

Delivery drivers at third-party company in California are Amazon employees, NLRB finds

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Credit: Erik Mclean from Pexels

Workers at a company that delivered packages for Amazon are considered employees of the e-commerce giant, the National Labor

Relations Board said, rejecting Amazon's claim that it is not responsible for the subcontractor's staff.

The finding, issued by a regional director of the NLRB in Los Angeles, determined there was merit to accusations by the delivery workers that Amazon unlawfully refused to recognize their decision to unionize and failed to negotiate with the union over workplace issues. The NLRB also found Amazon had threatened employees, inappropriately required workers to attend meetings meant to disparage union activity, and failed to provide information requested by the union.

The delivery [company](#), Battle-Tested Strategies, operated out of Amazon's DAX8 fulfillment center in Palmdale, California. The company's owner, Johnathon Ervin, voluntarily recognized the decision by [drivers](#) to organize and join a local chapter of the Teamsters union.

Amazon ended the company's contract last year, effectively terminating the jobs of the 84 drivers who delivered Amazon packages.

The findings marked a win for Teamsters officials who challenged a stance long held by Amazon, that it does not exercise control over its subcontracted drivers and so bears no legal responsibility for their working conditions. It could open the door to delivery drivers elsewhere unionizing and demanding Amazon come to the bargaining table.

"Amazon drivers have taken their future into their own hands and won a monumental determination that makes clear Amazon has a [legal obligation](#) to bargain with its drivers over their working conditions," Teamsters General President Sean M. O'Brien said in a statement on August 22.

"This strike has paved the way for every other Amazon worker in the country to demand what they deserve and to get Amazon to the

bargaining table."

The NLRB did not find merit to all of the Teamsters' allegations, however. It dismissed, for example, a claim that Amazon's decision to end its contract with Battle-Tested Strategies was retaliatory.

Amazon spokesperson Eileen Hards said the NLRB had dismissed "most of the Teamsters' more significant claims."

"As they have been for over 15 months, the Teamsters continue to misrepresent what is happening here," Hards said. "As we have said all along, there is no merit to the Teamsters' claims. If and when the agency decides it wants to litigate the remaining allegations, we expect they will be dismissed as well."

Since the Battle-Tested Strategies drivers were terminated in June 2023, the Teamsters have held protests at the Palmdale facility as well as at other Amazon warehouses across the country.

In a statement released by the union, Jessie Moreno, a driver in Palmdale, said, "Amazon can no longer dodge responsibility for our low wages and dangerous working conditions, and it cannot continue to get away with committing unfair labor practices."

"We are uniting Amazon workers across the country like never before," Moreno said.

The NLRB's finding represents a first step in the board's process for litigating allegations of wrongdoing and comes after an investigation into the workers' claims that Amazon was engaging in unfair labor practices, NLRB spokesperson Kayla Blado said in an email.

Blado said that if Amazon and the Teamsters do not now reach a

settlement in the case, the labor agency would issue a [formal complaint](#) based on its findings. After that, the case would be heard by an administrative law judge, who could order the company to implement remedies. The judge's decision could then be appealed to the labor board in Washington.

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