the entire retail industry. Workplace strike committees at Amazon discuss industrial action strategies and try them out, and employees from different sites are in contact with one another and even with colleagues abroad. They are assisted by the soli-

darity groups that have formed at some sites and at national level. The bulk of these activities are carried out during leisure time, since most of the fulfilment centres are still a long way from having established works council structures that would enable members to be relieved of their normal work duties to perform some of the tasks. While there are now works councils at all the sites, stable trade union majorities are the exception rather than the rule, although ver.di members were able to improve their position – substantially, in some cases – in the works council elections in 2018 (Schulten 2018). Pro-employer works councils exist, and some councils are split into pro-union and pro-employer factions. This makes the high-level activities of the workplace union groups all the more remarkable.

The employees have certainly made some headway, but their progress receives little coverage in the mass media. Their successes have taken the form of seemingly minor achievements, like modest wage increases (which have nonetheless been applied regularly since the start of the dispute), a small Christmas allowance (which is not yet an entitlement), decentralised break rooms, a larger canteen and better hygiene conditions at the water dispensers. The Bad Hersfeld works council even managed to bring an end to the mandatory feedback talks that drew the ire of many employees (see section 4.8).

After over six years of industrial action and trade union efforts on the shop floor, the situation is ambivalent. Despite all the progress that has been made, doubts persist as to whether a transnational corporation such as Amazon can be brought to heel by strike action alone, and especially by strikes that do not extend beyond a single country. This is partly because the conditions are not conducive to mobilisation, owing chiefly to specific heterogeneous workforce structures and the anti-union pressure exerted by the company on its employees (explored in greater depth in Parts 2 and 4). The conflict has, in a sense, reached a stalemate. “Ver.di is not yet in a position to extend strike action far enough to force Amazon to give in, while Amazon has not yet managed to dissuade the active cores of unionised employees who are keeping the labour dispute going” (Dribbusch 2019: 10).

Amazon has long pursued a strategy of locating its fulfilment centres in economically underdeveloped regions, where many employees have few alternatives to working for Amazon. After years of unemployment or precarious work, many are largely content with their jobs. Besides, the proportion of employees on fixed-term contracts is extremely high, especially at the newer sites. Amazon has also begun systematically shifting orders from strike-hit fulfilment centres to other countries, particularly Poland, the Czech Republic and France (Boewe 2014). This highlights the urgent need for enhanced international cooperation between trade unions – not only between executive boards, but also (and most importantly) through direct contact between workplace union activists.



RATCHETING UP THE PRESSURE

However, if ver.di cannot win the dispute on collective agreement coverage at Amazon in Germany through strike action alone, what can and must be done? In 2015, two courses of action stood out to us. One was the exertion of pressure by means of a broad-based, high-profile alliance campaign. This would pick up on the widespread discomfort with Amazon's business practices in diverse sections of society and spotlight its flagrant wrongdoing, thus turning up the heat on the company. At the same time, in an age where supply chains straddle borders and orders can be shifted abroad at short notice, we underlined the necessity of close networking – at the very least with strikers in France, Poland and the Czech Republic. In 2019, we can see that while both measures have been implemented to some extent, Amazon remains fundamentally unwilling to cooperate with trade unions on regulating working conditions.

CONSTANT EFFORTS TO SPOTLIGHT AMAZON'S FAILINGS:

Even after six years, the dispute at Amazon is still generating coverage in the (regional and national) media. Of course, not every strike day – of which there are just under 35 a year – at Leipzig, Rheinberg, Werne or Bad Hersfeld makes it onto the front page of a newspaper. That said, the strikes still garner media attention, especially at Christmas and Easter and on Amazon Prime Day, the latter date having become a traditional day for walkouts in several European countries. In the last few years, ver.di has successfully set the employee rights agenda at Amazon and substantially increased public interest in the dark side of Amazon's business model – a far cry from its image as an innovative company where everyone is working around the clock to meet customers' every need. Ver.di's efforts in this direction are exemplified by the protests against the presentation of the Axel Springer Award to Jeff Bezos in recognition of his 'visionary entrepreneurship'. A good 500 people turned out to voice their displeasure with Bezos at the award ceremony in Berlin in April 2018. While most of them were employees of Amazon's numerous sites, there were some leftist activists among the demonstrators, and the Make Amazon Pay alliance joined ver.di in protest. In the end, the many reports on the award ceremony – even those appearing in the international press – were dominated by images of trade union banners and high-visibility vests bearing the ver.di logo.

INTERNATIONALISATION OF THE DISPUTE:

UNI Global Union (UNI), the international umbrella association of service employees, has been working on the international coordination of member associations present at Amazon since 2014. From its humble beginnings as a small working party of trade unionists from Germany, France and Poland, UNI's Amazon Alliance has grown considerably and now holds regular meetings bringing together union representatives from 15 European and North and South American countries, plus Australia (see Part 3). "The battle to decide Amazon's future will be waged in Germany," a leading secretary of British trade union GMB (General, Municipal, Boilermakers and Allied Trade Union) and the union's Amazon coordinator, freely acknowledged in 2014 (USI3).¹ This pronouncement would probably be made in less definite terms today because, as we will show in Part 3, significant progress has been made on international union organising at Amazon in many countries – not least in the 'belly of the beast', the US itself. That said, trade unions have not, to date, been able to establish such strong organising power and active rank-and-file support in any other country as in Germany, Amazon's biggest market outside of North America.

¹ The following codes have been used for interview excerpts: "AEN" stands for "Amazon employee national" (i.e. in Germany), "AEI" stands for "Amazon employee international", "USN" stands for "union secretary national" (ver.di), "USI" stands for "union secretary international", and "EXP" stands for "expert". The figures appearing after each abbreviation are there for numbering purposes.



AMAZON: AN AGGRESSIVE, EVER-CHANGING TRENDSETTER

amazon germany

The ability to simply order consumer goods in seconds using a computer, smartphone or other mobile device, rather than having to go to a specialist retailer or shopping centre, has sparked a retail revolution. The advantages for customers are undeniable: there is more choice, many products are cheaper and, most importantly, the shopping process is quicker. And if customers are unhappy with the goods, they can generally return them free of charge without having to justify their decision.

Online retail – also known as e-commerce – has been growing at a dizzying pace in Germany in recent years and has long been driving growth in the retail sector as a whole. Between 2010 and 2019 alone, annual revenue from e-commerce tripled. According to the retail association HDE, e-commerce will generate revenue of €57.8 billion in 2019, thus accounting for 10.8% of the revenue for the sector as a whole, from just 4.7% in 2010 (HDE 2019).

Retail expert Jürgen Glaubitz aptly compared the impact of e-commerce on the retail sector with the advent of self-service shops in the 1960s (Glaubitz 2011: 3). Alongside the construction of vast shopping centres, the boom in e-commerce is undoubtedly the key trend shaping the structural change in the retail sector in the early 21st century.

Amazon is the uncrowned king of the rapidly growing e-commerce sector. With estimated sales of €8.8 billion in Germany alone in 2017, amazon.de generated almost three times as much revenue as its nearest rival, otto.de (€2.9 billion). Fashion retailer and emerging challenger Zalando came in third, reporting revenue of almost €1.3 billion (EHI Retail Institute 2018). And competitors are likely to be even more dependent on Amazon in the future. According to market research firm IFH Köln, which specialises in retail, “in the last five years especially, Amazon has become enduringly and comprehensively anchored [...] – so strongly, in fact, that other providers are effectively cut off from customers, making it all but impossible for them to acquire new customers” (IFH Köln 2018).

Amazon’s rise began in 1994 in Seattle, US. Its founder, Jeff Bezos, who was born in 1964 and graduated from Princeton University with degrees in electrical engineering and computer science, recognised the commercial potential of the internet in the early 1990s, when the technology was still in its infancy. Books struck him as the optimal product for exploiting this potential. Not only did they promise constant sales, but the major US book chains Barnes & Noble and the Borders Group did not yet have their own web stores at that time (Stone 2013: 32 ff.; Leisegang 2014: 40 ff.). Amazon expanded its product range with increasing success. First CDs and DVDs were added to its line, and then toys and electronic goods. The food delivery service Amazon Fresh was launched in Germany in 2017



and Amazon made the transition from online retail to brick-and-mortar outlets shortly afterwards, opening a pop-up store on Berlin shopping street Ku'damm for the four-week Advent season in 2018. Here, customers could order items directly by scanning QR codes in the Amazon app. Amazon has now all but become the 'everything store' that Bezos once dreamed of.

Moreover, Amazon is increasingly decentralising the dispatch of goods with a view to controlling the 'last mile' – that is, direct delivery to customers – and ensuring swifter delivery. The group now operates its own cargo airline (Amazon Air) and has entered the global container shipping business (Weise 2019). This has far-reaching consequences for the entire logistics chain.

However, these steps are only the tip of the iceberg as far as the group's logistical reorganisation is concerned. In a bid to deliver more quickly, Amazon is dialling down its dependency on major postal operators like DHL and Hermes in Germany and is instead choosing to deliver more and more packages itself. At present, Amazon's efforts in this direction are focused on deliveries of Prime orders in large cities. In the last three years, a number of sort centres and delivery stations have popped up near major German cities. Sort centres are an intermediate link in the Amazon logistics network: here, packages from fulfilment centres² (see section 2.1) are sorted by destination and loaded onto trucks. With surface areas of approximately 30,000 square metres and around 300 employees each, they are much smaller than fulfilment centres.

Delivery stations are where orders are prepared for the last mile and handed over to Amazon's own delivery service, Amazon Logistics, which, in turn, works with subcontractors – generally smaller regional logistics service providers. This stage of the process was formerly the preserve of logistics companies like DHL and Hermes. According to a report in the *Handelsblatt*, however, DHL estimates that it will deliver around 154 million fewer packages for Amazon in 2022 than it did in 2018; in other words, DHL expects to lose around 30% of all its delivery business for Amazon (Schlautmann 2018).

For some years now, Amazon has been operating smaller, city-centre express delivery stations (Prime Now hubs) in a growing number of major cities in the US, the UK, Italy, France, Spain, Japan and Germany (Berlin and Munich). These allow customers to order from the limited range of Prime Now-eligible items and have their order delivered within a given time slot on the very same day.

2 The term 'fulfilment' – which is used not only at Amazon, but throughout the e-commerce sector – means more than just distribution. It also carries the connotation of 'fulfilling' customers' wishes; this is entirely deliberate.

All of these developments are motivated by a highly aggressive growth strategy. To be able to keep entering new markets and acquiring new market shares, Amazon must make vast investments, which are financed partly on the capital market and partly from the group's revenue. As a result of this approach, Amazon went a very long time without turning a profit. Amazon's prescience in tapping into future business segments is most evident in the development of its Amazon Web Services (AWS) cloud service, which provides online storage space. Founded in 2006, AWS is not only the world's leading cloud provider – boasting a client roster that includes companies like Netflix, Disney and General Electric, plus NASA, the CIA and the Pentagon – it is also Amazon's cash cow, accounting for the bulk of the company's profit (Schürmann 2018). In 2018, Amazon netted a global profit of US\$12.42 billion (before taxes and non-operating losses), of which US\$7.29 billion was generated by AWS – slightly more than through retail in North America (US\$7.27 billion). Conversely, it recorded a loss of US\$2.14 billion for international online retail (i.e. outside North America) (Amazon 2019: 66). Amazon's ability to absorb huge losses in its core business, e-commerce, over the years and make up for them in other business sectors says a great deal about its capacity to 'sit out' lengthy labour disputes.

Today, Amazon is a mixture of retailer, logistics company, internet platform, technology company, provider of music and video streaming services, newspaper publisher (The Washington Post) and manufacturer of IT devices. In a few short years, Amazon Prime has become one of the world's biggest streaming providers and a prominent producer of films and series. Amazon operates a flight booking service for India, is a major investor in British online food delivery company Deliveroo (following the failure of its own attempt to muscle in on the market) and has launched a subsidiary specialising in doorbells and home security technology, Ring. In 2017, it bought US organic supermarket chain Whole Foods. In autumn 2018, it announced plans to partner with US bank JPMorgan Chase and Berkshire Hathaway, the investment company founded by notorious investor Warren Buffett, to create a health insurance company, albeit initially for the sole purpose of driving down their own employees' healthcare costs (Handelsblatt 2018).

However, the structural change in retail, which was triggered by e-commerce and is dominated by Amazon, is not just significant in terms of new sales channels (brick-and-mortar shops versus the internet). Like all previous changes to the retail industry, such as the emergence of department stores or the expansion of discount retailers, online shopping's explosion onto the scene has had a major impact on how work is organised and on the prevailing culture in companies and at their sites. Online retailers do not need any sales assistants, since purchases are carried out on the web. The bulk of the work is performed in warehouses and



during delivery. Amazon has established new 'workplace trends' in its fulfilment centres too, and its competitors are sure to take a leaf out of its book in the future. For employees, this often means that working conditions and wages fall far short of those set out in the collective agreements applicable to the relevant industries as a whole.

FULFILMENT CENTRES – THE NEW SERVICE FACTORIES

One of the most striking differences between Amazon and other internet corporations like Google and Facebook is that Amazon employs tens of thousands of workers in the low-wage sector. Its fulfilment centres (FCs) are factory-like halls the size of several football pitches. They are mostly located in areas with good transport connections, namely near motorways or airports outside large cities. Here, goods are picked, packed and sent to customers.

Amazon currently operates 12 FCs at 11 locations in Germany. According to the company's own statements, these sites are staffed by between 13,000 and 15,000 permanent employees plus several thousand employees on fixed-term contracts, whose number varies over the course of the year.

Amazon is not only innovative in terms of the business model with which it operates on the market. Its approach to work management is novel too: it combines technical, organisational, political and social aspects of the workplace to form a sophisticated system of company and workplace organisation that sets new standards in the systematic subordination of employees to capital exploitation needs. In our view, this model of plant organisation has three key features:

a) Technical tools and authoritarian management methods are systematically and consistently used for the constant monitoring and optimisation of human labour.

Like many modern logistics centres, Amazon FCs take a very Tayloristic approach to work management: like in industrial manufacturing, the work process is divided into various steps, from the receipt and stowing of goods to the picking and dispatch of goods. However, Amazon has taken the division of labour at its 'distribution factories' to new extremes, not only in terms of how stages of work are broken down and standardised, but also in terms of the time allotted to each task.

Moreover, Amazon began using robots a few years ago: transport robots bring full shelves of goods to pickers, who simply need to remove items and place them in transport crates. These compact, autonomous machines travel through the aisles at top speeds of up to 5.5 km/h, using a system of stickers on the ground to navigate around the warehouse. Amazon's robotisation drive began in the US, and computer-controlled transport systems have been present at company locations

in Poland since 2015, in the UK since 2016 (Amazon 2016) and at a new site in Winsen, near Hamburg, since 2017.

This is not the only new development at Amazon. The company's work processes are now more digitised than ever before, and digital technology is being used to monitor employees. Every single product arriving at the warehouse is meticulously classified based on its physical properties (e.g. weight, size, material) to ensure that the subsequent sorting, picking and packing processes can be carried out quickly and with maximum accuracy (Cattero/D'Onofrio 2018: 144). "Whether they are receiving or stowing goods, picking items from the warehouse, packing or shipping packages, employees have to use their Amazon IDs to log into micro-computers at every single workstation" (Barthel/Rottenbach 2017: 254). The handheld scanners used by pickers exemplify Amazon's use of digital technology. Among other things, the scanners tell pickers which route to follow to individual items, prompting academics to – fittingly – compare them with "mobile assembly lines" that "[link] the scattered employees with a technical system that regulates their tasks right down to the smallest detail and thus saps all autonomy from the work process", just like assembly lines in industrial mass production (Staab/Nachtwey 2016: 28).

The scanners record and constantly monitor employees' every move, meaning that every single employee's pace of work can be measured and compared. But that is not all: visits to the toilet outside of break times, friendly chats with colleagues and quick breathers are all registered by the system and can lead to reprimands.

'Feedback talks' – a form of performance appraisal – play a crucial role in monitoring and discipline. They are based on seemingly objective evaluation figures drawn from the digital monitoring systems: "the evaluation criteria are presented as objective and scientifically sound, but are, in reality, opaque" (USN4). Dynamic benchmarks pit employees and departments against one another. Employees whose 'rates' are below average are stigmatised as 'under-performers', with blatant disregard for the fact that it is mathematically impossible for all or even the majority of employees to be above average.

This paradox throws into relief that Amazon-style digital Taylorism does not aim solely to streamline work processes. Putting individual employees under psychological pressure is just as important, if not more so. It is therefore only logical that extremely extensive technical monitoring is supplemented by a system of social monitoring by line managers (known as 'leads') and area managers. Anyone who is not fast enough or has phases of 'non-activity' in their log is summoned for a feedback talk. By way of example, the authors have seen an 'inactivity log' (!) from 2014 in which it is noted that an employee who was "inactive from 07:13 to



07:14 [one minute]" was reprimanded for "non-compliance with her contractual work performance obligation". This system places a particularly heavy burden on the shoulders of the many Amazon employees on fixed-term contracts, who live in fear of not having their contracts renewed if their performance is found to be below average.

b) The 'team' ideology trumpeted by Amazon contrasts sharply with the real situation: forced fragmentation of the workforce and systematic obstruction of trade union and works council activities.

Amazon sets great store by making its employees feel like part of a successful team, the global leader in e-commerce. "Work hard. Have fun. Make history" is probably its best-known motto. It is designed to encourage employees around the world to "outdo themselves", "become top performers" and work "faster than the day before" every single day.³ It is not just Amazon's managers who are receptive to the company's self-constructed narrative. Some of its lower-level employees are too.

Apicella (2015; 2016), who studied the psychology of Amazon employees in Leipzig, highlights the existence of a "vertical sphere" and a "horizontal sphere". Apicella found that members of the "vertical sphere" identify strongly with their employer. They are "proud to be part of Amazon", believe that monitoring of employees is fair, feel that they have sufficient opportunities for co-determination and advancement, and are firmly opposed to trade union activities. Conversely, members of the "horizontal sphere" subscribe to values like solidarity, democratic co-determination and collective interest articulation, and support trade union aims. The company blog (aboutamazon.de, formerly amazon-logistikblog.de) is teeming with examples of content from the "vertical sphere". "The fastest progress in the world thanks to you. 'Cause you guys make it all happen, teamwork is our religion, and from the stage I'm giving you motivation," raps Dominic 'Cartrunner' from Amazon's Pforzheim site. The blog features many other, similar examples indicating an extraordinary degree of identification with the company. Dismissing them as mere products of professional corporate PR would not do justice to the phenomenon. While Amazon undoubtedly fosters this sense of identification and uses it as propaganda, it clearly arises from a psychological need that is deeply rooted in certain employees at various levels of the company.

The Amazon version of team spirit is rounded out by a positive attitude towards cultural diversity, the right to be different and barrier-free access to the labour

3 This is how French journalist Jean-Baptiste Malet describes his experience as a temporary worker at Amazon's Montélimar site in France during the 2012 Christmas rush in his 2013 book *En Amazonie. Infiltré dans le 'meilleur des mondes'* (see also Hurst 2013).

market for people with disabilities. At Amazon, it is a matter of course to give Muslim employees additional breaks during Ramadan, the month of fasting, to enable them to comply with the prayer times prescribed in the Quran. The same goes for the company's exemplary efforts to better integrate deaf people into the workplace: Amazon has spared no expense when it comes to installing optical signals and purchasing vibrating armbands that warn their wearers of hazardous situations. Of course, these investments will ultimately benefit Amazon too, as it can deploy its deaf employees in areas with particularly high noise levels (Bundesagentur für Arbeit 2014).⁴

However, despite all its claims about 'team spirit', Amazon engages in deliberate efforts to fragment its workforce and erode solidarity between employees. Sites, departments, shifts and, ultimately, individual employees are placed in direct competition and played off against each other. The employees interviewed by the authors reported that their line managers often tried to prevent conversations between employees at the workplace and nip in the bud any signs of friendly relations and mutual support between colleagues. As one Leipzig shop steward puts it, "camaraderie is not tolerated here" (AEN3). Employees report that there is a "climate of denunciation". They are under constant suspicion: their workplaces are fitted with metal detectors and security gates, and they are only allowed to take clear drinks to their workstations to ensure that they cannot smuggle stolen items out of the facility in their drinking bottles.⁵

It therefore comes as little surprise that Amazon's model leaves no room for workplace co-determination, trade union representation of employees, or company enforcement of the collective rights enshrined in collective agreements. According to UNI Global Union, Amazon's practices amount to an "active anti-union labour policy" (USI2).

To date, Amazon has established neither a central works council nor a group works council. The individual FCs, the customer service entity and the German headquarters in Munich are all organised as independent 'profit centres' and subsidiaries of Luxembourg stock corporation Amazon EU SARL. The European parent company is governed by Luxembourg law, which does not provide for employee representation at group level. This structure means that all the information is stored centrally in Luxembourg and at the same time, the individual works councils are not entitled to any information from beyond the scope of their 'profit centre'.

4 It is unclear to what extent the creation of accessible workplaces was subsidised by public funds.

5 Employees even have to pass through the security gates to go to their break rooms. "I work my socks off and am constantly under suspicion" (AEN3).



c) A high proportion of employees on fixed-term contracts is as much a part of Amazon's business model as its systematic use of an 'army of precarious reserves'.

It is striking that Amazon does not only open fulfilment centres in locations with good public transport connections. For some time now, it has also been setting up in areas where unemployment rates are above average and wage levels are low. Although it no longer seems to be doing this as a result of its large-scale expansion in Germany, the mass availability of "huge numbers of low-skilled, usually precarious, workers for use as casual labour" (Butollo et al. 2018: 144 f.) nonetheless remains key to its business model.

As a general rule, the number of employees at many of Amazon's 12 German FCs doubles in late September/early October each year as the company prepares for Christmas. To meet its staffing needs, Amazon needs to be able to draw on a large reserve of cheap labour. Structural mass unemployment and underemployment are thus, to some extent, among the external production factors that are indispensable to Amazon's business model.

At the beginning of the millennium, employers were given far greater scope to repeatedly conclude fixed-term employment contracts – with or without objective grounds for limiting the term of the contract – than they had been under the Employment Promotion Act (BeschFG) of 1985.

By adopting the Part-Time and Fixed-Term Employment Act (TzBfG) of 2001, the government of the time – a Social-Democrat/Green coalition – lowered the age from which workers could unrestrictedly be offered fixed-term contracts from 60 to 58, and lowered it further to 52 in 2003. Moreover, it introduced into law for the first time the notion of 'objective grounds' (e.g. a temporary need for additional staff), thus making it legal to repeatedly conclude fixed-term contracts with no maximum duration. The number of fixed-term contracts rose substantially in the wake of each successive wave of deregulation. In 1985, fixed-term employment contracts accounted for 3.6% of all employment contracts (not including traineeships), rising to 5.3% by the turn of the millennium. In April 2001, just three months after the coalition's amendment was adopted, 8% of all employment contracts were fixed-term. Now, the figure is 9.2% (Linne/Vogel 2003; Bundesregierung 2015).

EXCURSUS: WORK MAKES EMPLOYEES SICK

It is hardly surprising that this work system is taking its toll on employees' health. While there are no official statistics on the rate of illness-related absence at Amazon, ver.di believes that it may be as high as 20% (USN9). That is well above typical rates for the retail and logistics sectors, and is far higher than the average rate of illness-related absence for dependent employees in general – 4.28% in 2018, according to figures from the German federal health reporting system (Statista 2019).

Health is, understandably, a major concern for employees and is regularly raised by trade union representatives at Amazon sites. The issues include pressure to perform, the fast pace of work, overheating in summer due to the lack of adequate ventilation, back problems, skin conditions caused by dry air, musculoskeletal disorders caused by walking long distances, and high noise levels. In 2016, ver.di asked Amazon to begin negotiations on a collective agreement on health. No such negotiations have taken place so far.

A high rate of illness-related absence is a problem for Amazon too, since it drives down productivity. One of the company's strategies for reducing the absence rate is its 'health bonus', which was introduced in 2016. Employees who take fewer sick days get more money, namely a bonus of up to 10% of their gross monthly earnings. However, the bonus is not awarded on an individual basis. It is only paid out if the entire team achieves a certain attendance rate, which varies from one location to the next. The works councils at some FCs have nevertheless managed to secure some concessions on the health bonus scheme, or even get it abolished altogether (AEN9).

Amazon has always fully exploited all the legal avenues open to it, and is still doing so today. Two-year fixed-term contracts, with no objective grounds for limiting the term of employment, are the norm at the company. Beyond that, it is unclear to what extent Amazon makes use of fixed-term contracts justified by objective grounds to handle the Christmas rush in the fourth quarter. The proportion of employees on fixed-term contracts is extremely high, especially at the newer FCs. It tends to be considerably higher than the average for the labour market as a whole, even at sites where the proportion of fixed-term contracts is now deemed low.

A CONFLICT WITH FAR-REACHING IMPLICATIONS

Amazon is not just a capitalist company in an objective sense, like all major companies in the context of a generally capitalist market. It is also capitalist in an ideological sense, perhaps embodying the 'spirit' of early-21st-century capitalism more than any other company. It is capitalist not only in its performance ethos, but also in the set of values that it applies and promotes. The idea of 'fast shopping' is more than just an indispensable part of the company's business model; it is preached as the ideological core of individual self-fulfilment, which has practically become the new religion of the post-modern age. Amazon is not just riding the wave of the zeitgeist, it is actually one of the most active propagators of this ideology that does not even appear to be an ideology at first glance.

In other words, Amazon is a driving force in the process that the Spanish journalist Amador Fernández-Savater (2013) trenchantly described as "dehumanisation by neoliberalism". For left-wing, progressive and humanist forces, the conflict around who determines working conditions at Amazon therefore ultimately has a broad socio-political dimension. At the same time, however, it addresses a fundamental issue. The dispute around collective agreements and union co-determination at Amazon will shape future working conditions in retail as a whole. If the top dog in the e-commerce sector can get away with stubbornly refusing to conclude collective agreements, then why should up-and-comers like Zalando be prepared to enter into such agreements?

Even now, competitors like Zalando are following Amazon's example on the work organisation front. Consequently, the strike that began at Amazon in April 2013 is no ordinary labour dispute. It is a collective conflict over the power to determine working conditions for an entire sector. Should ver.di lose, e-commerce may remain outside the collective bargaining system in the long term. The few online retailers that do abide by the terms of collective agreements, like Otto, will not be able to afford the 'luxury' of doing so for much longer. This will inevitably have an impact on the entire retail industry, which employs over three million people, and beyond. "Amazon is gaining an unfair competi-

tive advantage over companies that comply with collective agreements and offer their employees high social standards,” says Stefanie Nutzenberger, a member of ver.di’s national executive board and head of its retail section (Nutzenberger 2015). As a union shop steward tellingly observed in 2015, “if we don’t blaze a trail at Amazon, union representation in the retail industry as a whole will go to the dogs” (AEN1). Looking back at his words in 2019, we are forced to conclude that it is not just the retail industry that will suffer. It is not hard to imagine Amazon piling pressure on logistics companies that still apply the standards agreed through collective bargaining. In late 2018, DHL had to make a substantial downward adjustment to its company profit, partly because Amazon is delivering more and more of its packages itself.

Experience of how the German labour market was deregulated as a result of the Hartz laws and the Agenda 2010 policy shows that industries, sectors and sub-sectors are all interlinked, like connecting pipelines: if standards for wages and working conditions fall in one area, this will inevitably put pressure on other areas. Owing to its specific business model, Amazon certainly has interfaces with many different sectors. At ver. di, section 12 (retail) is not the only section that has to deal with Amazon. Sections 8 (media, art and industry), 9 (telecommunications, information technology and data processing), 10 (postal services, shipping and logistics), 11 (transport) and 13 (special services) are also directly affected by the company’s activities. While it may seem self-evident that ver.di’s various sections should coordinate their approach to Amazon, they did not do so for a long time. However, this seems set to change in 2019. The authors have seen a ver.di internal training document that states that “the experiences and findings gathered to date should be communicated and built upon within a special thematic group operating at federal level and involving the relevant sections”. This should make it possible to recognise the effects of Amazon’s strategy “in all ver. di sections at an early stage” and ensure that “knowledge and insights are gained and shared” (ver.di 2018). “We want to come up with a joint approach to issues like membership numbers, migration, public relations, logistics and ports, health insurance companies, call centres and IT – basically, we want to cover everything that is currently affected by Amazon plus all the areas that Amazon will influence in the future” (USN6). However, it remains to be seen whether these plans, which only exist on paper at present, will be implemented in practice.

One thing is clear though: the situation poses the union new challenges in terms of internal, cross-sectoral organisation. At the same time, it also provides potential for political alliances, making it possible to challenge the company on a broader basis. With this in mind, US researcher David Golumbia is calling for the left and the workers’ movement to step up their efforts to take on Amazon: “Amazon’s role in developing disturbing new workplace trends, especially for non-white-collar workers, should be of central concern for labor advocates” (Golumbia 2014).





**AMAZON'S
GLOBAL EXPANSION:
SAME COMPANY,
DIFFERENT CONDITIONS
FOR TRADE UNIONS**

According to its own figures, Amazon had 647,500 full-time and part-time employees (excluding contractors and temporary personnel) at the end of 2018 (Amazon 2019: 4).

The company was founded as an online bookstore in the US state of Washington in 1994 and expanded to Europe just four years later. The German and British websites amazon.de and amazon.co.uk went live in 1998. That same year, Amazon opened its first British fulfilment centre in Ridgmont near Milton Keynes (between London and Birmingham), as well as a customer service centre in Regensburg, Germany. In 1999, the first German FC opened in Bad Hersfeld, Hesse. A year later, amazon.fr was launched and the first French FC opened in Saran near Orléans, 100 kilometres south of Paris.

Further FCs followed, with Amazon opening sites in Italy (Piacenza) and Spain (Madrid). Amazon's expansion into Poland is particularly relevant to the situation in Germany. In autumn 2014, the first three Polish FCs opened – two in Wrocław (one for heavy goods and one for light goods) and a third in Poznań. They went into operation a year and a half after industrial action began in Germany and played an important role in the public debate and the debate on the shop floor at Amazon, with the company threatening – sometimes more explicitly, sometimes less so – to relocate jobs from strike-happy Germany to its eastern neighbour (see section 3.2). This interpretation of events was found in press coverage of Amazon's plans to relocate or expand to Poland and the Czech Republic as early as autumn 2013 (afp 2013).⁶

According to research by Canadian consulting firm MWPVL, Amazon operated 809 logistics sites worldwide in July 2019 (FCs, sort centres, returns processing centres, Prime Now hubs, and so on), 399 of which are located outside the US. The company itself says that it has 175 logistics centres or FCs worldwide, using the two terms interchangeably, with approximately 40 in Europe (Amazon Blog 2019a). In Germany, Amazon's most important market outside the US, the company has 12 FCs in 11 locations: FRA1 and FRA3 in Bad Hersfeld (Hesse), LEJ1 in Leipzig (Saxony), DUS2 in Rheinberg (North Rhine-Westphalia), DTM1 (formerly EDE4/EDE5) in Werne (North Rhine-Westphalia), MUC3 in Graben (Bavaria), STR1 in Pforzheim (Baden-Württemberg), CGN1 in Koblenz (Rhineland-Palatinate), BER3 in Brieselang (Brandenburg), DTM2 in Dortmund (North Rhine-Westphalia), HAM2 in Winsen near Hamburg and FRA7 in Frankenthal (Rhineland-Palatinate). The company also has a German head office in Munich, two service call centres (in Regensburg and Berlin), two software development centres (in Dresden and Berlin),

6 UNI Global Union experts believe that the massive expansion of distribution capacity in the United Kingdom is also a response to growing trade union protests in France and Germany (US11).



four to six package distribution centres, three sort centres, two Prime Now hubs (express delivery stations in Berlin and Munich) and seven facilities run by other logistics firms like DHL, Hermes and Kühne + Nagel on Amazon's behalf (Fulfilment by Amazon). There are plans to open a further logistics centre near Mönchengladbach; press reports indicate that it should be running at full capacity in time to handle the 2019 Christmas rush (Freight Hub 2018). Both Amazon's rapid expansion and the gradual diversification and specialisation of the individual logistics sites make it difficult to come up with exact figures. While the sites are operated according to similar patterns and specifications worldwide, pay and working time can vary considerably, the disparity between western and eastern Europe being particularly pronounced. These differences reflect the context of the respective national labour markets and the diverse legal systems of the countries in question, but are also closely linked to the specific situation of trade unions at Amazon in these countries. Generally speaking, it could be said that wherever it goes, Amazon consistently tries to exploit to the maximum the leeway granted to it by national legislation. This is as true for taxes and duties as it is for labour costs and working conditions. Collective agreements are only implemented if their implementation is required by law. Trade unions have not been recognised anywhere as negotiating partners in a collective bargaining process thus far. The company is visibly forging ahead with its expansion into eastern Europe, the aim of which seems to be to use eastern European labour – which is still far cheaper – to supply the western European market and thus undermine trade union achievements in Germany and France.

UK: UNION BUSTING, NEOLIBERAL LABOUR LAW AND TRADE UNION RESURGENCE

Amazon employs 27,500 people in the UK, 22,500 of whom work in its 17 FCs. The General, Municipal, Boilermakers and Allied Trade Union (GMB) has been trying to organise Amazon employees for several years now and currently reports "several hundred members" at Amazon. So far, no trade union has been recognised as representing the workforce at any of Amazon's UK sites (USI4).

The situation remains precarious to this day, which is a legacy from Amazon's first years on the British market: the UK is an early example – and to date, the most dramatic example – of the company's determination to suppress unions at its sites, if necessary by employing extremely ruthless measures. It managed to force out the Graphical, Paper and Media Union (GPMU) in 2001 with a union-busting campaign like no other it had run before.⁷ Its approach was so aggressive

⁷ The term 'union busting' comes from the US and refers to the systematic combating, repression and sabotage of trade unions, works councils and staff committees by employers.

that British unions refrained from any organising attempts at Amazon for the next ten years. “They have played every trick in the union-busting book to keep us out of the plant,” Peter Lockhart, a GPMU union secretary at the time, told *The Guardian* (quoted from Maguire 2001).

In 2001, the GPMU – now an affiliate of umbrella union Unite the Union (Unite), which was created in 2007 – launched a union organising drive in Ridgmont near Milton Keynes, around 75 kilometres north-west of London. This was where Amazon opened its first UK FC in 1998. The village met every last one of the US corporation’s location criteria: it had good transport connections, was within easy travelling distance of at least one major city, was economically underdeveloped and had high unemployment.

Accordingly, the wages paid at the site were low: £5 an hour (approx. €5.40), plus pension and healthcare benefits and stock options (Gall 2004). Moreover, many employees complained about the fast pace of work and the extremely long hours.

The organising project set out to secure union recognition at the site. Under the UK’s restrictive labour law, the company and the trade union must sign an agreement for the union to be recognised. If the company does not recognise the union voluntarily, the union can apply to the Central Arbitration Committee (CAC), the highest-level labour authority, for statutory recognition. To do this, the union must prove that at least 10% of the company’s employees are union members. In addition, the majority of employees must support union recognition, perhaps by signing a petition or voting for recognition in a ballot. If a union is not recognised, it cannot make any collective demands.

Initially, the GPMU actually managed to recruit some 200 employees and Amazon indicated that it was willing to begin talks about the conditions for recognition, although it made the GPMU promise to cease its activities while the talks were ongoing. The parties also agreed to have the site’s employees vote on recognition. “The problem was that nothing happened during the four or five talks,” recounts a unionist who was involved. “After two months, to our surprise, Amazon launched a massive union-busting campaign. Amazon took a far harder line against us than we had expected” (US12).

The company’s management had clearly decided its best course of action was to divide and conquer. It awarded the workforce a pay rise of 50 pence (a little over €0.50), promoted some immigrant employees and invested in the dilapidated canteen. At the same time, it cracked down on the GPMU. Several leading union members were sacked and all employees were required to attend one-to-one meetings. At monthly department meetings, the management team strove to turn employees against the union, and anti-union posters and baseball caps were



distributed amongst the workforce (USI2; Gall 2004). The GPMU even received letters resigning union membership that were written on paper bearing the Amazon letterhead. The letters later turned out to have been drafted by Amazon management, a fact that Amazon did not even trouble to deny when it spoke to The Guardian (2001): it claimed that it had merely given assistance to employees with poor English.

When the ballot on union recognition was held in autumn 2001, 90% of the workforce took part. Of those who voted, 80% voted against the trade union and 15% in favour of it, while 5% of votes were invalid. The GPMU received fewer votes than it had members (Gall 2004). This was a crushing defeat for the GPMU and weighs heavily on the trade unions to this day. "Of course that plays a role. The defeat still casts a shadow. The fear is massive" (USI3).

Since then, there has been little change to the poor wages and working conditions (for more details, see Briken/Taylor 2018). According to trade union data, the going wage at Amazon was £7.10 for years – only slightly more than the hourly minimum wage of £6.70 (€9.10).⁸ A substantial improvement only came in late 2018, when the company announced that it was increasing its basic hourly wages to £10.50 in Greater London and £9.50 in the rest of the country (€11.73 and €10.61 respectively) (Partington 2018).

Unlike in Germany, employees and trade unions in the UK have to contend with a high proportion of part-time contracts. "One of our biggest problems are the many colleagues who are working 20 hours or fewer a week," says a leading GMB union secretary (USI3). Amazon is making full use of the zero-hour contracts permitted under British labour law: the company can call in employees when there is work, but staff are not entitled to work a minimum number of hours and are only paid for the hours they actually work.

Under an agreement made within the British Trades Union Congress (TUC), the UK's third-largest trade union GMB is now in charge of union activities at Amazon, rather than the GPMU and Unite. According to GMB, the situation is "very difficult". The lack of access to the Amazon FCs is a particular headache for the union. "We have great problems getting in touch with colleagues at all, because we can only approach them outside the plants. We have to do everything undercover" (USI3).

Yet the union says that it has had some success in organising and has gained members in some FCs. "Our membership numbers are growing, but the legal framework makes it hard for us to initiate the recognition process" (USI4). The

⁸ By way of comparison, logistics companies bound by collective agreements paid around £12 an hour in 2015. Tesco, the UK's biggest retailer, pays £8-10 (USI3).

union's difficulties in accessing the Amazon FCs are compounded by the language barrier: apparently, around two thirds of employees are not native speakers of English, with many coming from Romania and Poland. To address this issue, GMB is working with Polish union Solidarność: the two organisations share information and exchange staff. Other obstacles for the union include the high staff turnover and the short periods for which people are employed at the company.

GMB's strategy for tackling these problems is centred on public opinion. By publicly attacking the unhealthy working conditions at Amazon sites, Amazon's tax-dodging behaviour and the negative impact of Amazon's business model on the environment, GMB has managed to foster critical awareness among members of the public. At the same time, the union is striving to organise the truck drivers who transport and deliver goods for the company. "If we can get control over the last mile, then we'll have a way into the FCs," says one trade union secretary (USI7). GMB is also endeavouring to make (institutional) investors aware of working conditions at Amazon and the company's reluctance to recognise fundamental trade union rights. A special lobbying organisation, Trade Union Share Owners (TUSO), was founded to this end. It seems that GMB has been at least somewhat successful in its efforts. Following an investors' meeting organised by TUSO in May 2019, one institutional investor made the following comments to The Guardian: "[c]ompany culture and human capital management are coming up more frequently in discussions with companies. We see it as a reputation issue. A company needs to be attractive for people to want to work there and to stay there and also to attract and retain customers, and we have seen huge backlashes against companies where customers have voted with their feet." According to a union representative, the strategic aim behind this lobbying work – lobbying being a relatively new activity for trade unions – was to "introduce investors to working life at Amazon and enable them to hear for the first time from an Amazon worker about the reality of working at Amazon" (Farrell 2019).

However, the union's core political demand remains access to workplaces. For this demand to be met, collective labour law will have to undergo a fundamental change that can probably only be expected under a Labour government.

POLAND: RAPID EXPANSION FOCUSED ON THE GERMAN MARKET

When, in late June 2015, employees at Amazon's FC in Poznań, Poland (POZ1), were told at short notice that their shifts were to be extended by an hour, spontaneous protests broke out, culminating in a go-slow strike. The origin of the protests, however, was not in the Polish industrial city but some 650 kilometres west in Bad Hersfeld, where employees had once more staged a walkout. When



employees at the Poznań site were ordered to do overtime, they feared that Amazon was trying to undermine the industrial action taking place in Germany and turn them into strikebreakers. The fact that the staff in Poznań were so well informed about events in Bad Hersfeld was chiefly due to the anarcho-syndicalist rank-and-file union OZZ Inicjatywa Pracownicza (IP), which is active there. It has close ties with ver.di activists at a number of locations, and especially Bad Hersfeld. Although IP says that it did not organise the go-slow strike (AEI1), it did lay the groundwork for it to some extent as it informed the FC's employees of ver.di's industrial action in Germany by distributing flyers and posting notices on the site noticeboard. It is therefore entirely plausible that the employees knew that the overtime, which was ordered at short notice, was linked to the strikes in Germany.

IP has gained more backing since then. In early 2016, it felt that it had won enough support to organise a ballot on strike action at the Wrocław and Poznań FCs. The ballot was held between the end of May and mid-June that year, and IP reported that over 2,000 employees voted to strike.⁹ However, the turnout was below the quorum required in Poland. Although the ballot was unsuccessful, the fact that many employees were prepared to strike indicates that IP does have some potential to mobilise the workforce.

Poland's restrictive labour law requires unions wishing to call a strike to hold a ballot. However, the ballot must be conducted among all employees, not just union members. Over 50% of the company's workforce (i.e. of workers at all Amazon sites, not just the facility concerned) must take part in the ballot, and the majority must vote in favour of strike action.

The main lesson to take away from these examples is that unionisation at Amazon in Poland is still weak. This is hardly surprising, given that the company has not been in Poland very long and has been expanding at a dizzying pace. Amazon only began operating in Poland in October 2014, when it simultaneously opened two fulfilment centres in Wrocław (WRO1, WRO2) plus a third, POZ1, which later became the scene of the protest. It now has four logistics centres in Wrocław (WRO3 and WRO4 opened in 2015) and added another two in other locations in 2017: KTW1, in Sosnowiec near Katowice (3,000 permanent employees), and SZZ1, in Kolbaskowo near Szczecin (1,000 permanent employees). Amazon also operates a software development centre in Gdańsk and an AWS site in Warsaw. All in all, Solidarność believes that the company has around 15,000 regular employees in Poland (AEI3).

⁹ According to IP's figures, 1,605 permanent employees and 496 temporary workers voted yes, 39 permanent employees and 10 temporary workers voted no, and 9 votes were invalid. Yes votes accounted for 97.3% of total votes (OZZ IP 2016).

In Poland, two trade unions, IP and Solidarność, are working to represent Amazon's employees. This is, however, problematic: not only do they embody two radically different trade union models, they also have an extremely tense relationship with one another. While Solidarność's model is based on social partnership and reconciliation of interests and tends to be less adversarial, IP pursues a combative and militant approach. Moreover, Solidarność is a large trade union with around half a million members in different sectors nationwide (Trappmann 2011), while IP, which was founded in Poznań in 2002, might be able to reach a few hundred or at best a few thousand employees in total. That said, the two unions have a similar number of members among Amazon employees.

Solidarność reports that it began work to recruit its first members in the Wrocław FCs just three months after they opened. Wrocław remains the geographical focus of Solidarność's organising efforts (AEI2; AEI3). In Poznań, by contrast, it is IP that has managed to unionise staff. It reports that it has around 300 members there and has made some headway on organising employees in Wrocław, starting in 2016. The two organisations pursue very different strategies. That much was clear from their reactions to the go-slow strike at the Poznań site in 2016. While IP actively supported the action, Solidarność issued a statement after the fact in which it recognised that many of IP's demands were legitimate but condemned IP's confrontational methods, deeming them counterproductive.¹⁰ IP, in turn, held that Solidarność's words showed a lack of solidarity.¹¹

Recently, there have been signs of a growing rapprochement between the two organisations, and they appear to be making serious efforts to work together. In May 2019, for instance, the two unions jointly called on Amazon to discuss pay increases with them. In response, Amazon offered to negotiate exclusively with Solidarność, and not IP. Solidarność rejected the offer. "We will negotiate together, or not at all," said a representative of the organisation's workplace

10 "We agree with many of the demands, but are dubious about the methods and the confrontational approach. We must not put our colleagues at risk of job losses or employer reprisals. [...] Management and the union should work together as partners and strive to improve the functioning of the plant and strengthen ties between workers and the company, in a spirit of mutual respect. [...] Nevertheless, we believe many of the demands made by OZZ Inicjatywa Pracownicza to be both appropriate and important [...]. We are concerned, however, by the methods by which they are implemented, the overhasty decisions, the deliberately confrontational behaviour towards the employer, and actions verging on illegality" (Grzegorz Cisoń 2015, Chairman of Solidarność's Workplace Committee at Amazon in Poland).

11 In an article titled *Das wahre Gesicht der Solidarität* (The true face of solidarity), IP wrote that Solidarność was quite simply "stabbing workers in the back while Amazon management takes retaliatory measures" (OZZ IP 2015).



committee in Wrocław (AEI3). Solidarność and IP have been engaged in a joint campaign to abolish feedback talks since 2019. Moreover, in their 2018 study *Amazon in Polen*, researchers Dominik Owczarek and Agata Chelstowska indicate that there are signs that Solidarność is gradually abandoning its social-partnership-based approach in favour of a more confrontational stance (Owczarek/Chelstowska 2018).

The relationship between Solidarność and IP has a bearing on the labour disputes in Germany and on efforts to create a stronger international network too, since the Polish FCs, at least at present, are chiefly used to handle orders for the German market. Amazon has shown little interest in Poland as a sales market so far, as evidenced, among other things, by the fact that the e-commerce giant still has no Polish-language customer website (as at July 2019).

At the same time, Amazon's activities in Poland are heavily subsidised by EU funds. The company's four fulfilment centres in Wrocław are located in the Tarnobrzeg Special Economic Zone (TSEZ), which is part of the Wałbrzych Special Economic Zone Invest-Park. Lying along the border with Germany and the Czech Republic, the expanding Special Economic Zone now stretches from the German town of Schwedt/Oder to the Czech city of Ostrava and comprises around a fifth of Poland's territory. Investors are lured there by lavish tax exemptions, low-cost real estate and tailor-made infrastructure. Companies choosing to set up there are exempt from 40% to 70% of corporation tax (PAIH n. d.).

Amazon can supply a large share of the German market from its Wrocław FCs, which are just 160 kilometres by motorway from Germany's eastern border. "[The region's] proximity to Germany" was "key to the establishment of several Amazon distribution centres [there] in 2014," states the German Federal Ministry of Education and Research's website openly (BMBF 2014).

It is unclear to what extent the other FCs are able to benefit from the privileges associated with the Special Economic Zone. In any event, all of Amazon's logistics sites are located in regions that have received huge EU subsidies, mainly through the EU Cohesion Fund, for the primary purpose of modernising their transport infrastructure (KPMG 2014).

Wages and working hours in Poland differ significantly from those in Germany. In 2019, the typical gross hourly wage was 17.50 to 18.50 złoty (€4.12 to €4.36). It was raised to 14 złoty (€3.29) in autumn 2015; before that, it was 12 to 12.50 złoty (approx. €2.82 to €2.94). Employees work in ten-and-a-half-hour shifts with an unpaid half-hour break. They work for four days at a time and generally have three days off afterwards. Employees are not always paid a supplement for night shifts or Sunday work, and any supplements they do

receive are very small. At the same time, employees complain that they are under enormous strain and that there are video surveillance systems in the changing rooms (AEI2; AEI3). Unlike in other countries, such as Germany, Amazon's workforce in Poland consists almost entirely of employees hired through temporary work agencies, including major firms like Manpower, Adecco and Randstad. In the joint wage demand they submitted in May 2019, IP and Solidarność called for the hourly wage to be raised to 25 złoty net (€5.89), equivalent to 34 złoty gross (€8.01). Such a pay increase would double current wages (Reuters 2019).

All in all, the Polish unions still have a long way to go at Amazon. This is also evident in Amazon's decision to officially recognise Solidarność in 2016. Solidarność and UNI were initially jubilant about the "historic" agreement, but their enthusiasm has since waned. "They pretty much only give us the things they are legally required to give us," commented a Polish unionist at the Amazon Alliance meeting in Berlin in spring 2019.

However, given that there have been signs of cooperation between the two very different trade unions representing Amazon employees since 2019, one major barrier to success has presumably been eliminated. International networking activities, both between workplace union activists and through UNI work, could continue to play a stabilising role in this regard. Workplace groups from both unions have been in close contact with ver.di activists in locations including Bad Hersfeld, Leipzig and Brieselang for some years now. Solidarność regularly takes part in UNI Global Union's Amazon networking meetings, and the Amazon Alliance steering committee reports that it is endeavouring to involve IP in international activities.

FRANCE: STRIKES, BLOCKADES AND ACHIEVEMENTS, BUT A LOW UNIONISATION RATE

After Germany, France was the second country to see significant strikes against Amazon.¹² In June 2014, influenced in part by the ver.di strike in Germany, the three unions Confédération générale du travail (CGT), Force ouvrière (FO) and Union syndicale Solidaires (SUD) called for industrial action at Amazon for the first time. They hoped to persuade Amazon to engage in talks about wages, working conditions and respect for union activities. Their efforts were partly successful, as reported by an Amazon employee who is a member of CGT: "in June 2014, 250 of us – a quarter of

¹² Unless otherwise indicated, the section on France is based on a written interview with trade union researcher Francesco Massimo of Institut d'études politiques de Paris (IEP).



the workforce – went on strike for a day to demand ‘13th month’ pay. It worked, which was of course a major victory for us, especially since our managers had predicted that our demand would never be granted because it was impossible to explain to Americans why a year has 13 months in France and only 12 in the US” (USI5).

In December 2014, CGT members again staged a walkout in Saran near Orléans to demand higher wages and improved working conditions. A larger wave of strikes broke out in 2016 in the wider context of protests against a labour market reform planned by François Hollande’s government (Schmid 2016). Employees in Lille, Montélimar and Dijon were involved, and there were repeated blockades in Orléans. That same year, the unions managed to have the practice of working on Saturdays abolished. They also secured a 0.5% pay rise and had individual bonuses doubled (SAV 2016).

In spring 2018, news of a strike at the Amazon FCs near Madrid triggered a spontaneous walkout in Lille. CGT supported the action, while France’s biggest umbrella union by membership numbers, the co-management-oriented social-democratic Confédération française démocratique du travail (CFDT), held back. The trade unions successfully negotiated annual pay increases in the politically mandated, regular yearly rounds of collective bargaining. In 2018, these stood at 2.2%.

Moreover, legal disputes about job classification have been running since 2017. In the trade unions’ view, Amazon’s internal job classification system is not equivalent to the system set out in the sectoral collective agreement. The first court ruling on the matter was handed down in February 2019: Amazon was ordered to issue back pay to seven employees. A number of new lawsuits were filed based on this precedent.

CGT’s most recent major achievement was its success in securing a €500 bonus for French Amazon employees at the turn of the year 2018/19. The union based its demand on a suggestion by President Emmanuel Macron who, following the ‘yellow vest’ protests, called on companies to pay their employees bonuses (UNI 2019). Amazon was one of the primary targets of the ‘yellow vest’ demonstrations in a number of locations. According to reports in the press, campaigners sporadically blockaded “several Amazon depots and buildings, from Toulouse in the south-west to Montélimar in the south-east and Douai in the north, before being moved on by riot police”. There is also at least one documented case of the company firing an employee who, in a Facebook post, had called on others to support the blockading of an FC (Chrisafis 2019).

After Germany and the UK, France is Amazon's third most important market in Europe. The company entered the French market in 2000 when it opened its first French FC in Boigny-sur-Bionne near Orléans, 140 kilometres south of Paris. This facility was replaced by the current ORY1 site in nearby Saran in 2007. Another FC (MRS1) was opened Montélimar, 160 kilometres north of Marseille, in 2010, followed by a third FC (LYS1) in Sevrey near Chalon-sur-Saône (close to Dijon) in 2012 and another in Lauwin-Planque near Lille (LIL1) one year later. In late 2017, Amazon opened its largest French site to date (BVA1) in the northern French town of Boves (Amazon n. d.).

In France, too, Amazon is actively engaged in efforts to obstruct trade union activities. It supports pro-employer 'yellow' unions in order to divide workforces and lower collective bargaining standards. One such union is the anti-communist Confédération autonome du travail (CAT), which began activities at the ORY 1 FC in Saran in 2015 (USI5). It is known for being the 'company union' in one of France's largest retail chains and is termed "fascist" by local CGT activists (AEI3).

The unionisation rate at Amazon France is very low, reflecting the overall trend in France. UNI Global Union estimates that less than 5% of Amazon's French workforce is unionised. In the 2015 workplace committee and works council elections, CFDT received the most votes, followed by CGT. SUD came in third, CAT fourth and FO fifth. The balance of power differs greatly from one site to the next. Following the 2015 elections, CGT was the biggest union at LYS1 and SUD at ORY1, while CFDT netted two thirds of the votes cast at LIL1. CAT secured one third of votes at MRS1 and one fifth at LYS1. The next elections are due to take place in 2020.

Both CGT and CFDT are involved in UNI Global Union's Amazon Alliance. However, their participation is somewhat sporadic and they do not seem particularly committed. CGT is on the negotiating body seeking to establish a European works council at Amazon.



TRADE UNION REPRESENTATION IN FRANCE

Collective labour law in France has a number of unusual features. For instance, at workplace level, employees are represented by a mixture of workplace representatives elected directly by the workforce and representatives appointed by the unions' regional structures. As a result, many employees feel that there is no need for them to join a union because their union is already represented at their workplace. Although companies are legally required to comply with generally binding sectoral collective agreements, these agreements only set out minimum standards and serve as a basis for mandatory annual negotiations between major companies and trade unions.

SPAIN: AMAZON GROWING; A HARD SLOG AHEAD FOR THE UNIONS

Amazon opened its first Spanish site, MAD4, with a staff of around 1,000, near Madrid in 2012. It has since expanded and now has two logistics centres (in San Fernando de Henares and Getafe), a Prime Now hub and a technology development and support centre (tech hub) in the area. The company's Spanish website amazon.es went live in 2011, and Amazon has established a fully-fledged logistics network in the country since then.

In Barcelona, there are three Amazon logistics centres (Martorelles, El Prat and Castellbisbal), a Prime Now hub and a support centre for southern European small and medium-sized enterprises selling their products through Amazon. A further logistics centre, described by Amazon as its biggest facility in Spain, opened in Illescas near Toledo in spring 2019 (CMM 2019).

It was originally scheduled to begin operation in autumn 2018 (Amazon Blog 2017). However, according to reports in the press, its opening was delayed because Amazon had trouble finding enough people interested in working there (Moratalla 2019). This may indicate that employees are beginning to wield more market power.

Amazon also has a delivery station in Paterna near Valencia (Salvatierra 2017), and is planning to open a new site near Bilbao in the second half of 2019. Spanish daily newspaper El País estimates that Amazon will employ around 5,500 people in Spain by 2020. Reports in the media suggest that Amazon is planning to increase the number of logistics centres it has in Spain even further in the coming years (Gorospe 2018). Amazon's expansion in Spain has been so rapid that it is difficult to come up with exact figures.

In mid-September 2015, three trade union representatives were elected to the workplace committee at the San Fernando de Henares FC for the first time (USI6). The trade union Confederación Sindical de Comisiones Obreras (CCOO), which has close ties with the political party Izquierda Unida, won two seats, while the moderate anarcho-syndicalist Confederación General de Trabajo (CGT) won one. The remaining ten seats on the committee were filled by representatives from a list that, while supposedly independent, is suspected by CCOO of being pro-employer (USI6).

In autumn 2018, workplace committee elections were held at the El Prat FC near Barcelona airport. This facility employs around 1,500 people. CCOO emerged as the strongest list, winning 11 of the 23 seats on the committee. The third Amazon site in Spain with elected employee representatives is the significantly smaller



Castellbisbal centre, which employs around 100 people and is also located near Barcelona. However, at the rest of Amazon's facilities in Spain – which now number 27 in total, according to CCOO – there is no collective representation of interests at present (Martínez 2019). In January 2015, the San Fernando de Henares workplace committee, whose members did not include any union representatives at the time, concluded a collective agreement with Amazon. In practice, it was a comprehensive collective pay agreement setting out job descriptions, pay grades, and so on. The agreed basic hourly wages for the two lowest pay grades were €9.52 and €10.20 (BOCM 2015).

The agreement expired on 31 December 2016, so the workplace committee set about negotiating an extension with Amazon. However, the company tried to weaken the agreement in a number of areas.

After 17 months, the negotiations were abandoned, with no new agreement having been concluded. In March 2018, trade unions CCOO and CGT called on the employees of the San Fernando de Henares FC to strike for two days. According to trade union figures, approximately 70% of employees took part in the walkout – at the time, the site's workforce consisted of 1,100 permanent employees and 900 contract workers (CCOO 2018a). Since the two sides still could not reach an agreement, the employees of the San Fernando de Henares FC downed tools once more in July, for three days this time. This strike took place on Amazon Prime Day, a day when Amazon offers deep discounts on many products and one of Amazon's biggest selling days of the year. The strike was coordinated to take place at the same time as similar actions in France, Germany and Italy. Further strikes followed in late November (on Black Friday, another peak sales day for Amazon), on four days in December and in early January 2019, just before Epiphany (which has a similar significance in Spain as Christmas in Germany).

Employees' demands included the linking of wages with the consumer price index plus better sickness provision (Salvatierra 2018); so far, Amazon has not acceded. To date, the San Fernando de Henares facility is the only Spanish Amazon site to have experienced a strike.

CCOO has been involved in UNI Global Union's Amazon Alliance since October 2015 and is working alongside French union CGT and the transport section of Italian trade union confederation CGIL (FILT-CGIL) to have a European works council established at Amazon (CCOO 2018b).

ITALY: NO ATTITUDE SHIFT SO FAR

Amazon began business activities in Italy in 2011, with the establishment of an FC in Castel San Giovanni near Piacenza, 70 kilometres south of Milan. According to press reports, approximately

1,000 employees worked at the site when it first opened. It now has around 1,600 employees. Moreover, seasonal workers are brought in to help handle the Christmas trade, swelling the workforce to as many as 4,500 employees (Cattero/D'Onofrio 2018: 156 ff.). Other smaller sites have since begun operation in Milan, Origgio, Avigliana, Passo Corese, Vercelli and Casirate d'Adda.

On the whole, unionisation is weak at Amazon. Experts have estimated that there are a total of 250 to 400 union members at Amazon's Italian sites. Most of them belong to the country's three major trade unions, Confederazione Generale Italiana del Lavoro (CGIL), Confederazione Italiana Sindacati Lavoratori (CISL) and Unione Italiana del Lavoro (UIL).

CGIL has most members at Amazon. As is the case everywhere else in the world, the company is hostile towards unions, deeming them 'third parties'. In Italy, too, Amazon works extensively with temporary work agencies, which is an additional obstacle to trade union organising. Despite the adverse conditions, November 2017 saw employees from the Piacenza site take part, for the first time, in strike actions coordinated with ver.di in Germany on Black Friday (Szlezak 2017).

In May 2018, a workplace collective agreement regulating weekend work was negotiated for the Piacenza FC. The lead trade union, Filcams-CGIL (the retail section of CGIL), and UNI Global Union described the agreement as "historic" as it was the first ever collective agreement to have been negotiated at Amazon (UNI 2018a). However, Italian industrial sociologists Cattero and D'Onofrio underline that the agreement's content "though very important, still does not substantially affect some of the most obvious [...] issues with regard to work organization and human resource management" (Cattero/D'Onofrio 2018: 158).

All in all, there is little to indicate that the Piacenza agreement has marked a general shift in Amazon's attitude towards collective agreements and trade unions.

According to one expert, there is little coordinated contact between the unions in Piacenza, on the one hand, and Rome and Turin, on the other. A traditional approach based on representative politics still appears to dominate. There are no well-developed activist structures like there are in Germany, and it seems there have barely been any serious attempts to establish such structures. A further



problem is the recent emergence of Unione Generale del Lavoro (UGL), which has close ties with the right-wing populist Lega Nord (EXP2).

CGIL and CISL have both been involved in UNI Global Union's Amazon Alliance since 2015.

CZECH REPUBLIC, SLOVAKIA, AUSTRIA, SWEDEN: UNION REPRESENTATION IN ITS INFANCY

Amazon has had activities in the Czech Republic since 2013, when it opened a returns processing centre near Prague airport (PRG 1). In late 2015, an FC began operation nearby (PRG 2), and talks on the construction of a further FC in Brno are currently ongoing. The Czech trade unions have few members at Amazon at present. Amazon has two facilities in Slovakia, one in Bratislava and one in Sered'.

The Bratislava site primarily serves the Austrian market. To speed up shipping, Amazon opened an additional logistics centre near Vienna in early 2019, starting out with 150 employees (DVZ 2019). The Austrian trade union Gewerkschaft der Privatangestellten, Druck, Journalismus, Papier (GPA-djp) is involved in the Amazon Alliance and reports that it is endeavouring to secure a collective agreement at Amazon. "We decided, as a trade union, to take up the challenge, even though it is very tough" (USI6). GPA-djp also set up a hotline where Amazon employees can seek advice anonymously. No sooner had the hotline been created than Amazon employees were using it, giving the union contacts inside the facility and access to information. This indirectly led to the publication of press articles decrying the "dreadful working conditions at Amazon" (Der Standard 2019).

A number of Swedish unions are part of the Amazon Alliance: they fully expect Amazon to expand in Sweden, although the company only has AWS facilities there for the time being.

US: ORGANISING EFFORTS GATHER MOMENTUM

The US is not just the country in which Amazon was created in 1994 or the foundation stone of the online giant's global empire. To date, the US is also Amazon's biggest national market worldwide and is home to most of the company's infrastructure. According to a study by industry information service MWPVL, Amazon had 407 logistics facilities in the US in July 2019, including 148 fulfilment centres and larger distribution centres, 53 sort centres, 117 delivery stations and 3 air cargo hubs (MWPVL n. d.).

The US is thus the heartland of Amazon's global workforce, which is particularly interesting from a trade union perspective. The company reports that it has around 250,000 permanent employees under contract in the US plus another 100,000 seasonal employees at certain times of year (Amazon Blog 2018), meaning that about 40% of the approximately 600,000 people working for Amazon worldwide are located in the US.

In the light of these figures, it is clear that union organising and collective bargaining coverage at US sites are a decisive factor in Amazon's attitude to unions worldwide. In a nutshell, Amazon has been union-free in the US practically since its foundation. This explains the company's ignorance of and extreme hostility towards trade unions, an attitude that seems strange in a German or European context.

For over two decades, Amazon barely had to deal with trade unions on its home market. It also benefited from going into business at a time when US trade unions were on the ropes and in decline.

Nonetheless, some attempts have been made to unionise Amazon's US employees. For instance, the trade union Communication Workers of America (CWA) ran an organising campaign in 2000 in a bid to unionise a 400-employee call centre at Amazon's Seattle headquarters. Amazon then closed the call centre, citing general restructuring as the official reason. However, the closure was widely seen as a response to the CWA's activities, especially since the company's management had previously voiced its dislike of unions to both employees and the public (Quinnell 2013; Kopytoff 2014). In January 2014, the International Association of Machinists and Aerospace Workers (IAMAW) failed in its bid to organise a small group of 27 technicians at a service centre in Middletown, Delaware: 21 employees voted against the union. Amazon had engaged the services of law firm Morgan, Lewis & Bockius ahead of the vote: even as long ago as 1981, the firm was described by the American Federation of Labor and Congress of Industrial Organization (AFL-CIO) as a "top union buster" (AFL-CIO 1981), and is still considered as such (Gruenberg 2018).



COMPLEX RECOGNITION PROCEDURE

In Germany and many other countries, union membership is an individual choice. However, the system in the US is completely different. To be unionised, the employees of a workplace must prove to the labour authority, by majority vote, that they want union representation. However, the very question of what exactly is defined as a “workplace” has provided material for numerous legal disputes. If the union wins a majority in the recognition vote overseen by the labour authority (50% plus one vote), the company must engage in collective bargaining with the union. If a collective agreement is concluded, it applies to all employees. If the union does not win a majority in the vote, collective bargaining cannot be undertaken. In the US, this generally means that employees will have no healthcare insurance, no pension provision and no collective representation of their interests, because there are no works councils in the United States.

The system of recognition votes was introduced in 1935 to facilitate unionisation. However, unfavourable amendments to legislation and the efforts of a billion-dollar anti-union lobby mean that the obstacles to union representation are far greater in the US than in any other Western country.

Only in recent years have there been developments in the latent conflict between Amazon, the trade unions and the social movements allied with the unions. Amazon's autumn 2018 announcement that it was raising its minimum hourly wage to US\$15 (approx. €13.30) was clearly a response to the hugely successful Fight for \$15 movement. Launched in 2012, Fight for \$15 is primarily driven by the Service Employees International Union (SEIU) and a diverse range of grassroots activists and is campaigning for a nationwide minimum wage of US\$15 an hour. At the same time, the announcement could be viewed as a measure to forestall renewed attempts at union organising. However, the clearest turning point in the public political debate was the successful campaign against the construction of a second Amazon corporate headquarters in the Long Island City district of Queens, New York City in 2018/19 (Kang/Narefsky 2019).

Amazon began looking for a suitable location for its second headquarters (HQ2) in 2017, running a slick PR campaign to support its search. HQ2 would potentially bring 50,000 jobs to the local area, and 283 towns and cities applied to be considered, many of their mayors pulling all kinds of "embarrassing manoeuvres" (Kort/Postinett 2019) and promising infrastructure subsidies and billions in tax breaks in an effort to woo the company. The governor of the State of New York, Andrew Cuomo, joked that he would change his first name to Amazon to win the bid (Taylor 2018).

Amazon was therefore taken completely by surprise when a local alliance of critics and opponents formed against the plans in New York City in 2018. The alliance was primarily concerned about the prospect of further increases to rents in the area – which were high to begin with – and the risk that many local residents would end up being displaced. At the same time, there was much public discussion of working conditions at Amazon sites and the company's anti-union stance. The Retail, Wholesale and Department Store Union (RWDSU) joined the movement and ran a parallel organising campaign at the JFK8 FC in Staten Island (New York City). The idea successfully communicated to the public was that "it would be unacceptable to the labor movement – and to politicians loyal to the labor movement – for Amazon to come into New York City and operate on a completely non-union basis," says trade union researcher Shaun Richman from the State University of New York (quoted from Zahn 2019).

Prominent politicians from the left wing of the Democratic Party, like local member of the House of Representatives Alexandria Ocasio-Cortez and Senator Michael Gianaris, became involved in the movement too. However, not all trade unions were behind the campaign. Amazon's plans to set up in New York were supported by 32BJ SEIU (the local branch of service union SEIU), which represents 163,000 property services workers, mostly in the New York metropolitan area (Goldenberg



2019). Despite this, the movement built up so much momentum in a few short months that Amazon finally threw in the towel in February 2019, claiming to have “decided [it didn’t] want to work in this environment in the long term” (Byers 2019).

Just three weeks later, Amazon was faced with a strike in its Shakopee, Minnesota facility, which employs 1,500 people in total. This is believed to be the first US-based strike in the company’s history. On 7 March 2019, around 30 warehouse employees – or around half of the employees on night shift in that department – downed tools for three hours in protest at the fast pace of work. The conflict was provoked by Amazon’s refusal to give its Muslim Somali-immigrant employees additional prayer breaks and access to prayer rooms during Ramadan. The site’s employees had engaged in a number of protest actions before that, in 2018. They were supported by the Awood Center (awoodcenter.org), a Minneapolis workers’ centre that is committed to organising East African migrant workers and receives financial and staffing support from SEIU (Chen 2018). The local Democratic member of the House of Representatives, Ilhan Omar – herself a Somali immigrant – expressed her solidarity with the workers. The protests and work stoppages forced Amazon to enter into dialogue with the employees’ representatives and make a number of concessions. However, this apparently encouraged them to redouble their organising efforts, as employees in Shakopee staged a second walkout on Amazon Prime Day. However, numbers fell far short of the expected 100 employees. Local media reported that there were “a handful” (Minneapolis Star Tribune) or “only 15” (Minneapolis Post) strikers, supported by around 100 activists (see Peters 2019).

Transport union the International Brotherhood of Teamsters (IBT, or Teamsters for short) reports that it has stepped up its efforts targeting Amazon in recent years. The organisation has developed systematic activities at 13 regional sites so far, reaching truck drivers, warehouse employees and pilots, among others. The fact that many employees of various delivery firms, especially UPS, are Teamsters has proven beneficial to its efforts. The organisation is also working to develop political initiatives in communities and bring the issue to the forefront of public debate. All of this is challenging in a system of industrial relations that lacks both sectoral collective agreements and statutory co-determination rights like those enshrined in Germany’s Works Constitution Act (BetrVG).

Like RWDSU and SEIU, the Teamsters are involved in UNI Global Union’s Amazon Alliance, judging it to be extremely valuable for their own work. In terms of international coordination, the Teamsters also act as a liaison between UNI and the International Transport Workers’ Federation (ITF), since their union is a member of both global umbrella organisations (Teamsters n. d.).

LATIN AMERICA, CANADA, AUSTRALIA AND ASIA

Amazon has few activities in Latin America as yet. It opened a logistics centre in Mexico in 2015, followed by a second in Brazil in 2018 (with 1,500 to 3,000 employees), and currently operates six call centres in Colombia. The company's biggest Latin American location is Costa Rica, which hosts an Amazon call centre and many of the company's management activities. The UNI officers responsible for Latin America estimate that Amazon employs between 4,000 and 5,000 people in the greater Latin American region and observers expect the company to open another FC for the Mercosur economic area (Argentina, Brazil, Paraguay and Uruguay).

However, Amazon will have several problems to contend with if it is to expand in Latin America. The market in the Mercosur region is currently dominated by Argentinian online retailer Mercado Libre, though it is purely a sales platform and does not distribute any products of its own. Transport infrastructure in the region is poor and the distances to be covered are often huge, complicating delivery. Moreover, suitable delivery partners are thin on the ground – in Argentina, for instance, the post office is still state-owned and is highly unionised. Be that as it may, UNI is taking Amazon very seriously and is working on strategies to ensure that it is prepared should the company decide to expand in the region as expected (US15).

In Canada, where the number of Amazon logistics facilities currently operating or due to open in the near future totals nine, the trade unions are still struggling to gain recognition. For the time being, Amazon is still largely dependent on Canada Post – which is highly unionised – for delivery services, but is working hard to develop its own delivery network and is bringing in subcontractors too. According to the Canadian Union of Postal Workers/Syndicat des travailleurs et travailleuses des postes (CUPW-STTP), which is also responsible for Amazon, collectively agreed working conditions at Canada Post are under increasing pressure.

Like Latin America, Australia has only recently become a target for Amazon's expansion. The company has been endeavouring to break into Australia's e-commerce market since 2017. It has opened two fulfilment centres in the intervening period, the first in Melbourne in 2017 and the second in Sydney in 2018. However, it has not managed to turn a profit in Australia so far. According to figures from the Australian Bureau of Statistics, Amazon's share of the Australian e-commerce market stands at 0.6% or 0.7%, depending on whether business with third-party providers is included (SDA 2019).



The Shop, Distributive and Allied Employees' Association (SDA) reports that Amazon's strategy for labour in its Australian FCs relies "almost entirely" on temporary staff "in insecure casual employment", hired through temporary work agency Adecco (SDA 2019). These employees are paid the national industry minimum wage, which is currently around A\$25 (€15.50); warehouse workers covered by collective agreements earn between A\$30 and A\$35 (Patty 2019). In October 2018, Amazon unlawfully dismissed an SDA member who had requested regular hours and secure work (ibid.).

From a trade union perspective, Australia is an extremely interesting case, partly because the SDA recognised Amazon's strategic significance early on and deployed union organisers to the Sydney FC just three weeks after it opened, and partly because Australian trade unions have a legal right of entry, unlike in the UK and the US. This entitles trade unions to enter employer premises during breaks and talk to employees then. The SDA reports that its organisers visit the Amazon sites every two weeks, but are constantly monitored by Amazon managers while they are there. Despite this, it says that it "has recruited a number of members and has had slow but ongoing success at recruiting new members" (SDA 2019).

The SDA also engaged in cross-union cooperation at an early stage, forming an organising alliance with the Transport Workers Union (TWU) in July 2018. The trade unions hope to jointly unionise Amazon's Australian supply chain through the Online Retail & Delivery Workers Alliance (ORDWA). The alliance could soon prove its worth: even in the Land Down Under, Amazon is endeavouring to set up its own delivery infrastructure so it will not need to depend on the comparatively highly unionised market leader Toll Global Logistics (TGL).

After facing fierce criticism of its hiring practices from the unions and dismissing a union member, as mentioned above, Amazon announced in February 2019 that it would hire 500 permanent employees and increase the basic hourly wage to A\$28 (€17).

Asia, an important growth market for Amazon, is still a blank spot on UNI Global Union's map. The information currently available suggests that Amazon has ten logistics centres in India, with locations including Mumbai, Bengaluru and Kolkata. In China, where it faces competition from market leader Alibaba, the locations of its 12 sites include Guangzhou, Beijing and Shanghai. It also has eight facilities in Japan (Wikipedia n. d.). Virtually nothing is known about trade union activities in the region, assuming there even are any such activities to begin with.

INTERNATIONAL TRADE UNION COOPERATION

Ver.di's dispute with Amazon in Germany, which has been going on since spring 2013, has had an impact throughout Europe and even beyond.

To date, no other European trade union has invested anywhere near as many resources in organising Amazon employees or taken such a strategic, systematic approach to the issue. Ver.di's efforts have met with some success in Germany (concessions by Amazon on pay and working conditions), although ver.di is still a long way from achieving its goal of a collective agreement.

However, the trade union conflict at Amazon is no longer a purely German matter. It has now taken on a transnational dimension. In 2015, UNI Commerce founded the Amazon Alliance, which initially consisted of trade unions involved in activities at Amazon's European logistics facilities. The Amazon Alliance emerged from the Amazon Working Group formed within UNI Global Union (UNI Commerce), which began meeting regularly in July 2014.

The Alliance's mostly half-yearly meetings have been attended by delegates from France, Italy, Spain, Germany, Poland, the UK and the Czech Republic since 2015, and the first participants from outside Europe began attending around one year ago. When the Amazon Alliance last met, in Berlin in spring 2019, the event attracted 70 delegates from 15 countries, including the US and Latin America. Trade unions from countries in which Amazon currently has few or no activities – such as Austria, Sweden, Ireland and the Netherlands – are also increasingly involved in union networking efforts in view of the company's potential to expand. ITF is also a regular contributor to the work of the Amazon Alliance. By way of explanation, Jeremy Anderson, Head of Strategic Research at ITF, points out that Amazon is "already one of the world's biggest transport companies".

Considering that all of these networking activities are being carried out without the support of group-level works council structures, it is impressive to see what has been achieved. Most active members of the Amazon Alliance are full-time salaried union secretaries, with volunteer activists still playing a lesser role. Along with planning specific joint actions, the Amazon Alliance's focus lies on exchanging information about the status of union organising in individual countries and Amazon's expansion and transformation. Its members discuss issues like which countries are of greatest strategic importance to Amazon, what trade unions need to do to achieve a breakthrough, where a breakthrough seems most likely, and the extent to which the successful campaign conducted in New York City could serve as a model for keeping Amazon out of certain markets. Mathias Bolton, Head of UNI Commerce, voiced the following



aspiration for the worldwide strike movement at Amazon: “we must come up with our own take on Amazon – a comprehensive narrative that takes in all the criticisms”. And Orhan Akman, who is in charge of Amazon-related activities at ver.di’s national headquarters, adds “Amazon assumes that it can do whatever it wants, all over the world. Here is what we at ver.di and UNI say to that: we are on the ground, well-prepared and ready for action, before Amazon even gets there.”

As it happens, a series of joint protests and strike actions have indeed been coordinated in recent years. In September 2016, employees and union representatives from several European countries demonstrated in front of Amazon’s headquarters in Luxembourg with a view to securing better working conditions in their countries. The participants handed Amazon an open letter in which they exhorted the US retailer to finally open negotiations with the trade unions representing Amazon employees in the relevant countries. The demonstration’s participants included trade union delegates from the Czech Republic (OSPO), Poland (Solidarność), Slovakia (FES), France (CGT), Spain (CCOO), Luxembourg (OGBL) and Germany (ver.di) (ver.di 2016). Since 2017, assistance from the Amazon Alliance has enabled trade unions in Germany, Italy, Poland and Spain to organise regular, coordinated strikes timed to coincide with events like Amazon Prime Day in mid-July and Black Friday in November.

While international efforts to coordinate trade union activities are on the right track, there is still a long way to go. At Amazon Alliance meetings, much of the available time is given over to presenting country reports in which the participating national trade unions tend to highlight their achievements and downplay the obstacles they face. Increased involvement of volunteer activists and a greater focus on transferring frank accounts of organising experiences would undoubtedly make the meetings’ work more effective. Participants have also expressed their desire for structured sharing of organising skills. Institutions like the Central European Organising Center (COZZ) – which is linked with UNI Global Union – and the Baltic Organizing Academy (BOA) could play a bigger role in this respect in the future. It may also be useful to look beyond the sector for inspiration, with experience on projects like the Transnational Partnership Initiative undertaken by IG Metall and Hungarian metalworkers’ union VASAS and the Transatlantic Labor Institute founded by IG Metall and United Auto Workers (UAW) in Spring Hill, Tennessee acting as a valuable source of input.

It is hardly surprising that the choice of strategy has been a bone of contention in the past. The Alliance's position on the establishment of a European Works Council (EWC) has proven particularly divisive. In 2017, the Alliance decided to stop pursuing this goal and instead concentrate its energies on expanding outside Europe, with a clear focus on building organising capacity (UNI 2018b). However, some of the unions involved in the Alliance are continuing efforts to establish an EWC on their own initiative, namely Spanish union CCOO, French union CGT and the transport section of Italian union CGIL. In March 2018, they requested that Amazon enter into negotiations on the establishment of an EWC, according to an internal letter (to which the authors have access) dated 25 June 2018 that was sent by Roy Perticucci, Amazon's head of logistics for Europe, to all Amazon works councils in Germany. Ver.di rejects this approach. The unions that back the move expect the establishment of an EWC to lend them more institutional clout due to a number of quirks of their country's industrial relations systems, and Amazon is only too happy to take this opportunity to present itself as an employee-friendly company while simultaneously playing national unions off against one another.

Trade union transnational networking at Amazon is not, however, limited to the apparatus of full-time union officials. Since 2014, workplace activists among the ver.di shop stewards at Amazon's Bad Hersfeld FC have been in contact with CGT colleagues at French sites. Beginning in early 2015, self-organised, regular meetings have taken place between ver.di activists from Bad Hersfeld, Leipzig and Brieselang and colleagues at Amazon Poznań (to date, without direct support from ver.di resources). Owing to the specific situation in Poland – namely the strained relationship between IP, which is not part of UNI, and Solidarność, which is – ver.di risked getting caught in the crossfire.

In the meantime, though, tensions between the two Polish unions have eased and can now be characterised as cooperative. Looking back, ver.di did well to refuse to take sides in the conflict between the two trade unions representing workers at Amazon Poland. Instead, it offered assistance with smoothing relations between the two organisations in the aim of minimising the negative effects that the organisations' differing views on policy, strategy and organising could have had on their actions at Amazon.

All in all, direct, horizontal contact between union activists at different Amazon sites, both nationally and across borders, is extremely valuable, and indeed indispensable when dealing with a transnational corporation. That said, it is not a substitute for cooperation within the umbrella organisation UNI or the national trade union organisations, just as cooperation within UNI is not a substitute for direct communication and discussion between union activists and workplace shop stewards.



The meeting of German, Spanish and Polish colleagues arranged by the Rosa-Luxemburg-Stiftung in Berlin in early October 2015 undoubtedly represented a step forward in terms of international union cooperation.¹³ Not only was it very well attended – there were around 70 participants – more importantly, it succeeded in uniting full-time trade union secretaries, workplace activists and shop stewards, and representatives of social solidarity alliances around one table and engaging them in an intense, constructive debate.

This experience indicates that in the future, the Rosa-Luxemburg-Stiftung could play a useful role in bringing together activists from very different organisational, political and cultural backgrounds.

13 The international panel event *Solidarität über Grenzen hinweg* (Solidarity across borders) took place on 3 October 2015. Documentation from the event is available at: www.rosalux.de/dokumentation/id/14284 (viewed on 18.11.2019).

IV



**STRIKE ACTION AT
AMAZON: VER.DI'S
LONG MARCH**

PREPARATIONS

Bad Hersfeld, early 2011: with some 3,000 employees working at Amazon's FRA1 and FRA3 FCs, the eastern Hesse site was the US corporation's largest in Germany – and a trade union-free zone. Although there was a works council, like large sections of the workforce it “tended to keep its distance” from the trade union, in the words of a union secretary who was involved at the time (Schulten 2013: 260 ff.).

Within a year, the situation had changed radically. Almost 500 employees had joined ver.di, and there were 20 shop stewards and two activist groups (ibid.). What had happened? Amazon in Bad Hersfeld was the ‘site’ of a union organising project led by the ver.di executive board in the federal state of Hesse. When FRA1 was first established in 1999, a full-time union secretary who was also responsible for the region's entire retail industry managed dealings with Amazon in Bad Hersfeld on an almost uninterrupted basis. Once the organising project was launched in 2012, two union secretaries tended exclusively to the two FCs for 13 months. They both lived in Bad Hersfeld for nine months, giving them ample time to make contact with employees outside of workplace meetings too (ibid.).

In a sense, the low-level example of Bad Hersfeld encapsulates the trade union situation at Amazon in Europe, since it highlights how difficult it is for trade unions to organise staff at Amazon. It also shows, however, that organising is not impossible. That said, ‘normal’ union support structures are evidently insufficient.

The Bad Hersfeld site needed a union organising project specifically intended to foster rank-and-file support. Ver.di had the political drive and readiness to make staff and other resources available for a certain period of time. Although it initially suffered from a lack of experience and strategic preparation, the experiment was ultimately successful. “At first we were seen almost as ghosts who wandered around the site but didn’t really belong there,” reported one of the two union secretaries. “We didn’t even know what the employees’ grievances were” (quoted from ibid.: 264). However, the small team soon identified the ‘hot-button topics’ at the site. Wages – which were lower than the collectively-agreed standard for the sector – were not the only sore point. Employees were also upset about the pressure to perform, daily monitoring, the rude way in which they were addressed by their line managers and the high proportion of fixed-term contracts. And at least some of the workforce was willing to take action to address those issues.

By spring 2013, almost 1,000 of the site's 3,400 employees were members of ver.di – a huge number, given the high proportion of employees on fixed-term contracts and high employee turnover rates. Most importantly, the union membership rate was sufficient to engage in industrial action. On 9 April 2013, the time

had come: some 1,100 employees working the early and late shifts in Bad Hersfeld downed tools to demand a collective agreement. This was the first strike staged at an Amazon facility anywhere in the world.

FROM BAD HERSFELD TO NATIONWIDE INDUSTRIAL ACTION

When the union organising project was launched in Hesse in 2011, there were already FCs in Leipzig, Graben, Rheinberg and Werne, in addition to the two in Bad Hersfeld. Service-sector trade union ver.di did not enjoy significant membership rates anywhere, the normal support structures were completely overwhelmed and the trade union was evidently neither able nor willing to devote more resources to organising.

That is hardly surprising. Large, bureaucratic organisations like ver.di face enormous difficulties when it comes to changing established practices. And from the viewpoint of an organisation with limited resources, a reluctance to expend its energies in this way makes sense, at least in the short term. After all, the objective conditions for a quick increase in membership numbers at Amazon appeared far from good. Many employees are happy to have a job at all, and the company has a reputation for taking a hard line against union organising efforts. Looking back, a union secretary who was involved in the organising drive describes the reservations within the union: “in Leipzig, I distributed the first flyers with a handful of other people. We were worried about even handing them to people. And, of course, there were also concerns within the organisation. People were saying that we wouldn’t achieve anything anyway and that it was pointless in this industry” (USN6). In recent years, trade union researchers have increasingly discussed the notion that trade unions have a ‘strategic choice’ in the prevailing circumstances, however unfavourable they may be (Brinkmann et al. 2008: 15 f.; Schmalz/Dörre 2013). As such, if strategies based on cooperation or social partnership prove to have a limited impact when it comes to securing acceptable employment conditions in a given industry or company, there are alternative ways to enhance the union’s mobilisation capacity and its leverage over the employer. It is hard to say what precisely prompted ver.di to change tack or make a ‘strategic choice’ in favour of a more offensive organising policy. However, the fact is that ‘business as usual’ would have had significant repercussions for the union. Not only would it have meant that Amazon, by far the biggest company in a growing sector, would have been left without a union, but in the medium term it would have exacerbated the price war in the whole retail industry, with its roughly three million employees – an industry in which the standards agreed through collective bargaining have long been under enormous pressure (Dummert 2013; Hinz/Wohland 2013).



Ver.di chairman Frank Bsirske played a key role here in that he clearly recognised Amazon's importance to ver.di as a whole at an early stage and went to great lengths to get that message across within the trade union. His visit to the Amazon site in Leipzig (LEJ 1), on the fringes of the trade union's national conference there in 2011, was of great symbolic importance. As one union member recalls, "afterwards ver.di took the Amazon issue very seriously and assigned project secretaries to the sites in Werne, Koblenz and Pforzheim, using national executive board funds" (USN1).

Improved staff structures and more resources enabled ver.di to significantly bolster its position within Amazon and create union structures at almost all Amazon sites in the years that followed. While ver.di managed to achieve high unionisation rates in FCs at older locations like Bad Hersfeld, Leipzig, Werne and Rheinberg, with membership rates rising from virtually zero to 30 or 50%, it struggled to repeat this success at newer sites, primarily due to the high number of employees on fixed-term contracts. This became increasingly obvious as the additional project-based union organiser roles, which were temporary to begin with, came to an end. While Amazon has expanded massively in recent years, opening three new FCs, numerous sort and parcel centres and a swathe of Prime Now hubs since 2017, ver.di has found it difficult to keep pace by upping its human resources accordingly.

The obstacles facing ver.di after more than six years of industrial action are complex and difficult to overcome, not least because Amazon has also shown itself to be a highly adaptive company. It was relatively quick to realise how it could make targeted use of the resistance met by ver.di and turn it to its own advantage in the conflict.

'PRO-AMAZON': A LESSON IN COUNTER-ORGANISING

This much became clear in December 2013, half a year after the start of the industrial action. During the strikes leading up to Christmas, more than 1,000 employees suddenly distanced themselves from the trade union, the strike and the demand for a collective agreement in Bad Hersfeld and Leipzig by signing petitions. In a statement that was rapidly sent out to the media, they noted that the "negative public image" spread in the media was having repercussions on "every aspect of their lives". They said that the situation portrayed by ver.di did "not [reflect] reality and our day-to-day working lives" (Amazon Blog 2013). A quality control employee at the Leipzig site claimed to have launched the campaign with a few other employees. Additional actions followed: T-shirts were printed bearing the slogan 'Pro-Amazon', and 'pro-Amazon' and 'anti-ver.di' groups were formed

on the social networking site Facebook.¹⁴ Amazon proved itself to be a strategically astute opponent, managing to turn significant numbers of employees against ver.di while taking a back seat itself.

The trade union had evidently not reckoned with this kind of resistance. Ver.di's initial response was to argue that the campaign was driven by Amazon management. The union claimed to know that "pressure [had been] exerted" and said it could not help but wonder "who [was] behind this campaign" (afp 2014). While Amazon management had indeed told the press that it was pleased by the anti-union initiatives, there was no way to prove that the company had directly had a hand in them. Reports from employees in Leipzig suggested that Amazon had encouraged the pro-Amazon campaign. For instance, they said that 'pro-Amazon' supporters had been allowed to gather petition signatures during working hours – an unheard-of step for the efficiency-driven company. However, employee reports of such practices fell flat in the media.

Ver.di had evidently oversimplified in its initial attempts at an explanation, and Amazon exploited this very cleverly. The company stated that it was "[...] disrespectful to claim that the 1,000-plus employees involved have no opinion of their own. We respect the fact that people exercise their right to strike. In turn, the union should respect a petition campaign like this one" (Seiffert 2014).

By 2019, the pro-Amazon movement was all but consigned to the history books. "Within our department, there were once around 30 people involved, now it feels like there are only 3 or 5, if any [...]. There are some people who are still somehow trying to keep it going [...]. But some of those who used to speak to the press have now either joined ver.di or are no longer part of the company" (AEN10).

Nevertheless, the underlying problem demonstrated by the pro-Amazon movement remains, namely that the creation of a divide with ver.di obviously went down well with some of the workforce. Management's encouragement of anti-union initiatives was not especially concerning in itself. Much more worrisome was the presence of an atmosphere and social environment at Amazon in which such pro-employer groups struck a chord with employees. Pro-Amazon was ver.di's first lesson in successful counter-organising.

¹⁴ See the two Facebook pages at www.facebook.com/groups/573527646052276 (viewed on 16.10.2019) and www.facebook.com/groups/597740920241561 (viewed on 16.10.2019).



DIVIDED WORKFORCES

Amazon is a prime example of a company with a divided workforce. As management tells it, ver.di is allegedly interfering from the outside and disrupting the Amazon community. "Every permanent employee in Germany is also a co-owner," Amazon's SVP Worldwide Operations, Dave Clark, told the daily newspaper *Die Welt* in 2013, adding "ver.di is not part of that relationship" (Fuest 2013).

This is clearly an ideologically motivated attempt by Amazon to deflect attention away from the reality of the situation and is chiefly designed for public consumption. With union membership rates of between 30 and 50%, there is no doubt that union members also make up a significant share of the workforce. The question is not why employees would like a collective agreement; to our mind, this desire is self-evident and perfectly normal. As Ulrich Dalibor, ver.di's former national retail section head, puts it, "it is very rare that someone does not want a collective agreement or wage increase" (ver.di n. d.). Rather, the question is why hundreds of a company's employees would expressly speak out against a collective agreement.

The phenomenon of workforces being split into opposing factions by their attitude to trade unions is not exclusive to Amazon. In their study *Gewerkschaften im Aufwind? (Unions on the rise?)*, Goes et al. studied a range of cases from different industries. They note that it is not unusual for there to be anti-union sentiment among sections of any given workforce. However, it is only "in extreme cases" that workforces are "polarised such an extent that some employees openly turn against union organising" (Goes et al. 2015: 78 ff.). Such polarisation requires an additional factor, namely a vehemently anti-union stance on the part of management. The authors have identified various levels of "employer pressure" and "targeted forms of influence by the management", ranging from a "policy of disinformation" and the "fielding of pro-employer candidates in works council elections" to the "dismissal of employees actively involved in the trade union". The frequently recurring pattern of practices is described as follows: "in the workforce, [such measures] typically fall on fertile ground, because the management's carrot and stick policy systematically favours some employees and also incites fear of job loss in the majority of staff" (ibid.: 77).

All this can be found in various guises at Amazon, too. Team meetings (standups), which are held twice per shift, are regularly used as an opportunity to both foster team spirit and discredit the works council or trade union. Employees identified as union members or as having participated in industrial action are openly told in one-to-one meetings that they are compromising their careers, or they are assigned unpopular tasks.

However, 'anti-union measures' vary greatly in intensity (see Part 2 for details) and, to some extent, differ from one site to another. We will illustrate this with a number of examples.

A ver.di shop steward from Bad Hersfeld reports: "there have been so-called focus groups here for some time. The Area Manager creates the groups and makes sure that they always include a few isolated, 'weak' union members. When the groups get together, these members are indoctrinated by management with the idea that the union is bad" (AEN2).

However, the same shop steward also notes that "known union members who've been engaging in union activities for a long time are left in peace. I sometimes feel like they're being especially nice to us". A ver.di activist in Leipzig emphasises the drawbacks experienced by union members on a day-to-day basis, such as on a typical trip through the security gates: "I have the feeling, and I've also experienced it personally, that we trade unionists – that is, the people they know are union members – are checked particularly rigorously. I myself have been summoned to numerous HR appraisals for minor failings like coming back from my break a minute too late, but they let other people get away with stuff like that" (AEN3).

He also speaks of regular HR appraisals or being assigned unpopular tasks: "it works like this: if you don't like cleaning, then you always have to clean, even if it's not one of your tasks. There are good jobs, like ones where you can sit down a lot; union members are kept away from those."

A unique feature of the company, however, is that 'divide and rule' is not just an approach it adopts when actively combating the union, it is part of the 'source code' of the Amazon method of staff management. The anti-solidarity mechanisms integral to the way in which work is organised at Amazon mean that some employees identify with the company's performance and competition mentality. Those who regard another team, another department, another shift or another FC as rivals are sceptical or even hostile towards collective union organising in their workplace. An example from Koblenz illustrates how the concept of competition works at Amazon. "The GM [General Manager] in Koblenz separated the various shifts and departments and played them off against one another from the start. He stirred up hatred among the various shifts, pitting the early shift against the late shift" (AEN6).

Attempts are also made to drive a wedge between certain groups of employees or stop them from feeling solidarity with one another (e.g. leads and normal level-1 employees). A lead from Bad Hersfeld describes a management initiative to make leads wear a yellow and blue vest that had only been worn by management before



then. “The top half was yellow, the bottom blue, and ‘Ask me’ was written on the back [...]. The distinction was obvious: anyone wearing a vest is a superior. The whole point was to divide us [...]. From our colleagues’ point of view, this meant that leads and management were now one and the same because they couldn’t tell us apart by our vests, only by the bands” (AEN9). In contrast to managers, leads rarely change departments and are even an “integral part” (AEN9) of these. The purpose of the vests was clear to the lead interviewed: “they wanted to divide us even more”.

Anything that reduces the competitiveness of an employee’s own team, especially taking part in strikes, is perceived as disruption or interference by a third party. Amazon actively encourages staff to distance themselves from strikers at some FCs by stating that non-striking departments are more productive than striking departments (AEN2).

ACTIVE ANTI-UNION POLICY

On the whole, in Germany Amazon actively pursues a range of strategies intended to impede and prevent efficient works council and trade union activities. However, in contrast to the UK (see section 3.1), such measures generally do not go far enough to be considered overt union busting, though they may be just as efficient in terms of results. For the new edition of this study, in 2019 we conducted a short survey among shop stewards at Bad Hersfeld, which allowed us to spotlight several strategies adopted by Amazon. This survey, as corroborated by the interviews carried out in 2015, indicates that the cases presented, far from being random or isolated events, are typical occurrences at Amazon.

A) INFLUENCING WORKS COUNCIL ELECTIONS

Six of the nine activists surveyed said that the company had influenced works council elections in 2018, giving the following examples:

- > treating candidates on certain lists better or worse than others;
- > having superiors promote pro-employer lists, sometimes with a difference in attitude between different management levels (direct superiors promote such lists, the higher echelons do not);
- > encouraging employees to draw up their own lists during elections.

However, ways had been found of deflecting management’s attempts to influence the elections. For example, a brochure produced by Amazon and containing seemingly neutral information about the election in Bad Hersfeld was not disseminated “because the electoral board prevented it” (AEN9).

B) IMPEDING WORKS COUNCIL ACTIVITIES

Eight of the nine shop stewards surveyed (including four works council members) said that a wide range of measures were implemented within Amazon with a view to impeding works council activities, including:

- > Refusal to provide information: for a works council to exercise its rights, the employer must provide it with sufficient information. According to the works council members surveyed, Amazon failed to adequately fulfil its obligation to provide information under the Works Constitution Act (BetrVG). For example, one works council member complained that management provided information “too late” and often “not at all”. Furthermore “the works council is not listened to. Rules are introduced without the works council even being aware of them.” Another criticism read: “Amazon only provides information when forced to do so by a lawyer. It rarely provides any economic information.” Anyone who criticises this failing is “told [that the] company structure” prevents such information from being passed on.
- > Unfair treatment of critics: two of those surveyed complained about the company exerting influence over works council activities through the unfair treatment of individual members of the works council who are either unionised or critical of Amazon. One shop steward complained that pro-employer works council members had been “assigned to a higher pay grade”, which was “difficult to prove officially”. According to our information, individual pro-union members of works councils have received multiple disciplinary warnings. Unionised members of works councils report that the council was frequently “never informed, or only informed after the fact” of decisions that should have been subject to co-determination, such as changes to working processes. As a result, management often presents such decisions to employee representatives as a *fait accompli*. According to the same source, sometimes only a few pro-employer members are informed so that individual council members can be played off against one another.
- > Attempts to create division: there are also reports of management attempts to open up a divide both between individual works council members and between the works council and the workforce. Those surveyed spoke of employees being “mobilised” against works council members, for example, through the targeted “spreading of rumours”.
- > Biased depiction: a similar accusation is that Amazon does not paint a fair picture of works councils and their activities in dealings with its employees. Works councils are blamed for unpopular decisions made by the company, on the grounds that: “the works council rejected the classification, so



thank them". One shop steward reported that "the works council is held responsible for anything bad that happens".

- > Resistance to training: those union secretaries interviewed spoke of Amazon's general resistance to trade union training seminars: "we are finding it more and more difficult to get our members out of work to attend this type of seminar, as Amazon is increasingly reluctant to grant unpaid leave at any sites" (USN8). The same source states that this approach is unusual even for the retail industry.

C) DISCRIMINATION AGAINST UNION MEMBERS

Eight of the nine activists surveyed said that Amazon employees have to deal with discrimination or unfair treatment in their day-to-day work due to their union membership or involvement in strikes. Again, no evidence has been uncovered of harsh union-busting tactics, such as attempts to fire active union members. However, examples of low-level union avoidance abound. Apparently, the most common forms of discrimination faced by strikers or union members include being assigned unpopular tasks or losing out on career opportunities. As one shop steward puts it, "union members are kept away from certain tasks. They have no chance of getting better jobs because they will be turned down. They have no chance of carving out a career." Another shop steward complains that as someone involved in strikes, he "pretty much get[s] given the shitty jobs". However, it should be noted that this is not a universal experience. "Two different things can happen to unionised employees here. Some people have managed to get another, good job despite their involvement in strikes. Others are assigned unpopular tasks. Once they stop striking, they get their old jobs back." Those surveyed at Amazon consider union membership or striking to be incompatible with a promotion beyond the role of lead (AEN9).

In short, Amazon is trying to influence works council elections and obstruct works council activities by refusing to provide works councils with information to which they are legally entitled (or delaying the release of such information) and by discriminating against union activists. However, an aggressive crackdown on union structures or the prevention of works council elections is not Amazon's primary strategy in Germany, though it is a fairly common approach in some areas of brick-and-mortar retail, as revealed in a 2014 study conducted by researchers Behrens and Dribbusch from the Institute of Economic and Social Research (WSI).

This does not mean that harsh measures are not taken, as we can see from the dismissal of a works council member at the Pforzheim FC following a flippan

remark about the very long queues at the time clock at the start of breaks.¹⁵ Rather, it means that such drastic action is likely to be the exception rather than the rule, even if Amazon works with law firms that are considered specialists in union busting (Rügemer/Wiegand 2014).¹⁶ This aspect was viewed as practically insignificant by the shop stewards and works council members who were surveyed.

Rather than being blatantly repressive, Amazon seems to adopt more of a smart ‘friendly approach’. Works councils were long seen as a kind of necessary evil for Amazon because there was virtually no way to avoid them. However, since 2013 they have been explicitly welcomed and even actively supported. Italian researchers Cattero and D’Onofrio see this change in strategy as a response to the 2013 scandal about poorly paid and housed temporary workers in Bad Hersfeld (Löbl/Onneken 2013)¹⁷ who were also bullied by security guards affiliated with the extreme right (Cattero/D’Onofrio 2018: 153 f.). That year also saw the first positive results of ver. di’s organising activities in Bad Hersfeld and Leipzig – perhaps another reason for Amazon’s shift in attitude towards German co-determination. This was highlighted by Ralf Kleber, Amazon’s Country Manager Germany, in an interview with the Spiegel news magazine at the time: “I think works councils are a very good thing and encourage those working in our logistics centres to set up works councils” (El-Sharif/Kwasniewski/Rickens 2013). When Kleber’s interview was published, only two of the eight Amazon sites in Germany at the time had works councils. Now all the FCs do.¹⁸

15 At many Amazon FCs, there are long queues at the time clocks when employees clock out for their breaks, meaning that they lose some of their break time. Despite this, Amazon prohibits employees from clocking out before their breaks officially begin. According to Amazon, the works council member criticised this during a workplace meeting, saying “hide so no one can see you”. Management saw this as an incitement to fraudulently record working time and terminated said employee’s contract. The termination was upheld by the Pforzheim labour tribunal in March 2019 (SWR 2019).

16 “Allen & Overy’s employment law division represents transport groups such as Deutsche Bahn, Lufthansa, Fraport and AirBerlin, plus Amazon, Merck and Commerzbank” (Rügemer/Wiegand 2014: 75) and “Höcker et al. now represents online retailer Amazon in Germany, among others, in its defence against allegations of labour law violations which have been brought to its attention” (ibid. 83).

17 The article had a huge public impact. Within just five days of being published, it had been viewed 1.2 million times (Rügemer/Wiegand 2014: 104).

18 This change in strategy can be seen in Amazon’s annual reports. The 2011 report stated that “although we have works councils and statutory employee representation obligations in certain countries, our employees are not represented by a labor union and we consider our employee relations to be good”. Furthermore, “different employee/employer relationships and the existence of workers’ councils and labor unions” were described as posing risks to “international sales and operations” (Amazon 2012: 3; 17). By 2018, however, Amazon was singing a different tune. “We have works councils, statutory employee representation obligations, and union agreements in certain countries outside the United States and at certain of our studio operations within the United States. We consider our employee relations to be good” (Amazon 2019: 4).



WORKS COUNCILS AND UNIONISATION AT AMAZON

Cattero and D'Onofrio (2018: 153) spotlight another aspect of Amazon's mitigation strategy and strive to explain why many Amazon works councils have comparatively low numbers of unionised members. In Germany's system of dual representation of interests, works councils are legally independent of trade unions. This means that works council members not required to join trade unions or even cooperate with them. Incidentally, turning "the trade unions into practically 'alien' elements" (Geffken 2013) was exactly what the Adenauer government intended when it introduced the Works Constitution Act (BetrVG) in 1952. This was also why the trade unions of the German Trade Union Confederation (DGB) called for a political strike at that time (the only one in its history at that point). The link between works council and trade union must be established politically, and just as a union-initiated works council election can often be the first step towards collective bargaining coverage, existing collective agreements generally ensure that at least some works council members are bound to the trade union, as works councils are legally responsible for monitoring compliance with collective agreements. However, if a company is not bound by a collective agreement then this "hinge" (Düll/Bechtle 1988) of cooperation disappears.

Amazon's change of tack once again demonstrated its ability to adapt quickly to new situations. The company had managed to improve its image (at least as far as the political establishment was concerned) by "recogniz[ing], accept[ing], and even promot[ing] a national symbolic institution [like the works council]" (Cattero/D'Onofrio 2018: 154 f.). In doing so, Amazon set itself apart, in a good way, from many retail companies, where various processes intended to impede co-determination are still relatively widespread (Behrens/Dribbusch 2014).

At the same time, however, Amazon has taken various measures to ensure that works councils largely continue to lack influence and remain independent of the 'third party', namely the trade union ver.di. Works councils, especially at new sites, are typically union-free zones in the first few years of their existence, mainly due to the combination of the very high number of fixed-term employees and the anti-union sentiment encouraged by management. Barely anyone dares to openly proclaim themselves a union member, as demonstrated by the 2018 works council elections held in the Winsen FC. The site, which is located close to Hamburg, opened in 2017. At the time of the election, around 80% of the workforce was on a fixed-term contract. Some employees were members of ver.di, but no one dared to reveal themselves as such for fear of being fired. As a result, ver.di still has minimal influence on the works council.

Actively promoting works council elections and encouraging employees to stand for office has yet another consequence. Recent works council elections at Amazon have often seen ten or more candidate lists put forward: this makes it highly likely that votes will be split across a large number of candidates, leading to considerable political fragmentation within works councils. A works council member from Bad Hersfeld reports that "Amazon encourages everyone, saying 'come on, why not stand for the works council, make a list'. There were something like 22 or 23 lists at the last election. You don't see that in normal companies, only at Amazon" (AEN9).

Information brochures issued by Amazon appeared at several sites in the months leading up to the 2018 works council elections. Though these brochures explained the purpose of the elections and how they worked, Amazon also used them to encourage employees to draw up their own lists and stand for the election. The brochures gave detailed information, including a checklist, on how to draw up candidate lists and contained tips on canvassing. Amazon also offered to support every list submitted by producing individual campaign materials (covering the cost of designing and printing election posters; Amazon 2018). Its objective was obvious: an extremely mixed, divided and thus ineffective works council. Moreover, when there are a lot of lists, election results are more likely to be challenged by employees because there is a substantial risk that errors will be made or someone will feel discriminated against and complain. This, too, stymies works councils, as seen at the Leipzig FC in 2018 (dpa 2018).



The 2018 works council elections nevertheless showed that trade unions can successfully respond to this strategy. At almost all FCs, union or pro-union lists managed to improve on or maintain the position they achieved in the 2014 elections. In Leipzig, the ver.di list even managed to achieve an absolute majority, claiming 11 of 19 seats. Union lists emerged as the strongest in the FCs in Bad Hersfeld, Werne, Rheinberg, Koblenz, Graben (near Augsburg), Brieselang (near Berlin) and Dortmund (opened in 2017). However, this does not automatically mean they gained a majority in the works council.

Amazon is also clearly opposed to the German model of co-determination. Under the Co-determination Act (MitbestG), companies with more than 2,000 employees must set up a supervisory board composed of equal numbers of shareholder and employee representatives. Some Amazon FCs fulfil this criterion. Ver.di has tried to enforce such equal representation with status lawsuits at various sites, but has so far only been successful at Amazon Logistik GmbH in Bad Hersfeld (to which the FRA1 and FRA3 FCs belong). Ver.di has sat on the Bad Hersfeld supervisory board since 2015 (Amazon-ver.di 2015). Elsewhere, it seems that Amazon has deliberately reduced employee numbers with the specific aim of avoiding this legal obligation. The Graben site is a case in point. It started out with 5,000 employees (many of whom were on fixed-term contracts), but once ver.di broached the subject of a supervisory board, Amazon cut employee numbers to under 2,000 by not extending fixed-term contracts. A further 1,000 employees are hired to help with the Christmas rush (USN1).

FIXED-TERM CONTRACTS AS A MEANS OF ERODING SOLIDARITY

As already noted, Amazon's business model relies on employees with fixed-term contracts. In a general sense, having a fixed-term contract can be intimidating for employees.

"People are simply afraid of losing their jobs," says one ver.di secretary (USN4). Fixed-term contracts serve as a way of cranking up the pressure to perform, fuelling competition, eroding solidarity among employees, deterring employees from getting involved in the union and creating a conformist atmosphere that matches the employer's interests.

"When it comes to people on fixed-term contracts, the company looks very closely to see who is pro-Amazon and who is more critical. They coax that information out of employees during feedback talks. Employees on fixed-term contracts have to attend countless feedback talks – as many as three a week" (AEN3).

In addition, Amazon deliberately exploits the fact that the Part-Time and Fixed-Term Employment Act (TzBfG) has largely eroded protection against dismissal in order to remove employees who are active union members from its sites and influence the composition of the works councils. This was made clear in Brieselang, for instance, where the first works council election took place in July 2014. Although ver.di, as it freely admits, was insufficiently prepared and only had limited rank-and-file support at the site, the few union members managed to field a convincing list and win the majority of the seats. However, this was not to last. When the fixed-term contracts of three ver.di works council members expired at the beginning of 2015, they were not renewed. The employees concerned lost their jobs, and the trade union lost its majority on the council (ver.di 2015). “There was definitely a link to the employees’ union activities,” says one union secretary. “Their employment contracts had already been renewed several times, but as soon as they became active on the works council as ver.di supporters, they received appraisals that were so bad that their employment unfortunately couldn’t be continued. Amazon claims that the terminations had nothing to do with union activities, but in our view, it’s obvious that anyone who gets involved in union activities and takes a clear stance on the employee protection and decent working conditions risks being forced out of Amazon” (USN4).

Such cases show how effectively Amazon combats union organising without leaving discernible signs that it is employing such tactics. After all, fixed-term contracts run out automatically and employers are not required to give reasons for not renewing them.

However, for proof that it is indeed possible to build union structures where many staff are on fixed-term contracts, we need look no further than the Dortmund FC, which opened in 2017 on the city’s Westfalenhütte site. In June 2018, Amazon pinned up its own big banner announcing works council elections. Ninety percent of the 1,600-strong workforce were on fixed-term contracts, yet ver.di’s list received the most votes “by far” (USN7). Nevertheless, this was not enough to secure a majority on the works council, as candidates had been fielded from eight lists in total. Ver.di has since managed to foster a small but stable membership base in Dortmund through persistent, very employee-centric union work.

In 2015, we rightly noted that Amazon exploits all the legal options available to it when it came to hiring employees on fixed-term contracts. In 2019, however, there is at least a small question mark over whether this is still the case. In view of the historically low unemployment rate throughout Germany, it is doubtful that Amazon will still find enough employees, as it did five years ago, who are prepared to wait two years for a permanent employment contract, enduring harsh working conditions and comparatively low pay all the while. This, at least, was the conclu-



sion of researchers Butollo et al. in a study on the susceptibility of employment systems in online retail: “it indicates that online retailers can barely stabilise the existing employment system without offering their employees better conditions” (Butollo et al. 2018: 155).

NO ALTERNATIVE TO AMAZON?

“The erosion of solidarity among the workforce is also fuelled by external factors. The Amazon sites are primarily located in economically underdeveloped areas. Owing to the lack of alternatives, despite all the drawbacks, many see Amazon as an attractive employer.” We also have to call into question this statement, which we made in 2015. On the one hand, low regional wages are likely to play less of a role in Amazon’s choice of site in light of the company’s current expansion. On the other hand, due to the tense situation on local and regional labour markets, employees have greater market power than they did in 2015. There is clearly still the ‘background threat’ (see Dribbusch 2013: 126) of becoming unemployed, which we identified in 2015 as making employees particularly vulnerable to the expiry of fixed-term contracts, reprisals if they participated in strikes or the threat of jobs being relocated elsewhere. However, the odds of finding another similar or even better job are much higher than they were in and prior to 2015.

VER.DI’S ACHIEVEMENTS AND THE FIGHT TO PREVENT AMAZON FROM CONTROLLING THE NARRATIVE AT ITS SITES

After six years of strikes, it is all the more important for ver.di to demonstrate that union activities are worthwhile, i.e. that they are associated with greater participation and rights. Although Amazon categorically refuses to even negotiate a collective agreement, this does not mean that ver.di and the works councils have been unable to improve things for the workforce in recent years. “The company must now respond to our criticisms and pressure of the strikes,” says ver.di union secretary Orhan Akman.

Improvements were especially noticeable in the early years of the industrial dispute. At the start of the strike, Amazon actually responded relatively quickly to strikers’ complaints and addressed a number of their grievances. It increased wages, introduced a ‘voluntary’ Christmas allowance and made a number of minor workplace-based concessions that helped to partly improve working conditions in some respects.

Wages: Before the dispute, Amazon had only applied minimal wage increases. However, according to ver.di’s calculations, wages in Bad Hersfeld, for instance, rose by 8% between 2011 (when union activities began) and 2015 – a significantly

steeper and faster increase than in the preceding years (ver.di FB Handel 2015). In 2015, a level-1 employee (most Amazon employees) received an entry-level wage of €10.31 per hour, rising to €11.98 after 12 months and €12.52 after 24 months. In 2018, the respective amounts for level-1 employees were €10.96, €12.89 and €13.04 (ibid.).

Even clearer is this comment that Thomas Rigol, the chairman of the works council at the Leipzig FC, made to the Leipziger Volkszeitung newspaper in May 2019: “we started off at €7.76 and are now at over €12.50, which you can at least live on” (quoted from Goldbecher 2019). Nevertheless, even though Amazon’s hourly wages are almost the same as those required by the collective agreement for the retail industry, an Amazon employee can earn €250 to 450 less each month than an employee covered by the collective agreement because Amazon pays lower supplements than companies applying the collective agreement (USN9).

Christmas allowance: For a long time, a Christmas allowance was out of the question at Amazon. Amazon boss Bezos views such bonuses as pay for work that was not done, so no Christmas allowance was paid. Nevertheless, since 2013 Amazon has paid its FC employees a Christmas allowance of €400. The allowance is, however, “voluntary” and can thus be revoked at any time (Amazon-ver.di n. d.). This, too, was an employee initiative. As a shop steward from Bad Hersfeld recalls, “when we sought to negotiate with management about the Christmas allowance, we were turned away. Management only agreed to talk after the strike” (AEN2).

Working conditions: Other improvements have been made thanks to the dauntless efforts of ver.di activists and works councils. They include:

- > better hygiene conditions (for example at the water dispensers and in the bathrooms) after increased incidences of gastrointestinal illnesses;
- > installation of ventilation systems, after multiple cases of warehouse employees collapsing with circulatory problems in the hot summer months. However, employees still complain that the systems merely cool the air instead of exchanging it, i.e. they do not supply fresh air;
- > installation of additional security gates to reduce congestion at the start and end of breaks and shifts;
- > decentralised break rooms;
- > improved ergonomics (height-adjustable tables);
- > opening of canteens that prepare their own food rather than having pre-cooked meals delivered.



In 2016, the Bad Hersfeld works council managed to bring an end to management's feedback meetings. Now performance-based feedback may only be given if requested by an employee. One works council member surveyed summed up the situation: "now, if a lead or manager is going around wanting to give feedback, they'll get it in the neck when the employee comes to us. They won't do it again" (AEN9).

All these achievements, both big and small, are clearly concessions that the company has made due to union pressure and employee dissatisfaction. Nevertheless, the union and works councils often have difficulty explaining to staff that the improvements are a result of the labour dispute. This is due in part to staff turnover, which remains high. "Lots of new people come and don't know how things were before" (AEN2). Amazon also goes to great lengths to control the narrative for its own purposes, which is easy given its "power over the means of production" (Barthel/Rottenbach 2017: 259). Team meetings or regular employee meetings are used to publicise the improvements and present them as being generously provided by the company, with no mention of the link between the improvements and the union's demands. A shop steward describes in a nutshell how difficult it is for ver.di to counter this strategy. "We recently received a pay rise. Two to three weeks before the amount was announced, there were posters everywhere saying 'your pay rise is imminent' [...]. We try to draw attention to our achievements through our newspaper, flyers and works assemblies [...]. We always have to explain it over and over again. A small section of the workforce doesn't want to listen. The vast majority takes some persuading" (AEN2).

However, it is also true that works councils and the trade union have failed to solve fundamental problems. Monitoring and pressure to perform remain constant, employees still fear being reprimanded by their authoritarian superiors when they go to the toilet, and the work is likely to become even more monotonous given the increased drive for automation at many sites (see Apicella interview on page 76–77). In short, even after over six years of industrial action, many employees feel like robots.

BRINGING GRIEVANCES INTO THE PUBLIC EYE

Collective disputes have always been played out in public. However, public opinion plays a particularly important role in conflicts where trade unions have very little organising and market power. For trade unions, influencing the public image of their adversary in the dispute is a way to apply additional pressure. The emphasis here, however, is on 'additional'. It is clear that a trade union strategy that is strongly geared towards the public also needs to be rooted in support on the shop floor. In other words, it requires a certain union membership rate at the sites (Behruzi 2015: 48 f.).

At the start of the conflict, in particular, ver.di was highly successful in drawing media attention to its concerns and casting Amazon in a negative light. Even the daily tabloid Bild, which can hardly be described as pro-union, sent reporters to speak to the strikers.

Communication about the industrial action was essential, since without it, there would hardly have been broad media interest in the employees' situation. Publicity surrounding the strike, which looked to some like a modern-day retelling of David and Goliath, served as a vehicle to draw attention to the massive problems with working conditions at the company and explain the need for a collective agreement at national level. Shortly before the start of the industrial action, in February 2013, the widely acclaimed documentary *Ausgeliefert! Leiharbeiter bei Amazon* (Contract workers at Amazon's mercy) aired on ARD. As a result, an audience of millions was shown the dark side of the retailer's business model for the first time (Löbl/Onneken 2013). Politicians also began to take an interest in the trade union's activities once the media began covering the story. "People approached us once they started hearing about it in the media," recalls a union secretary who worked at the Bad Hersfeld site at the time (quoted from Schulten 2013: 268 f.).

That said, ver.di's media success is due not least to Amazon itself, or rather to the company's initial refusal to communicate with the public at all. The scant regard that Amazon paid the public at the start of the dispute is illustrated by the fact that journalists' questions were only answered by email; often, it took days to get a response.

As the conflict wore on, however, Amazon made a U-turn and adopted a more professional approach to its dealings with the media. "Amazon is becoming more skilful in cultivating its image," says ver.di union secretary Orhan Akman. "The company realised that adopting a purely defensive strategy would lead nowhere, so it strove to present itself to the public in a positive light". Amazon's



media team was expanded, 'media days' with site visits for journalists were organised, and four FCs even organised tours for the public (Amazon Blog n. d. a). There are also regular open days, the most recent of which was held on 1 April 2019 on the Supply Chain Day organised by Bundesvereinigung Logistik e. V. (Amazon Blog 2019b). Amazon also learnt from ver.di. Following the example of the union blog amazon-verdi.de, which was initially very active, the company established its own blog (amazon-logistikblog.de, now called blog.aboutamazon.de), featuring almost daily reports about workplace celebrations, special events like as health days, charity work, or technical innovations. The blog also hosts videos in which employees speak about themselves and tell the public about their work, with seemingly genuine enthusiasm. The company's reaction to a postcard campaign launched by ver.di is a prime example of its change in media strategy. The trade union asked customers to send a postcard to Amazon Germany demanding fair wages and a collective agreement. Anyone who put their return address on the postcard received, in response, a signed letter from Ralf Kleber, Amazon's Country Manager Germany, in which he addressed ver.di's arguments. Amazon also found a clever way to defuse ver.di's demand for a collective agreement in the public's eyes. The company constantly said that Amazon wages were 'aligned' with the collective agreement for the logistics industry, leaving many journalists with the impression that the company paid employee wages at the levels specified by a collective agreement – namely, the agreement covering the logistics industry. As a result, Amazon managed to shift the focus away from the issue of its fundamental refusal to engage in collective bargaining and divert attention to the highly complex question (to the general public, at any rate) of whether Amazon is a retailer or a logistics company. The fact that Amazon describes itself as a logistics company in Germany is purely tactical and demagogic: this much is clear from looking to the US, where Amazon calls itself a retailer in its advertisements. Unlike in Germany, in the US wages are higher in the logistics industry than in the retail industry (Jamieson 2014).

STRIKING – STILL A WORTHWHILE OPTION?

Against this backdrop, it is all the more astonishing that the strike movement at Amazon has grown steadily and has managed to keep on gathering momentum. Ver.di still relies on temporary strikes to enforce its demand for a collective agreement based on that of the retail and mail-order industry. Strikes are held at regular intervals, mostly for a period of one to five days, and are coordinated across several sites.

Industrial action aims to disrupt the course of business at Amazon FCs to such an extent that the dispatch of ordered goods to customers is delayed or even stopped. The online retailer takes its commitment to 'punctual delivery' very seriously. The punctual delivery of orders has been an essential component of the company's philosophy virtually from day one, and was key to the company's early success (Stone 2013: 60 ff.).

Nothing has changed since then. Fast delivery has become even more important throughout the industry in recent years, as demonstrated at Amazon by the launch of various premium customer services such as Prime Now and Same Day. Recent efforts to become more independent of major logistics service providers for last-mile delivery can also be interpreted in this sense.

However, the trade union repertoire of industrial action is by no means exhausted. In recent years, striking has sporadically been combined with a number of other activities, ranging from camps and isolated blockades of access roads in Leipzig or Bad Hersfeld to various forms of protest on the shop floor. Strikes are regularly aided by solidarity groups at some sites (Leipzig, Bad Hersfeld, sometimes also Brieselang). On a number of occasions, the Amazon strikes were also coordinated with industrial action in other industries, such as the strike carried out by delivery staff working for DHL, a subsidiary of Deutsche Post, over Easter 2015 in Bad Hersfeld (Boewe/Schulten 2015).

A unique feature of strikes at Amazon is that the company is able, at least partly, to absorb the impact of strike action by shifting goods and orders thanks to its network of FCs in Germany. It is hard to determine the exact extent to which the company can shift goods and orders like this. At any rate, not all fulfilment centres have all goods in stock as each specialises in different types of items. Amazon makes a rough distinction between 'sortable' FCs (which store sortable products like books, toys and household goods) and 'non-sortable' FCs (which house bulky or large items such as garden tools, outdoor equipment and carpets) (Amazon Blog n. d. b).

There are also repeated reports of customer orders being handled abroad during strikes in Germany. Since early 2015, Amazon has increasingly been delivering



products to certain parts of the German and French markets from abroad, especially from Poland and the Czech Republic, but has on occasion also delivered to German customers from France. In doing so, the company is seeking to offset strike-related bottlenecks at short notice. However, there is also much to support UNI's view that Amazon is pursuing a long-term strategy of shifting jobs from countries with strong unions to those with weak unions (USI1; USI2). Although the reasons for such a policy are largely commercial, the implications for union mobilisation and the effectiveness of strikes are plain to see.

It is difficult to assess the level of economic damage actually caused by industrial action. There is no reliable information about delivery delays or the resulting costs for Amazon. Ver.di repeatedly stresses that the strikes do indeed lead to delivery delays, citing test orders that it has placed. The employees we interviewed also confirmed that operational problems frequently do occur in the course of a strike. To date, however, Amazon has evidently always been able to retain a critical mass of employees at the FCs to prevent longer standstills.

Amazon consistently denies that the strikes have any impact on delivery times and even ridicules the industrial actions. For example, Amazon's Country Manager Germany, Ralf Kleber, told the business weekly *Wirtschaftswoche* that "black ice causes us far more headaches every year than the ver.di campaigns" (quoted from Hielscher 2015). In addition, Amazon takes pains to stress that the "vast majority" of its employees do not participate in industrial action (*ibid.*).

It is not easy to make concrete statements about the strikes. For one thing, participant numbers vary from site to site. While ver.di estimates indicate that 'established' facilities like those in Bad Hersfeld, Rheinberg, Werne or Leipzig see between 30 and 60% of a shift join in a strike, the turnout is lower at newer sites. Ver.di has not yet been able to organise strikes at those FCs that opened in 2017 (such as the Dortmund or Winsen sites) or at the FC in Brieselang (which opened in 2013). It also goes without saying that involvement in the strikes has fluctuated over the six years that they have been running. However, the number of strikers has been increasing since around 2018, in line with the growth in union membership. Yet in implying that the non-participation of sections of the workforce is voluntary, Kleber casts a veil over the fact that Amazon's in-house policies actively contribute to reducing participation in strike action. One such measure is the bonus payment of around €100, which at least some sites pay to those willing to work during the Christmas rush (USN7).

In addition, Amazon is now taking measures based on HR planning, personnel allocation and scheduling to limit the effectiveness of strikes. Employees we interviewed said that colleagues working at strategically important points who are

identified as strike supporters are moved as soon as industrial action is in the air. “In Leipzig, striking colleagues, who used to load and unload trucks, were moved before the start of the strike. They were then deployed as pickers and packers: they couldn’t do as much damage there if they went on strike” (AEN3; AEN2; USN1).

In order to quickly fill roles left empty by strikers, management seeks to train employees deemed ‘loyal’ in the performance of sensitive tasks. They remain in their old jobs, but can be moved to other roles as required. A shop steward from Bad Hersfeld explains. “Imagine you’re outside, at the dock, in goods issue. [...] The same people are always assigned there, they do a good job. They don’t earn a single cent more for it either, it’s a difficult but well-respected job. Many ver.di members hold positions like that. So they go on strike, they don’t turn up for work and all of a sudden, there’s a gap. The strike is effective. Then suddenly other people are being trained in those roles and ver.di members are being told ‘yeah, I can’t rely on you, go pick or pack or something’. The same goes for forklift drivers. If you go on strike and ditch your forklift, you can rest assured that you won’t get driving it again for a long time, if ever” (AEN9).

The geographical scope covered by strike action is also hotly debated. In Koblenz, Amazon twice managed to prohibit strikers from entering the car park in front of the entrance to Koblenz site by means of a temporary injunction. It is interesting to note that Amazon is neither owns nor rents the car park (Mersmann 2015). However, rather than accepting this decision, the leaders of the strike and the ver. di section heads for the region argued that “the best way to defend the right to strike is to strike,” in the words of one trade unionist who was involved (USN3). In Pforzheim too, Amazon repeatedly sought to obtain a temporary injunction against the distribution of strike information in front of the staff entrance to the facility. In November 2018, the Federal Labour Court in Erfurt issued a landmark ruling that trade unions may also set up picket lines in company car parks in order to address employees (Tagesschau 2018).



“POLITICAL VIEWS ARE IRRELEVANT”

Sabrina Apicella (born 1987) is working towards her PhD on industrial disputes in Europe's online retail trade at the Leuphana University in Lüneburg. Her research focuses on Amazon. In recent years, she has interviewed several hundred employees from the FCs in Leipzig, Rheinberg and Castel San Giovanni in Italy about why they do, or do not, strike.

Why do Amazon employees go on strike?

Sabrina Apicella: People decide to strike for very different reasons. Someone might be having problems with their superiors and spontaneously decide to strike because of that, or they might have been on a works council for a long time and view striking as par for the course. With the help of surveys conducted in Leipzig and Rheinberg, I have identified several trends that make it possible to distinguish strikers from non-strikers.

And how do these two groups differ?

There are three key factors. Those who are unhappy at Amazon will likely strike. Among other things, strikers criticise monitoring and pressure to perform, as well as rigid company hierarchies and the fact that socialising at work is prohibited. Some feel like robots, while reprimands for frequent trips to the toilet are the final straw for others.

Employment security – so having a permanent contract – is a second key factor. The third factor is complete faith in the trade union. Someone demonstrating all three factors is very likely to go on strike.

Ver.di is demanding a collective agreement that primarily provides for higher wages. Does this play a role?

New Amazon employees in Germany usually earn a little over €11 an hour. I asked those I interviewed about pay satisfaction. I had assumed that this would be a particularly important reason for striking, precisely because of low wages and because the demand for wages set by collective agreement is a prominent feature of trade union communications.

However, both strikers and non-strikers are relatively happy with their wages. Strikers tend to be less happy, but their dissatisfaction is not significant compared to the three key factors I mentioned.

How important is political orientation?

Surprisingly enough, employees' political views have hardly any bearing on their attitude towards trade unions or co-determination. The lack of co-determination at Amazon is roundly criticised by members of all political camps. It's also good news that neither age, gender, nor background deter employees from striking.

Many of the problems you describe affect all employees. Why do only a minority strike?

Because many are satisfied in their work and take a very different view of checks, for instance, than those who go on strike. They justify them, and so share Amazon's standpoint. Some even identify with their employer and accuse strikers of avoiding work or making excessive demands. Others do not trust the trade union. What's more, seasonal and temporary workers do not go on strike.

Do your surveys give any indication of what could be done to encourage others to strike?

It makes sense to start with job satisfaction and listen to employees: what is happening on the shop floor? What is getting to them? Their grievances are not always 'collective bargaining' issues, at least not on the surface. But getting involved in the nitty-gritty of work organisation is precisely what makes this approach so exciting. Ver.di's 2016 move towards adopting a collective agreement on decent, healthy work at Amazon is a step in the right direction, especially because so many employees are worried about falling sick or are ill already.

Readers interested in Sabrina Apicella's research can find more of her work here:

Apicella, Sabrina (2016): Amazon in Leipzig. Von den Gründen, (nicht) zu streiken, published by the Rosa-Luxemburg-Stiftung, Studien 9/2016, Berlin, available at: www.rosalux.de/fileadmin/rls_uploads/pdfs/Studien/Studien_09-16_Amazon_Leipzig.pdf.

Apicella, Sabrina/Hildebrandt, Helmut (2019): Divided we stand: reasons for and against strike participation in Amazon's German distribution centres, in: Work Organisation, Labour & Globalisation 1/2019, pp. 172–189.

IV



ASSESSMENT AND OUTLOOK

Has the trade union miscalculated when it comes to the severity and duration of the labour dispute? Is there a risk that the strike will “run out of steam”, as one Frankfurter Allgemeine Zeitung journalist suggested in 2014 (Knop 2014)? And how is the dispute with the ever-expanding company going? In the sixth year of strike action, even supportive observers have to admit that Amazon seems largely immune to any consequences. However, it is also true to say that ver.di is now a firmly established force, at least at the older locations. The trade union is both wanted and needed, even if membership does not immediately pay off in the form of noticeable improvements in pay and working conditions.

All the obstacles that ver.di faces in trying to step up the conflict have in fact long been the subject of broad discussion among shop stewards at the various FCs. And what’s more, like Amazon, strikers are constantly striving to adapt their strategy to the ever-changing conditions and challenges. As we see it, Amazon employees face the following four major challenges in their fight for humane working conditions,

1. KEEPING UP WITH AMAZON

Twenty-five years down the line, Amazon is still growing at a rapid pace. In Germany alone, the company has opened three new FCs since early 2017, with a fourth scheduled to open its doors in Mönchengladbach in autumn 2019. Amazon is constantly expanding and diversifying its logistics network (Prime Now hubs, delivery stations, Amazon delivery services, and so on). The company is not only fast but also incredibly flexible, innovative and keen to experiment, and is constantly reinventing itself.

Union organising at Amazon to date has shown that there is huge potential among Amazon employees willing to unionise and get involved in the fight for more humane work. However, employees only join a trade union if they have access to it. They need a local trade union that they can trust and rely on, and that supports and guides them: organisation encourages organising. Only once ver.di put Amazon at the top of its list of priorities and made targeted investments in additional resources focused on strategic development was there a noticeable increase in organising power at Amazon in Germany. This is especially true given the significant use of fixed-term contracts at newly opened sites (with around 80% of staff being employed on such contracts), which impedes active trade union work in the first two years. However, the example of the Dortmund FC shows that it is nevertheless possible for trade unions to take action at new FCs.

Ver.di activist and shop steward structures at well-unionised sites now play a key role in the current dispute. Such structures cannot organise entirely new sites, however; like in Bad Hersfeld in 2011, they have to start from scratch with shop-



floor organising. As soon as one facility is organised, another opens. Systematic, professional and continuous trade union support on the ground is needed to keep pace with Amazon's expansion. Such support includes (exclusive) offers for those employees not (yet) able to take part in the labour dispute, perhaps because they are on fixed-term contracts. Tools already discussed or partially adopted include newsletters with interesting and exclusive (sub-)sector information from an employee perspective, or networking opportunities outside the company. Established tandem models with 'experienced' FCs should also be expanded. In short: the trade union needs a strategic master plan for further unionisation within the company. All this costs money, which is not easy for ver.di to raise. Without additional resources going beyond the support typically available, there will be no breakthrough in the dispute in the long term.

2. PLAYING TO THEIR STRENGTHS

In the German system of industrial relations, works councils are key when it comes to recruiting new trade union members. At Amazon, however, the bond between the works councils and ver.di is relatively weak. The councils are often divided between pro-employer and pro-union factions and the trade union seldom has a working majority. As a result, few works council members feel that it is their task to recruit new members or retain older ones.

However, in recent years something unique, in the retail sector at least, has emerged at Amazon: a motivated group of volunteer shop stewards and activists. They represent the trade union in the workplace, serve as points of contact for employees, act as 'lightning rods' for criticism and assume most of the responsibility for organising strikes. The value of this cannot be overestimated. Indeed, such volunteer support is vanishingly rare in most areas of German industrial relations, especially considering that it has persisted over such a long period of time.

But it is also at Amazon that the provision of this type of support generates a huge workload for volunteer activists, not least due to the high employee turnover. "Of those colleagues who started striking in 2013, maybe around a quarter are left," says one union secretary (USN9). New employees do not know how things used to be. Amazon's arguments as to why trade unions are 'the devil's work' have to be refuted over and over again. To make matters worse, shop stewards at Amazon are working in an extremely anti-union company, confronting them with a completely different atmosphere than that found at Daimler or Volkswagen.

Faced with these challenges, volunteer structures at Amazon, no matter how well-organised, run the risk of being overwhelmed. The slow death of the blog amazon-verdi.de, which was hugely successful when it was launched in 2015, is just one example.

This is where ver.di should step in, especially when it comes to equipping activists with organising skills. Cross-site workshops that train participants in one-to-one interviews, the creation of workplace maps and practical campaign planning could be helpful tools in such a process.

There is no need to reinvent the wheel here. Much has already been put into practice at Amazon but has fallen by the wayside over the years. It is also worth looking beyond ver.di. For instance, under the slogan Betriebsbetreuung von morgen (The future of support for workplace-level representatives), IG Metall Baden-Württemberg is experimenting with the (regional) pooling of training and campaign materials for activists from different workplaces. The underlying idea is that it is a more resource-efficient to bring together 30 shop stewards from five sites in one workshop geared towards their common needs than to organise five separate meetings (see IG Metall Baden-Württemberg 2018). Similar initiatives could be rolled out to cover Amazon facilities and other companies' logistics warehouses located close to Amazon sites. Whether at the central warehouses of Lidl and Edeka, at Zalando or in DHL logistics centres, most problems are similar to those faced by Amazon FCs and all employee representatives need to be able to handle conflict and be assertive at work. Aside from providing for a more efficient use of resources, such pooling of activists provides for a more cooperative exchange of advice and tips, strengthens the regional union network and facilitates the dissemination of trade union issues to the public.

3. STRIKING MORE EFFECTIVELY

Amazon's ability to relocate orders in an increasingly tight logistics network sets structural limits on the ver.di strike. Even within a single site, Amazon manages to limit the impact of the strike by shifting personnel. "Amazon deals with strikes like it does holidays and illnesses," says one shop steward from Bad Hersfeld.

In fact, in recent years ver.di has managed to significantly diversify its traditional arsenal of labour dispute tactics. Unannounced walkouts when a shift is in full swing or intermittent 'in-out' strikes, like those organised in Rheinberg, make it more difficult for the company to predict industrial action.

Various forms of temporary blockades of delivery vehicles at different sites have also proven to be effective. However, such forms of action are far from being used on a regular basis. It is important to highlight once more that Amazon has thus far been able to ride out the consequences of industrial action. The number of sites able to strike is also stagnating, while more new sites are opening.

The most promising countermeasures seem to lie in the expansion of cross-border and cross-company networks of trade union activists and the increased capacity of workplace trade union organisations to take industrial action with ever shorter warning times in the middle of a working day.



4. ADOPTING A HOLISTIC OUTLOOK

Amazon is the undisputed global leader of the e-commerce sector. However, the bulk of its profit (over 70%) is generated in other areas, primarily by Amazon Web Services (AWS). Its international online retail activities outside North America are still highly unprofitable. Amazon obviously plans for these losses for strategic reasons, focusing on conquering new markets and amassing and consolidating market power rather than striving for short-term profit. Taking this into account, strikes that remain restricted to the retail sector, no matter how effective, can only ever have a limited impact as Amazon can largely offset any strike-related losses with profits from other operating activities.

It is therefore essential that the international trade union movement build on its ability to organise and take action in other Amazon areas of activity, specifically AWS.

Amazon is also currently one of the world's largest transport and logistics companies. The group operates its own cargo airline (Amazon Air) and has entered the global container shipping business. Amazon's business activities in Germany alone affect at least six of ver.di's 13 sections, but so far the dispute has been conducted almost exclusively by section 12 (retail). Attempts to devise a cross-sectoral strategy are still in their infancy but will undoubtedly have to be expanded if they are to be successful.

The accelerated expansion of its own logistics network does not change the fact that Amazon will remain highly dependent on the services of third parties (such as freight companies and shipping companies) for the foreseeable future. In this respect, trade unions need to consider all supply chains and hubs and formulate an integrated strategy to match. There are already signs of a shift in this direction, as demonstrated by the activities of the Teamsters in the US, the ORDWA alliance established by Australia's SDA, or the increased cooperation between UNI Global Union and ITF (see Part 3).

Such an integrated approach, especially when it comes to a rapidly expanding, constantly evolving company like Amazon, requires a significant expansion of trade unions' expertise through strategic research, not least to identify possible pressure points.

In fact, a number of promising alliances have recently emerged between Amazon employees and other social actors: local politicians and anti-gentrification movements were involved in the successful anti-HQ2 campaign in New York City, and the 'yellow vest' movement in France is vocal in its support of Amazon employees.

A holistic outlook also takes in issues such as the urban development effects, health hazards and environmental and climate damage caused by Amazon's business model. As the numerous examples given here show, a decisive course has been set and many trade unions are working towards UNI Commerce's hoped-for "comprehensive narrative that takes in all the criticisms".



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“Even after six years, strikers in Amazon fulfilment centres are showing no signs of flagging. The fulfilment centres are veritable hives of union activity to an extent that is not often witnessed even in union strongholds – despite unfavourable conditions, massive union-busting efforts and intimidation.”

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