

# Congress of the United States

Washington, DC 20510

June 1, 2022

Mr. Andy Jassy  
President and Chief Executive Officer  
Amazon.com, Inc.  
410 Terry Avenue North  
Seattle, WA 98109

Dear Mr. Jassy:

We are writing regarding alarming reports that Amazon has developed a new worker chat application (the “Proposed App”), which will ban a variety of words and phrases to prevent workers from discussing working conditions and their basic legal rights, including unionization. Amazon’s compliance with federal labor laws is an important matter of public concern especially given the company’s status as one of the largest retailers in the country. I am seeking information and materials in order to understand Amazon’s compliance or noncompliance with those laws and determine whether further Congressional action is necessary.

We are particularly concerned about whether Amazon may have developed the Proposed App in violation of at least the National Labor Relations Act (NLRA) and the Labor Management Reporting and Disclosure Act (LMRDA). I urge you to modify your approach: if you are concerned about your workers discussing topics like “restrooms” or “slave labor,” or exploitative working conditions generally, the answer is not to interfere with your workers’ ability to communicate with each other, but to improve your treatment of workers.

Reporting this month by *The Intercept* revealed that:<sup>1</sup>

Amazon will block and flag employee posts on a planned internal messaging app that contain keywords pertaining to labor unions, according to internal company documents reviewed by The Intercept. An automatic word monitor would also block a variety of terms that could represent potential critiques of Amazon’s working conditions, like “slave labor,” “prison,” and “plantation,” as well as “restrooms” — presumably related to reports of [Amazon employees relieving themselves in bottles](#) to meet punishing quotas.<sup>2</sup>

According to the report, company officials described the goal of the Proposed App as reducing employee attrition and increasing productivity, and justified banning words to “prevent a negative associate experience.”<sup>3</sup> However, according to company documents reviewed by *The*

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<sup>1</sup> The Intercept, “Leaked: New Amazon Worker Chat App Would Ban Words Like “Union,” “Restroom,” “Payraise,” and “Plantation”, Ken Klippenstein, April 4, 2022, <https://theintercept.com/2022/04/04/amazon-union-living-wage-restrooms-chat-app/>.

<sup>2</sup> The Intercept, “Documents Show Amazon is Aware Drivers Pee, and Even Defecate En Route, Despite Company Denial ” Ken Klippenstein, March 25, 2021, <https://theintercept.com/2021/03/25/amazon-drivers-pee-bottles-union/>.

<sup>3</sup> The Intercept, “Leaked: New Amazon Worker Chat App Would Ban Words Like “Union,” “Restroom,” “Pay Raise,” and “Plantation”, Ken Klippenstein, April 4, 2022, <https://theintercept.com/2022/04/04/amazon-union-living-wage-restrooms-chat-app/>.

*Intercept*, the Proposed App specifically targets and discriminates against worker communications protected by the NLRA, including discussions of the specific terms “union,” “pay raise,” “compensation,” “accessibility,” “injustice,” “slave labor,” “harassment,” and “threat.”<sup>4</sup> Moreover, the company’s banning of the words that keep workers from expressing their concerns about racialized workplace mistreatment is particularly problematic.

Amazon’s efforts to muzzle its workers and prevent them from discussing their working conditions reveals that the company continues to aggressively fight efforts by its workers to speak out and organize, and will not provide them with the tools they need to report harassment and other poor working conditions. This is wrong, and it may be unlawful. Workers have a legally protected right to organize,<sup>5</sup> and it is illegal for employers to suppress worker discussions about working conditions and unions on platforms that are generally open for discussion of other subjects.<sup>6</sup> By censoring communications, Amazon is sending a message to workers that discussing working conditions will not be tolerated and that Amazon will exercise its power to monitor and stop such communications. This could have an unlawful chilling effect on workers’ protected concerted activity.

Furthermore, the LMRDA requires employers to report expenditures on activities that interfere with employees’ NLRA rights to the U.S. Department of Labor’s Office of Labor-Management Standards.<sup>7</sup> Yet Amazon has not reported any spending on this Proposed App and its censorship of organizing-related speech.<sup>8</sup>

This disturbing report is part of a pattern of worker exploitation, retaliation, and union busting on the part of Amazon. NOTABLY, Amazon faces complaints brought by the NLRB for firing workers in retaliation for organizing and for threatening, surveilling, and interrogating workers at the JFK8 warehouse in Staten Island, New York.<sup>9</sup> These workers prevailed in their efforts to unionize, but they should not have had to overcome your union busting efforts.

Rather than attempting to silence its workers or spending millions on anti-union campaigns,<sup>10</sup> Amazon should focus on improving working conditions. Your inhumane quotas

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<sup>4</sup> See 29 U.S.C. §§ 151-169; *The Intercept*, “Leaked: New Amazon Worker Chat App Would Ban Words Like ‘Union,’ ‘Restrooms,’ ‘Pay Raise,’ And ‘Plantation,’” Ken Klippenstein, April 4, 2022, <https://theintercept.com/2022/04/04/amazon-union-living-wage-restrooms-chat-app/>.

<sup>5</sup> See 29 U.S.C. § 157.

<sup>6</sup> *Communications Workers of Am., AFL-CIO v. NLRB (T-Mobile USA, Inc.)*, 6 F.4th 15 (D.C. Cir. 2021).

<sup>7</sup> U.S. Department of Labor, “OLMS: Office of Labor-Management Standards,” fact sheet, January 2022, pp. 2-3, [https://www.dol.gov/sites/dolgov/files/OLMS/regs/compliance/LM-10\\_factsheet.pdf](https://www.dol.gov/sites/dolgov/files/OLMS/regs/compliance/LM-10_factsheet.pdf).

<sup>8</sup> U.S. Department of Labor: Office of Labor-Management Standards, “LM-10: Employer Report,” <https://olmsapps.dol.gov/query/orgReport.do?rptId=813414&rptForm=LM10Form>.

<sup>9</sup> *The Verge*, “The NLRB is suing Amazon to get a fired activist his job back,” Mitchell Clark, March 17, 2022, <https://www.theverge.com/2022/3/17/22983692/nlr-amazon-labor-activism-gerald-bryson-jfk8-warehouse-injunction>; *The Verge*, “NLRB alleges Amazon broke the law with anti-labor action in New York,” Mitchell Clark, January 28, 2022, <https://www.theverge.com/2022/1/27/22905235/nlr-amazon-broke-labor-laws-jfk8-warehouse-workers>; *The New York Times*, “A judge rules that Amazon must reinstate a Staten island worker who was fired,” Karen Weise, April 18, 2022, <https://www.nytimes.com/2022/04/18/business/amazon-protest-firing-ruling.html>.

<sup>10</sup> *Engadget*, “Amazon spent \$4.3 million on anti-union consultants in 2021 alone,” Steve Dent, April 1, 2022, <https://www.engadget.com/amazon-spent-43-million-on-anti-union-consultants-in-2021-alone-082051777.html>.

have forced drivers to relieve themselves in bottles,<sup>11</sup> and routinely limit warehouse workers from taking bathroom breaks.<sup>12</sup> But rather than fixing your broken management practices, your company is reportedly considering banning its employees from even using the word “restrooms.” The rate of serious injuries at Amazon warehouses in the United States is more than double that of the rest of the industry, and increased 20% from 2020 to 2021.<sup>13</sup> But instead of ending this harmful policy that drives worker injuries, Amazon is instead considering banning its employees from discussing “TOT” – Amazon’s “time off task” policy that involves relentless, Orwellian monitoring of worker productivity.<sup>14</sup>

Unfortunately, the Proposed App and its anti-worker censorship fit all too well with Amazon’s track record of worker surveillance, inhumane treatment, and union busting. In order to understand how this Proposed App will impact workers’ safety and federally protected rights, we request that you provide all documents, communications, and other materials related to the Proposed App and respond to the following questions no later than June 16, 2022.

1. Please describe the Proposed App, including its proposed design, goals, and uses.
2. Which terms have you banned or considered banning during the development of the Proposed App?
3. What rationale justified the ban or potential ban of these terms?
4. What other internal electronic communication platforms do Amazon workers have access to at work (including warehouse employees, drivers, and other corporate employees)?
  - a. Do these other communication platforms also ban specific words or terms?
  - b. If so, what words are banned and what processes and rationales did you use in developing the list of banned words?
5. When is the Proposed App scheduled to be used by Amazon workers, and which classes of workers (including contractors, subcontractors, and other third parties) will be required to use it?
6. Has Amazon used or planned to use the Proposed App to send communications to employees related to their exercise of National Labor Relations Act rights? If so, please provide such plans and/or communications.
7. Are workers prohibited from using any methods of communication while at work? If so, which ones and why?

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<sup>11</sup> The Intercept, “Documents Show Amazon Is Aware Drivers Pee In Bottles And Even Defecate En Route, Despite Company Denial,” Ken Klippenstein, March 2021, <https://theintercept.com/2021/03/25/amazon-drivers-pee-bottles-union/>.

<sup>12</sup> U.S. Senate Finance Subcommittee on Fiscal Responsibility and Economic Growth, “Remarks by Courtenay Brown, United for Respect Leader,” p.13, <https://www.finance.senate.gov/imo/media/doc/United%20for%20Respect%20Leader%20Courtenay%20Brown%20Written%20Submission%20to%20the%20Subcommittee%20on%20Fiscal%20Responsibility%20and%20Economic%20Growth%20-%202021.12.17%20redline.pdf>.

<sup>13</sup> Strategic Organizing Center, “The Injury Machine: How Amazon’s Production System Hurts Workers,” April 2022, [https://thesoc.org/wp-content/uploads/2022/04/The-Injury-Machine\\_How-Amazons-Production-System-Hurts-Workers.pdf](https://thesoc.org/wp-content/uploads/2022/04/The-Injury-Machine_How-Amazons-Production-System-Hurts-Workers.pdf).

<sup>14</sup> The Intercept, “Leaked: New Amazon Worker Chat App Would Ban Words Like “Union,” “Restroom,” “Pay Raise,” and “Plantation,”” Ken Klippenstein, April 4, 2022, <https://theintercept.com/2022/04/04/amazon-union-living-wage-restrooms-chat-app/>; Workplace Fairness, “Amazon makes tiny tweak to ‘time off task’ policy following report on high injury rates,” June 2, 2021, <https://www.workplacefairness.org/blog/2021/06/02/amazon-makes-tiny-tweak-to-time-off-task-policy-following-report-on-high-injury-rates/>.

8. Apart from banning terms on internal electronic communication platforms, do you search for terms or identify risks, beyond phishing attacks or spam? If so, what behavior and terms are monitored, what is the rationale for that monitoring, and are workers notified of that monitoring? Does that ever include monitoring for organizing activity or grievances?<sup>15</sup>
9. Did Amazon spend any money in 2021 relating to the Proposed App, including but not limited to its planning, conception, design, uses, rollout, or implementation? If so, please describe that spending and explain why Amazon failed to answer question 8(c) in the affirmative on the 2021 LM-10 form it submitted to the U.S Department of Labor’s Office of Labor-Management Standards.<sup>16</sup>

Sincerely,



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Elizabeth Warren  
United States Senator



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Cori Bush  
Member of Congress



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Cory A. Booker  
United States Senator



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Alexandria Ocasio-Cortez  
Member of Congress



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Bernard Sanders  
United States Senator

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<sup>15</sup> NBC News, “Fired, interrogated, disciplined: Amazon warehouse organizers allege year of retaliation,” Olivia Solon and April Glaser, March 30, 2021, <https://www.nbcnews.com/business/business-news/fired-interrogated-disciplined-amazon-warehouse-organizers-allege-year-retaliation-n1262367>.

<sup>16</sup> U.S. Department of Labor: Office of Labor-Management Standards, “LM-10: Employer Report,” <https://olmsapps.dol.gov/query/orgReport.do?rptId=813414&rptForm=LM10Form>.