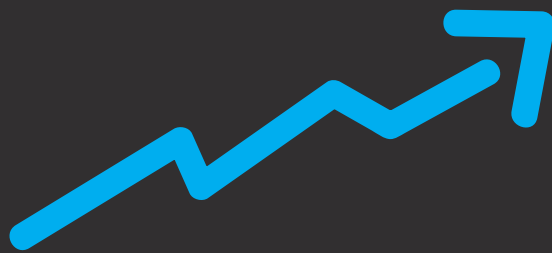


AMAZON & THE COVID-19 CRISIS



**ESSENTIALLY
IRRESPONSIBLE**



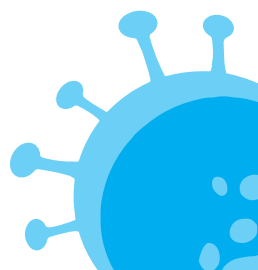
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AMAZON & THE COVID-19 CRISIS: ESSENTIALLY IRRESPONSIBLE

“Amazon is exceptionally well-managed and has demonstrated great skill at spotting opportunities and building repeatable processes for exploiting them. It has a corresponding lack of vision about the human costs of the relentless growth and accumulation of wealth and power. If we don’t like certain things Amazon is doing, we need to put legal guardrails in place to stop those things. We don’t need to invent anything new; a combination of antitrust and living-wage and worker-empowerment legislation, rigorously enforced, offers a clear path forward.”

Former Amazon Vice President Tim Bray who resigned in protest of Amazon’s practices during the Coronavirus pandemic.





INTRODUCTION



The Coronavirus pandemic has had an immeasurable impact on workers and communities around the world. As people sheltered during the lockdown, demand for e-commerce and cloud computing increased tremendously and with it, Amazon's increasing leverage over our economy and society.

The pandemic has already had devastating effects on much of our economy and may accelerate long-term trends that are concentrating power in the hands of a few big tech companies. The crisis further solidified the role of e-commerce as brick-and-mortar stores closed and it is widely predicted that at least some of the shift towards online shopping will become permanent, altering the urban landscape of cities and towns across the world.

Amazon's success during the crisis meant its founder, Jeff Bezos, already the richest man on earth, got significantly richer. During the two-week period between March 18th and June 17th his wealth increased from \$113.0 billion to \$156.8 billion, and then to \$182.6 billion as Amazon stock hit all-time highs in early July —making him the wealthiest person on earth by an even greater margin than before. But Amazon did not do enough for the workers that make Amazon run.

Amazon failed to listen to workers when they spoke up out of fear for their lives. In the United States, Amazon fired tech and warehouse workers who stood up for safety. In Europe, workers in Spain, Italy and France were

forced to either go to the government authorities or strike to force Amazon to respect their safety. The message is clear: Amazon will do the right thing but only if organized workers, government and civil society force its hand. Amazon must do better.

In the context of its very poor social performance, Amazon's strengthened market position during and after the pandemic is a threat to our economies and societies. Amazon's impact reaches far beyond retail. The tech giant is not only an e-commerce force but also a leader in cloud computing, video streaming, virtual assistance, media, physical grocery retail, pharmacy, and it has showed ambitions to develop into wireless networks, healthcare and internet service provision. Amazon is not just a threat to workers but to those who believe in privacy and civil liberties, and a diverse marketplace. This world belongs to us, not Amazon.

We must ensure that the recovery from the coronavirus pandemic leads us to a world that is more just, sustainable, and democratic than the one we had before. That fight begins now.

Christy Hoffman

General Secretary of UNI Global Union

EXECUTIVE SUMMARY

Primed for rapid expansion before the pandemic, Amazon has exploited its dominant position in e-retail and web services during the crisis to become an inescapable part of modern life in many markets. Its political and economic influence has grown as quickly as its revenues, and the company's ascent raises fundamental questions about how Amazon should be structured and regulated.

Amazon already controlled 50% of the U.S. e-commerce market, but during the COVID-19 crisis, traffic on Amazon.com increased by as much as 20%, while demand for some services, such as home grocery delivery, soared by as much as 90% while brick and mortar stores were temporarily shuttered in many countries. Many of these traditional retail shops will not be able to afford a multi-month closure and never re-open again, further reducing competition for e-retailers.

But brick-and-mortar stores are not the only ones that suffered while Amazon's revenues increased. Third-party vendors using the Amazon Marketplace platform were squeezed as well. Amazon temporarily halted deliveries of third-party, non-essential products to customers but continued to ship its own non-essential products. This move hurt the two million authorized sellers who depend on Amazon for access to markets, but who also compete directly with the company's products. Only sellers who had the infrastructure and capacity to sell and deliver products outside the Amazon marketplace were able to mitigate losses, but this category is a minority.

With a strengthened position, and crisis in the wider economy, Amazon is positioned to make anti-competitive acquisitions at rock bottom prices.

With much of our work, school, and entertainment being streamed at home, we are more reliant on Amazon Web Services (AWS) that host services such as Zoom and Netflix. At the end of 2019, AWS's market share in cloud services was estimated at 33%, more than

the combined share of its three largest competitors, and its sales shot up 33% in Q1 2020, signaling rapid growth to come. The company's market share is so large that one reporter said she could not "function normally" by avoiding AWS. Just as Amazon.com, in many ways, has become the e-commerce market, AWS has become the internet.

With a strengthened position, and crisis in the wider economy, Amazon is positioned to make anti-competitive acquisitions at rock bottom prices. It is already happening: Amazon's purchase of a stake in the online food-delivery company Deliveroo was approved on an

expedited basis in April 2020 to save Deliveroo from insolvency. In early May 2020, Amazon was reported to be considering acquiring AMC Entertainment Holdings Inc., the largest cinema operator in the world, giving Amazon's studio a powerful direct channel to reach theatregoers in the U.S. and Europe. In the U.S., Amazon is reportedly considering acquiring the now bankrupt retailer J.C. Penny. In India, Amazon is considering upping its stake in Future Retail Group, which has seen its share price weakened by one of the world's strictest lockdowns.

An additional competitive advantage for Amazon, as it soaks up more market share, is an exceptionally aggressive tax avoidance regime. During the last six years, Amazon paid only \$7.8 billion in income taxes, 11 times less than Apple and 4.4 times less than Microsoft or Walmart paid. In Europe, Amazon pays almost no taxes; on the contrary, in the last two years Amazon Europe received tax credits for more than half a billion euros. This behaviour has directly contributed to the structural underfinancing of public services, including health care systems, exposed brutally during the pandemic. This stands in stark contrast to many traditional retailers and hypermarkets that do pay their fair share of taxes—taxes that will be critically needed as governments try to pay for coronavirus economy recovery plans.

In recent months, calls for investigations against Amazon have been escalating. Early in 2020, the Federal Trade Commission was reportedly collecting probes on how Amazon prioritizes its products and services over those



of its partners and competitors. On 23 April 2020, a Wall Street Journal investigation showed that Amazon was using data from its own sellers to launch competing products. The publication amplified the political pressure on the company: on 28 April, a Senator urged the Justice Department to open a criminal antitrust investigation based on WSJ's findings, and later on 1 May a group of seven lawmakers sent a letter to Jeff Bezos, asking him to testify before the Congress over company's previous statements that it does not use third-party data to launch competing private label brands.

However, more is needed. Just as our world will radically change after the pandemic, so will Amazon. But the question of whether the company's stranglehold on our markets and communities will tighten will be answered by the resistance of regulators, community organizations, labour unions, and anti-monopoly activists.

DOMINANCE BEFORE THE CRISIS

The coronavirus crisis found Amazon in a position of strength. For years, the e-commerce giant had been growing rapidly in terms of sales, footprint, headcount, and stock price. The company's impressive growth was fueled by a series of strategic choices that put ahead of profits and employees' wellbeing.

That drive for an ever expanding piece of the pie has made Amazon the largest online retailer and Amazon Web Services (AWS) is the world's biggest cloud computing business. From 2013 to 2019, its revenue increased by an average of 46% per year – compared to 10.3% for Microsoft or 8.7% for Apple. In the meantime, revenues of large traditional retailers rose incrementally or even fell. In the same period, Walmart's sales rose by 1.7% per year, while Carrefour's sales dropped. In the United States, Amazon.com accounts for almost of half of all retail e-commerce, and its closest competition lags far behind.¹

OPERATING INCOME, IN USD MILLION	2017	2018	2019
Online retail, total	-225	5125	5340
North America	2837	7267	7033
International	-3062	-2142	-1693
AWS	4331	7296	9201
Consolidated operating income	4106	12421	14541
Consolidated net income	3033	10073	11588

Figure 1: Amazon's operating income

In part, Amazon has reached this growth through tolerating loss-making operations. For years, profits from Amazon Web Services (AWS) were covering losses from the company's online retail operations. As shown in Figure 1, after more than 20 years in business, Amazon's International division is still losing money: in the last three years this segment's total net operating losses amounted to \$6.9 billion.

The rise of Amazon is also built on the company's aggressive practices towards its competition, using a range of anti-competitive techniques to acquire market share and get rid of direct competition. In its role as a retailer, Amazon acts both as a seller and as a platform provider, operating a marketplace in which two million third-party sellers are authorized to sell their products.²





Amazon has been accused of predatory pricing and excessive control over third-party sellers that use its platform.³ For the latter, Amazon has imposed contractual provisions that prohibit third-parties from selling products at lower prices through competing e-commerce platforms.⁴ Third-party sellers have become dependent on Amazon's platform and have entered into horizontal agreements on price with the e-commerce giant, effectively impeding price competition.⁵ Amazon has also used the wealth of data from its web servers to copy competitor's products and services or to gain competitive advantages when entering new markets.⁶

Amazon's growth has gone beyond e-commerce and cloud services. In 2017, the acquisition of U.S. grocery store chain Whole Foods for \$13.7 billion meant that the e-commerce giant bought a significant brick-and-mortar platform – allowing it to gain control over a large number of urban locations – and a big shopping database that could be useful for the expansion of its online grocery business and private label offerings.

Amazon has been accused of predatory pricing and excessive control over third-party sellers that use its platform.

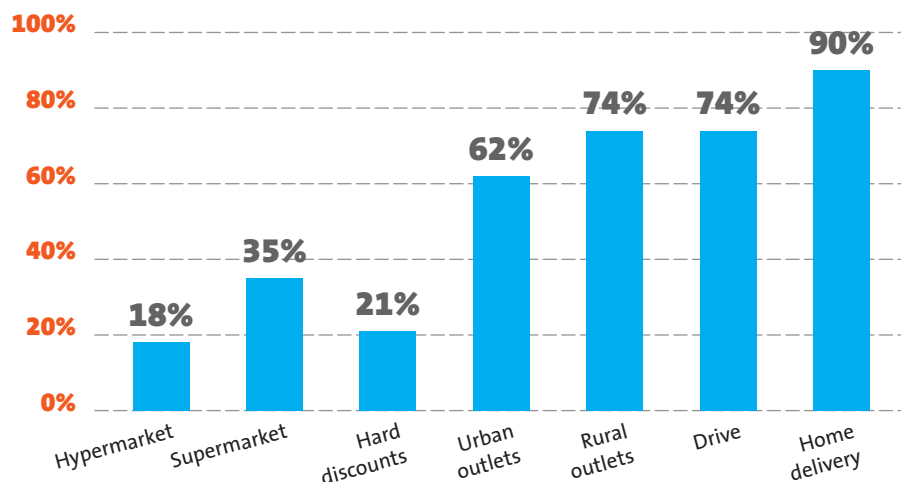
COVID-19 STRENGTHENED AMAZON'S GRIP ON COMMERCE, ONLINE AND OFFLINE

ii

The coronavirus pandemic has had devastating effects on traditional, brick and mortar retail, pushing commerce online as non-essential shops were temporarily shuttered. In the U.S., more than 90 major retailers temporarily closed their stores,⁷ while market analysts predict that more than 15,000 stores will close in 2020, many of them for good.⁸ In most European countries, shops selling non-essential items were ordered to shut during lockdowns.⁹

E-commerce sales surged during the epidemic. According to Adobe, during the COVID-19 pandemic *“online shopping has become the primary means of commerce for huge social distancing populations around the world as purchases previously made in person are shifted online.”* As nearly 1 billion people were confined in their homes globally,¹⁰ online retail rose in all countries where there is infrastructure to support these types of operations. One example of this phenomenon is home delivery in France, where sales shot up 90% year over year.

INCREASE IN SUPERMARKET AND ONLINE SALES IN FRANCE AFTER THE CORONAVIRUS OUTBREAK DURING THE WEEK OF 16 MARCH TO 22 OF MARCH, 2020, COMPARED TO THE CORRESPONDING MONTH OF LAST YEAR



Source of data: Nielsen, Statista

Figure 2: Increase in supermarket and online sales in France

However, not all e-commerce players benefited equally from the increase. According to a survey conducted among 304 retailers in U.S., only a minority (38%) expected their e-commerce sales to jump somewhat or significantly during the lockdown.¹¹ As e-commerce sales increase during the pandemic, customers typically don't switch from physical stores to the corresponding on-line stores, but rather to the usual suspects such as Amazon, eBay, Cdiscount, bol.com or the online divisions of major retailers, such as Walmart, Target, Auchan or Carrefour. Although sales through e-commerce platforms of smaller players might increase somewhat, it cannot replace sales volumes lost in physical stores.

While the full impact of the pandemic's effects on commerce are not yet known, there is little doubt that it will have far reaching impacts on the way we shop and consume media. There is also little doubt that this crisis will benefit larger players, like Amazon, who have the capital to weather the storm and emerge stronger.

AMAZON INCREASES SALES DURING COVID-19

As the lockdown accelerated the shift from offline to online, Amazon has benefited from an increased demand across almost all its business lines: on-line sales, physical stores, entertainment, and cloud computing. This growth underscores Amazon's opportunity in this new environment to consolidate more power against its competitors.

Between March 5 and March 31, total daily visits on Amazon.com were up 9.4% from the beginning to the end of the month. In Italy, one of the countries most affected by the COVID-19 epidemic, sales rose by 9% in the first week and by 21% in the second week of March.¹²

Sales of grocery products on Amazon.com doubled during the week of March 16 compared to the week of January 6, while beauty and personal care items rose by 47%. Additionally, the integration of offline with online was enhanced, as grocery delivery capacity was increased by more than 60% during the pandemic and in-store pickup was expanded from 80 Whole Food stores to more than 150 stores.

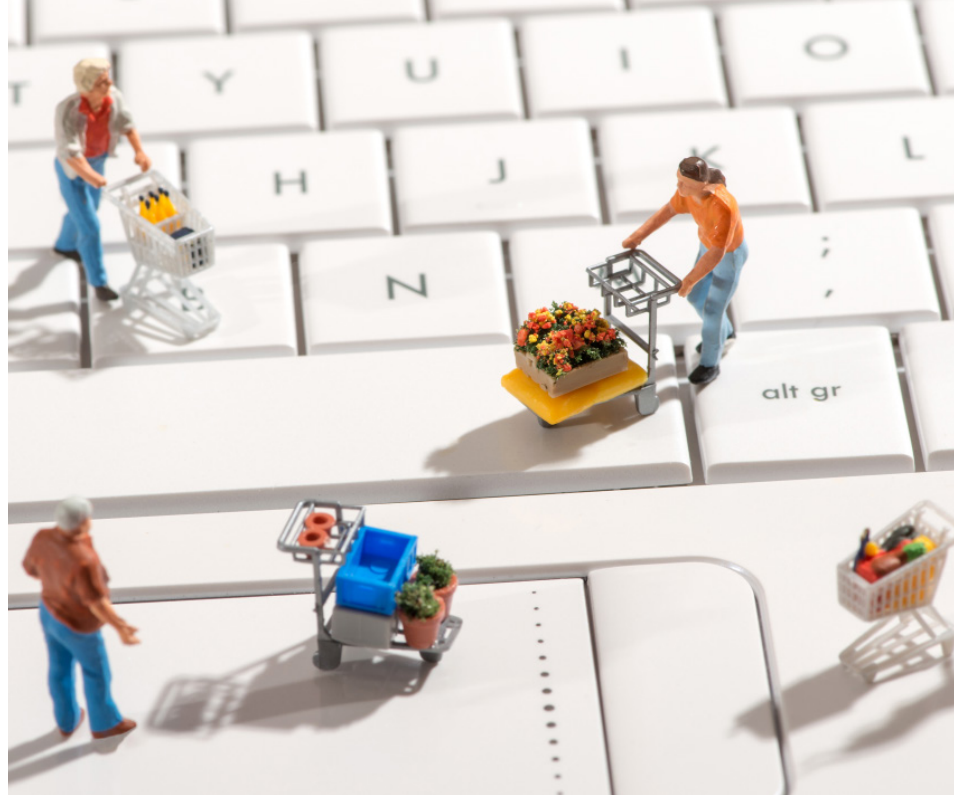
Amazon intends to spend its estimated \$4 billion in Q2 operating profit on COVID-related expenses, using its vast capital to cement its position in the pandemic, which many of its competitors will be unable to match. New York University Professor Scott Gallo-way predicts that Amazon will build the first virus proof supply chain; make a major push around PPE, testing, and vaccination and use the experience as a spring board into the multi-trillion dollar per year healthcare industry.¹³

On April 21, at the height of the pandemic in Europe, with orders surging, Amazon decided to slash the affiliate commission fees it pays to third-party websites, once again unfairly disrupting other businesses for its own benefit and demonstrating its excessive market power.¹⁴ Amazon has for years operated an affiliate advertising program, which allows members to link to Amazon products in exchange for a percentage of the sales. The program drives significant revenue for websites like BuzzFeed, The New York Times and Vox Media.¹⁵

AMAZON CONTROLS THE PLATFORM IT COMPETES ON, PUTTING THIRD-PARTY SELLERS AT RISK

On March 17, as the epidemic emerged, Amazon announced it would temporarily stop supplying its warehouses with non-essential goods from third-party sellers in the U.S. Originally announced to end on April 5, the restriction was then extended to April 13.

However, Amazon did not stop delivering non-essential goods from its own stocks. Widespread reports from



workers and unions suggests that deliveries of non-essential items continued.

The policy sparked confusion and panic among third-party sellers. Ten days after the restrictions were put in place, Amazon announced it would expand the range of products accepted at its warehouses on an item-by-item basis.

In the meantime, independent observers pointed out that Amazon favoured its own listings of non-essential products over those of independent sellers despite the latter offering shorter delivery schedules. Amazon blamed this on an algorithm glitch and pledged to fix the problem.¹⁶

In France, an April court decision required Amazon to work with unions to assess and put in place relevant measures to address health and safety risks. If it were unable to achieve this, then Amazon would be required to restrict sales of non-essential goods. After the decision, Amazon announced it would temporarily shut

As the lockdown accelerated the shift from offline to online, Amazon has benefited from an increased demand across almost all its business lines.

down all activities in France.¹⁷ After weeks of closure, the company finally reached a deal with unions, but the company's unilateral stoppage affected not just workers and customers but merchants on Amazon's Marketplace platform.

Losing sales on Amazon Marketplace even for a short period of time can be fatal for many third-party sellers.

Losing sales on Amazon Marketplace even for a short period of time can be fatal for many third-party sellers. For example, Molson Hart, who sells toys on Amazon reports: "Were we to be suspended from selling on Amazon.com, it would

probably take three to six months before we'd be bankrupt. We are not alone. This is typical for small to medium sized businesses which sell online today. In fact, most companies like our own, would probably go bust even faster."¹⁸

Reportedly, more than half of Amazon sellers were affected by the company's decision to freeze Fulfilled by Amazon (FBA) shipments during the COVID-19 crisis.¹⁹ While freezing FBA, Amazon has not allowed third party sellers to remove their goods from Amazon warehouses, which means in practice "that storing inventory in FBA for more than a month comes with fees rendering any future profit for a seller impossible."²⁰

Only sellers who had the infrastructure and capacity to sell and deliver products outside the Amazon marketplace were able mitigate losses, but this category is a minority: many sellers reportedly make at least 90% of their revenues via Amazon, which renders them particularly vulnerable.²¹ Some smaller sellers have already announced layoffs of workers directly handling Amazon shipments.





AMAZON WEB SERVICES: POWERING IN THE COVID-19 ERA

AWS has been the main driver of the company's cash flow for years, and cloud computing profits are subsidizing research, acquisitions, and international expansion driving revenues through loss-making operations. The strategic importance of AWS is hard to overestimate. Although it accounted for only 12.5% of total sales, the cloud business contributed to 63% of the consolidated operating income in 2019.²²

At the end of 2019, Amazon's market share in cloud services was estimated at 33%, more than the combined share of its three largest competitors, as in Figure 3 below.²³ Amazon's dominant position in the market reportedly attracted the attention of the U.S. Federal Trade Commission (FTC) in late 2019.²⁴ A reporter who tried to cut AWS out of her life in 2019 concluded, *"Amazon is deeply embedded in my life. I use it repeatedly every single day whether I realize it or not. Without it, I cannot function normally."*²⁵

CLOUD SERVICE PROVIDER	Q4 2019 MARKET SHARE	ANNUAL GROWTH 2019 VS. 2018
AWS	32.4%	33.2%
Microsoft Azure	17.6%	62.0%
Google Cloud	6.0%	67.6%
Alibaba Cloud	5.4%	71.1%
Others	38.5%	24.4%
Total	100%	37.20%

Source: Canalys.com

Figure 3: AWS Market Share

With more people using video conferencing services as they work or are schooled from home as well as relying more on streaming for home entertainment, COVID-19 will likely increase the need for cloud computing until a vaccine is developed.²⁶ Although not directly attributable at this stage to the pandemic, AWS sales were up 33% in Q1, indicating their trajectory of rapid growth in 2020.

The internet is a public trust and the increasing consolidation in web-services threatens the democratic internet itself. It is critical to ensure profits generated by AWS are not used to unfairly subsidize loss-making operations that provide cheap products, cheap service and cheap labour, destroying competitors and building monopolies that will sooner or later raise prices and capture all the profits.



TAX AVOIDANCE FEEDS EXPANSION, LEAVES COMPETITORS AT A DISADVANTAGE

Amazon's long-term strategy, which means reinvesting almost all cash flows into expansion, research and development, results in meager profits and low taxes (See Figure 4). Big tech companies are notorious for avoiding tax, but Amazon is the uncontested leader.

RESEARCH AND DEVELOPMENT EXPENDITURES, IN USD BILLION

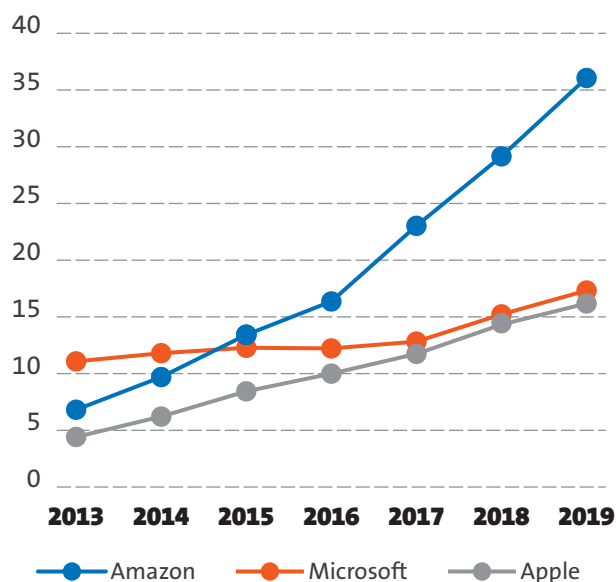


Figure 4: Research Expenditures vs Peers

Amazon is both a tech company and a giant retailer. The average net profit margin of Apple and Microsoft over the last six years was 21.9% and 24.4% respectively, while Amazon managed a paltry 2.6%, more in line with the profitability of a retail operation, such as Walmart (2.7%). During the period 2014-2016, Amazon generated less net income (\$2.8 billion) than the French hypermarket chain Carrefour (\$3.4 billion). Only in 2018 and 2019 Amazon has reached a net profit margin of slightly more than 4%, but it is still lagging far behind its tech competition.

INCOME TAXES, IN USD BILLIONS

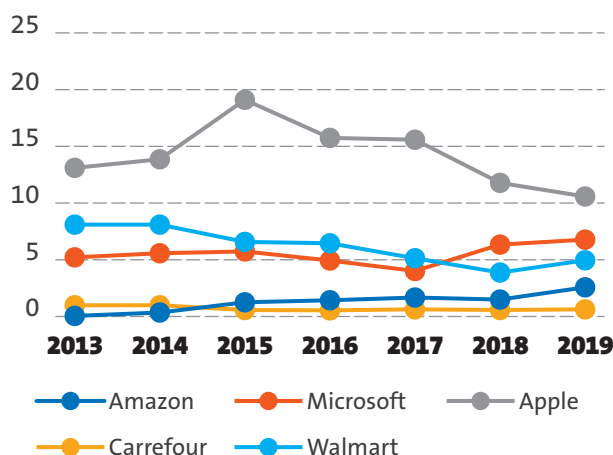


Figure 5: Amazon income taxes vs. others

NET INCOME AS % OF REVENUE

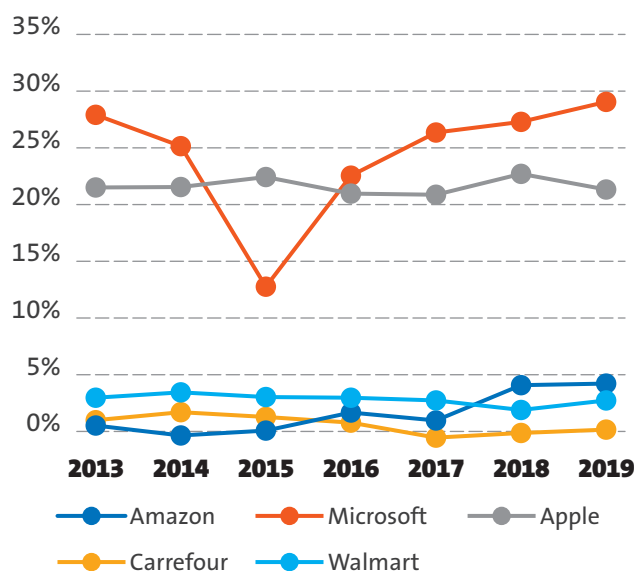


Figure 6: Amazon tax over time vs. others

During the last six years, Amazon paid only \$7.8 billion in US federal income taxes, which is 11 times less than Apple has paid during the same time and 4.4 times less than Microsoft or Walmart paid (See Figure 5). In fact, Amazon paid only slightly more than the double the income taxes paid by Carrefour, although the financial markets value Amazon almost 37 times higher than the French retailer (See Figure 6).²⁷

Internationally, the company has been sued for illegal tax benefits it has received in Luxembourg. In 2017, the company was fined €250 million, plus interest, which covered unpaid taxes for eight years.²⁸ Since that decision from the European Commission, little has changed in terms of Amazon's fiscal conduct in Europe: the company continued to report losses and gather tax credits. In 2018, Amazon Europe made a pre-tax loss of €493 million and its loss more than doubled in 2019, to €983 million. As a result, Amazon Europe received tax credits of more than half a billion euros in the last two years (€241 million in 2018 and €294 million in 2019).²⁹ Amazon has also been involved in tax disputes in France, where it settled a €200 million dispute, and in Italy,³⁰ where it agreed to pay €100 million.



TOTAL INCOME TAXES 2014-2019, IN USD BILLIONS

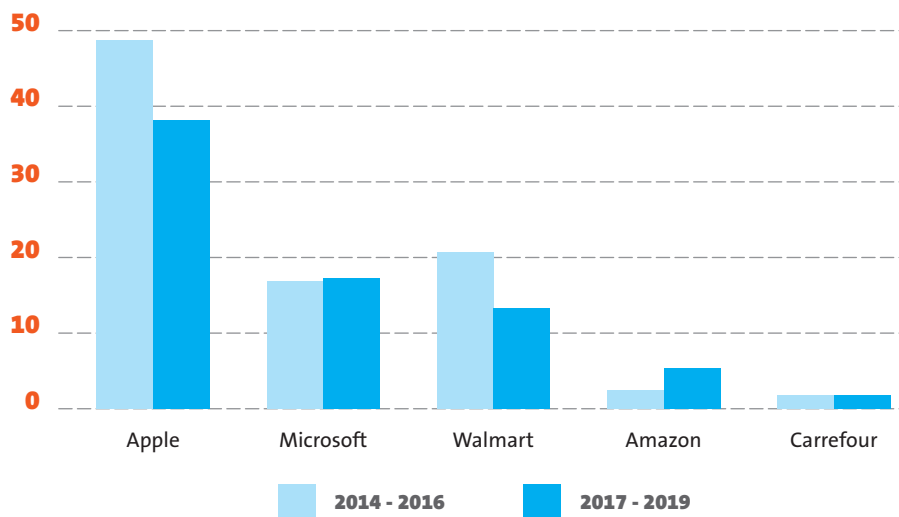


Figure 7: Income taxes 2014-2019

In December 2019, Fair Tax Mark ranked Amazon as the worst company among the Silicon Six in a ranking of poor tax conduct, saying that “the cash tax paid was 12.7% of profit over the decade, at a time when the federal headline rate of tax in the United States was 35% for seven of the eight years under examination.”³¹

AMAZON'S WORKERS ARE EXPOSED TO HIGH RISKS AND THE COMPANY'S EFFORTS ARE INSUFFICIENT

With the flood of orders coming in during the lockdown, Amazon had two challenges: it needed an increased workforce in order to respond to increased demand while at the same time ensuring an adequate level of protection for its workers.

Amazon was already one of the largest private employers in the world—and that was before it hired 100,000 workers in March and announced the hiring of another 75,000 workers in April.³²

Tensions in the warehouses quickly escalated. Amazon reported implementing some measures such as using thermal cameras,³³ providing protective equipment and promoting social distancing in the warehouses,³⁴ allowing white-collar employees to work from home³⁵, and ensuring that all employees diagnosed with COVID-19 or placed into quarantine will be eligible to receive up to two-weeks of paid leave in the U.S.³⁶

The hazard pay of USD/EUR/GBP 2 per hour provided to Amazon's 'eligible' employees during the coronavirus crisis is in line with similar hazard pay provided by other companies such as Albertsons, Target, Walmart, Krogers or Safeway – and did little to comfort the workforce.³⁷ Without available paid time off, many workers had to risk their health and even their lives in order to feed their families.³⁸

As the number of COVID-19 cases in Amazon warehouses mounted, Amazon employees walked out of their facilities in Queens, NY,³⁹ Chicago, IL⁴⁰ and Detroit, MI.⁴¹ Workers in Detroit protested Amazon's continued shipment of non-essential items that increase workloads and reduce the ability to implement social distancing.⁴² Grocery workers at Amazon's Whole Foods Market subsidiary have also engaged in work stoppages.⁴³

Amazon reportedly fired at least six employees that have been vocal against the company's policies during the pandemic in the U.S., and several other workers have reported facing disciplinary write-ups from Amazon after protesting.⁴⁴ On 4 May, one of Amazon's top engineers, Vice-President Tim Bray resigned in protest and penned a public letter to Amazon condemning its behaviour.⁴⁵

As the virus spread, Amazon's labour relations and its health and safety performance attracted the attention of public authorities. One group



of U.S. Senators sent a letter to Amazon CEO Jeff Bezos, saying that *“any failure of Amazon to keep its workers safe does not just put their employees at risk, it puts the entire country at risk. The virus that causes COVID-19 can live for up to 24 hours on cardboard and up to three days on plastic and stainless steel.”*⁴⁶ Another letter to Amazon from U.S. legislators noted, *“even prior to the dire global health crisis, these facilities have a proven record of high health and safety standard violations.”*⁴⁷

Significant investors in Amazon also publicly raised concerns. The New York City Pension Funds and the Dutch asset manager APG, with a combined \$4.2 billion invested in Amazon, publicly wrote to Amazon’s board of directors over the health and safety reports from workers. They call for board oversight of investments in health and safety to ensure they mean improvements for workers, and pledge to “hold them accountable”.⁴⁸

As of April 14, nearly 75 of Amazon’s 110 U.S. warehouse facilities had at least one worker test positive for COVID-19. By May Amazon was refusing to disclose the total number of workers infected with coronavirus but unofficial tallies put the number at more than 900 workers.⁴⁹ In a report on the subject Hedge Clippers and the Athena coalition concluded that *“the magnitude and severity of the coronavirus pandemic will require Amazon to take decisive action to protect public health. As one of the largest private sector employers in the country, Amazon has a responsibility to the 300,000 people who power its extensive warehouse and delivery operations as well as the over hundred million customers who are relying on Amazon deliveries”*.⁵⁰

Amazon workers across Europe protested workplace safety and heavy workloads after several workers were diagnosed with

COVID-19.⁵¹ Workers at Amazon fulfillment centers near Milan⁵² and Florence⁵³ in Italy staged strikes for enhanced safety measures in response to the COVID-19 pandemic.⁵⁴ In France, workers at multiple sites have said that physical distancing measures have been inadequate in warehouses.⁵⁵ A French court ruled that Amazon could temporarily sell only essential food, hygiene and health items, until Amazon evaluated the risks linked to COVID-19 with staff representatives and put in place appropriate safety measures.⁵⁶



In response, Amazon shut its French warehouses.⁵⁷ Later, trade unions negotiated a deal with Amazon in France that allowed them to return to work safely.⁵⁸ In Germany, workers told media that equipment was not adequately sanitized and physical distancing measures were not always followed.⁵⁹

In Spain union Comisiones Obreras (FSC-CC.OO) filed a request with the Labour Inspectorate (Inspección de Trabajo y Seguridad Social) to review Amazon’s health and safety response to the pandemic after the company announced its first three COVID-19 cases in two Spanish warehouses.⁶⁰ In San Fernando de Henares near

By May Amazon was refusing to disclose the total number of workers infected with coronavirus but unofficial tallies put the number at more than 900 workers.

Madrid, a labor ministry team carried out a 10-hour inspection and ordered Amazon to correct deficiencies within two days.⁶¹ Those measures included accommodating physical distance between workers, disinfecting facilities where workers have been diagnosed with COVID-19, providing personal protective equipment, and providing daily updates on confirmed and presumed cases.^{62 63}

In the UK, GMB Union representatives reported that workers at various Amazon fulfilment centres worked in crowds of 200-300 people and had to reuse equipment without available hand sanitizer.⁶⁴ The national office of the GMB Union wrote to Amazon request-

ing emergency procedures to protect workers and contractors, but Amazon did not reply. *"Amazon refuses to recognize trade unions and they will not communicate with us,"* he said.⁶⁵

UNI Global Union's Amazon Alliance of trade unions in 22 countries has called on the company to give its workers unlimited paid time off, necessary PPE, handwashing breaks, and required space for social distancing. The Alliance has also noted that the *"crisis can be opportunity for Amazon to learn that social dialogue and collective bargaining are vital tools that modern societies and companies use to protect workers' health and save people's lives."*⁶⁶

WILL WE LET AMAZON SHAPE A POST COVID-19 WORLD?

Antitrust investigations against Amazon were already under way in several countries before the coronavirus crisis erupted. In India, the Competition Commission (CCI) opened a probe into Amazon and Flipkart after a trader group complained that the e-commerce giants were *"racking up billions of dollars of losses to fund deep discounts and discriminating against small sellers"*.⁶⁷

In Europe, investigations are being conducted at both the national and transnational level. In July 2019, the European Commission launched an antitrust investigation over the use of merchants' data on Amazon Marketplace.⁶⁸ In February 2020, it was reported that EU antitrust regulators were considering to push for more ex ante regulation against the tech giants in order to protect the interests of smaller players.⁶⁹ And on June 11, in what could be Amazon's biggest regulatory challenge to date, reports emerged that European Union officials are preparing antitrust charges against Amazon for abusing its dominance in internet commerce. According to the reports, regulators have determined that Amazon is stifling competition by using the data collected from third-party merchants to boost its own product offerings.⁷⁰

Meanwhile, in Spain, the National Commission on Markets and Competition was looking to determine if Amazon may be considered a postal services provider and so should be subject of increased scrutiny from authorities.⁷¹

Calls for investigations against Amazon have also been increasing in the U.S. Early in 2020, the Federal Trade Commission was reportedly collecting probes on how Amazon prioritizes its products and services over those of its partners and competitors.⁷² On April 23 2020, a Wall Street Journal investigation showed that Amazon was using data from its own sellers to launch competing products.⁷³ The publication amplified the political pressure on the company: on April 28th, a Senator urged the Justice Department to open a criminal antitrust investigation based on WSJ's findings,⁷⁴ and later on 1 May a group of seven lawmakers sent a letter to Jeff Bezos on 1 May 2020, asking him to testify before the Congress over company's previous statements that it does not use third-party data to launch competing private label brands.⁷⁵

In the United Kingdom, Amazon's purchase of a stake in the online food-delivery company Deliveroo had been scrutinized by the competition authority since June 2019 and a decision was due later this year, but the regulator decided on April 17, 2020, to give the deal a green light as business conditions have rapidly deteriorated for Deliveroo and it needed the cash from the tech giant.⁷⁶ The case of Deliveroo highlights how Amazon has strengthened during the Coronavirus lockdown – takeover deals that otherwise were questioned by competition authorities were facilitated by the crisis, as smaller players found it difficult to navigate through these tough times.

In early May, Amazon was reported to be considering acquiring AMC Entertainment Holdings Inc., the largest theatre operator in the world, giving Amazon's studio a powerful channel to reach consumers. In the U.S., such an acquisition would until recently run afoul of antitrust law: the Paramount Consent Decrees in place since 1948 blocked a studio's ability to own theaters. However, the Trump Administration opened a review of the decrees in 2019 with an eye towards weakening them.⁷⁷ The pandemic made the potential deal even more attractive: as the virus spread and the lockdown took hold, AMC's share price was battered and the company teetered towards bankruptcy.

These cases show how coming out of the crisis, Amazon's strengthened position and crisis in the wider economy could allow Amazon to make anti-competitive acquisitions that under normal circumstances would not be tolerated.



...deals that otherwise were questioned by competition authorities were facilitated by the crisis...

WORKERS AND COMMUNITIES NEED TO BE AT THE CENTER OF THE RECOVERY

The COVID-19 crisis is radically reshaping our world, and one of its unfortunate side effects is the acceleration of Amazon's domination of our markets and, frankly, many aspects of our lives—how we work, how we consume entertainment, how we communicate.

So far, the company has not used its power as a force for social good—it has avoided taxes, squeezed small and medium sized businesses, dragged down labour conditions.

While many organizations are suffering during the pandemic, for Amazon, it presents an opportunity for higher revenues, cash flows, budgets for research and development and probably profits, as well as an expedited entry into health care. As the crisis spreads across our economy, cash-rich Amazon is well positioned to make acquisitions at bargain basement prices or other investments that further consolidate its power. The example of Deliveroo, given regulatory clearance, and reported interest AMC, J.C. Penny and Future Retail Group show the potential for Amazon to seize the opportunities created in the pandemic.

Regulators are already looking at the company's growth, but more scrutiny is needed as no company should have this much influence.

The latest developments show positive signs in this respect: the European Commission has launched an investigation on the Amazon Marketplace last year, the Competition Commission of India has ordered a probe for alleged violations of competition law, while in U.S. lawyers have filed complaints against Amazon's dominant position in e-commerce and the US Congress has called on the US Department of Justice to Open a criminal investigation into Amazon and for Bezos to testify under oath in Congress.⁷⁸

Regulatory pressure on Amazon should not be limited to competition matters. It is important that governments provide adequate financing to public healthcare and education systems and for this purpose they should impose stricter rules on taxation to collect a fair share from the tech giants' revenues and incomes.

Simply put, just as our world will radically change after the pandemic, so will Amazon. But the question of whether the company's stranglehold on our markets and communities will tighten will be answered by the resistance of regulators, community organizations, labour unions, and anti-monopoly activists.



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