



FastTrack:

The US Big Tech Corporations and Women's Labour Rights

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This brief is to collect information on the track record of the labour practices of five big United States (US) technology corporations including Amazon, Google LLC, Apple Inc, Microsoft, and IBM. These five are among 14 corporations with which the US partners to provide training for girls and women in the Indo-Pacific Economic Framework through Upskills Initiative programme.¹

The IPEF Upskilling Initiative was launched by the US Department of Commerce in September 2022. The Initiative promises digital en-skilling for seven million women and girls in emerging and middle-income economies. Four domains have been identified: Training in fields such as data science, cyber-security, AI, and robotics; A digital toolkit for female small business owners; Supporting digital literacy and entrepreneurship training for rural girls and women; Training for digital content creation to empower girls through reading apps. Nevertheless, IPEF Upskills Initiative is pinkwashing. It is a blatant case of corporate opportunism, de-contextualised interventions in the name of gender equality, and abject neglect of the human rights of girls and women

The brief for each company includes details about the size of the company, the nature of business operations, its headquarters, as well as its revenue from the most recent publicly available records. These companies hold billions of dollars in cash reserves – for instance, Apple holds US\$202.6 billion, Google (Alphabet) holds US\$169.2 billion, Microsoft holds US\$132.3 billion, Amazon holds US\$86.2 billion², and IBM holds US\$17.592 billion.³ The next section details the human rights commitments and policies of each company, including commitments to international norms. The third and final section of the brief examines some of the most significant and recent issues in the labour practices of each company.

It is imperative to note that the cases of harassment, forced labour and wage theft in these companies are not singular or anomalies. These actions are part of a systemic and institutional hierarchy operating in an imperialist and neoliberal economy. Many of these companies have been accused of sexism and have been called out on their contribution to the creation of a hostile work environment. Further, despite each company's profits in millions of dollars in the past year, many of them have engaged in wage cuts, and layoffs and moved towards

¹ US department of Commerce (2022). Commerce Department Launches the Indo-Pacific Economic Framework for Prosperity (IPEF) Upskilling Initiative. Retrieved from Commerce: <https://www.commerce.gov/news/press-releases/2022/09/commerce-department-launches-indo-pacific-economic-framework-prosperity>

² Krantz, M. (2022, March 2). *13 Firms Hoard \$1 Trillion In Cash (We're Looking At You Big Tech)*. Retrieved from Investor's Business Daily: <https://www.investors.com/etfs-and-funds/sectors/sp500-companies-stockpile-1-trillion-cash-investors-want-it/>;

³ Macrotrends. (2023). *IBM Cash on Hand 2010-2023 | IBM*. Retrieved from Macrotrends: <https://www.macrotrends.net/stocks/charts/IBM/ibm/cash-on-hand>

'permatemp' workers (or engaged temporary workers, vendors and contract workers on a long-term basis) in order to maximise their profits by reducing labour costs to the company. Each company also engages in increasing informalisation, by employing more temporary or "permatemp" workers. According to one source, approximately 94 per cent of workers in the tech industry are, in fact, temporary workers.⁴ Many of the companies have ties with forced labour in China, and they continue business with suppliers who are likely engaging forced Uyghur workers. Given the limitations regarding the information available (for instance, the opacity in the production and manufacturing done in Xinjiang, China), it has been difficult to assess exactly how many women workers are in the companies' supply chains and in what specific ways they have been affected. In lieu of that, the companies' systematic sexism and continued dismissal of sexual harassment complaints have been used.

Cumulatively and individually, each of these actions points to unethical considerations in the operations of these companies and the ways in which they will leverage lower production and manufacturing costs wherever these supply chains move. Further, commitments to shift production out of China in the wake of COVID-19 and the US government's policies which discourage business ties between the two countries, might be more of a risk-diversification typified by the China-Plus-One strategy. According to some, there is little evidence of global or even regional decoupling from China as it remains a significant component in global supply chains. In other words, even if businesses move supply chains out of China to other Asian countries, China might still provide components while other countries manufacture them into finished products.⁵ It is imperative to deeply study these issues in each of these companies' operations, in order to ensure labour is not exploited in other parts of the world, and workers' rights remain fiercely protected.

⁴ RadioLabour. (2019, April 5). *Working to help technology's temporary, vendor and contract workers* [Audio File]. <https://www.radiolabour.net/hoffman-050419.html>

⁵ Lo, C. (2021, August 31). *Decoupling from China? Not really – Just a shift in Asian supply-chains*. ViewPoint. <https://viewpoint.bnpparibas-am.com/decoupling-from-china-not-really-just-a-shift-in-asian-supply-chains/>

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Amazon and Amazon Web Services

I. Company brief

Amazon is an e-commerce retailer headquartered in Seattle, US⁶, and its business includes merchandise and content that it purchases for resale from vendors. Amazon offers subscription services and web services, including cloud computing services. It also manufactures and sells electronic devices such as Kindle e-readers, Fire TV and Alexa, amongst others. Amazon is the world's top retailer, larger than the next 14 largest US retailers combined.⁷ It is the second largest private employer in the US after Walmart, with nearly 600,000 workers.⁸ It generated US\$469.8 billion in sales in 2022 and is worth over US\$1.105 trillion as of 2022. It was featured in the top five most-valued companies in the same year.⁹ Amazon Web Services, on the other hand, is the largest cloud computing service which contributed US\$80.1 billion to Amazon in 2022.¹⁰ A significant majority of Amazon's suppliers are in Asia, especially in China and India.¹¹ According to Consumer News and Business Channel (CNBC), many of the third-party sellers who sell products on Amazon marketplace are also located in China.¹² Amazon has over 1,608,000 employees globally, of which 48 per cent are women.

II. Amazon's human rights commitments

On Amazon's website, it claims it abides by its Human Rights Principles¹³ which are based on the United Nations (UN) Guiding Principles on Business and Human Rights, International

⁶ Amazon. (n.d.). *Supply Chain*. Amazon.

<https://sustainability.aboutamazon.com/society/supply-chain?workerCount=true&engagementProgram=true&productCategory=true>

⁷ Yuen, M. (2023, January 6). *Amazon annual revenue breakdown by segment in 2023*. Amazon.

<https://www.insiderintelligence.com/insights/amazon-revenue/>.

⁸ Douglas, D. (2021). *Amazon's mobile workforce and its protest movement in the United States during the COVID-19 pandemic*. Max Planck Institute for Social Anthropology.

https://www.eth.mpg.de/5810261/Douglas-Danielle_Amazon_s-mobile-workforce-and-its-protest-movement_molab_5803.pdf

⁹ Johnston, M. (2022, September 4). *Biggest Companies in the World by Market Cap*. Investopedia.

<https://www.investopedia.com/biggest-companies-in-the-world-by-market-cap-5212784>

¹⁰ The Stack. (2023, February 6). *AWS generated Amazon US\$80.1 billion in 2022 but the wheels are wobbling as profits slump*. The Stack.

<https://thestack.technology/amazon-q4-aws-revenues-in-2022/#:~:text=AWS%20generated%20Amazon%20%2480.1%20billion,are%20wobbling%20as%20profits%20slump&text=Despite%20growth%20slowing%20notably%2C%20AWS,billion%20year%2Don%2Dyear.>

¹¹ Amazon. (n.d.). *Supply Chain*. Amazon.

<https://sustainability.aboutamazon.com/society/supply-chain?workerCount=true&engagementProgram=true&productCategory=true>

¹² Ecomcrew. (2023, March 13). *How Chinese Sellers are Manipulating Amazon in 2023*.

[ecomcrew.\[https://ecomcrew.com/chinese-sellers-manipulating-amazon/#:~:text=Selling%20on%20Amazon%20is%20HUGE,third-party%20sellers%20on%20Amazon;Emont,J.\\(2019,November11\\).Amazon'sHeavyRecruitmentofChineseSellersPutsConsumersatRisk.TheWallStreetJournal.https://www.wsj.com/articles/amazons-heavy-recruitment-of-chinese-sellers-puts-consumers-at-risk-11573489075\]\(https://ecomcrew.com/chinese-sellers-manipulating-amazon/#:~:text=Selling%20on%20Amazon%20is%20HUGE,third-party%20sellers%20on%20Amazon;Emont,J.\(2019,November11\).Amazon'sHeavyRecruitmentofChineseSellersPutsConsumersatRisk.TheWallStreetJournal.https://www.wsj.com/articles/amazons-heavy-recruitment-of-chinese-sellers-puts-consumers-at-risk-11573489075\)](https://ecomcrew.com/chinese-sellers-manipulating-amazon/#:~:text=Selling%20on%20Amazon%20is%20HUGE,third-party%20sellers%20on%20Amazon;Emont,J.(2019,November11).Amazon'sHeavyRecruitmentofChineseSellersPutsConsumersatRisk.TheWallStreetJournal.https://www.wsj.com/articles/amazons-heavy-recruitment-of-chinese-sellers-puts-consumers-at-risk-11573489075)

¹³ Amazon. (n.d.). *Amazon Global Human Rights Principles*. Amazon.

<https://sustainability.aboutamazon.com/society/human-rights/principles#:~:text=We%20respect%20freedom%20of%20association,reprisal%2C%20intimidation%2C%20or%20harassment.>

Labour Organisation (ILO)'s Core Conventions¹⁴, ILO's Declaration on Fundamental Principles and Rights at Work¹⁵ and the Universal Declaration of Human Rights (UDHR). Amazon has also established Supply Chain Standards¹⁶, provided supply chain commitments¹⁷ and more recently, provided information on how it assesses its suppliers.¹⁸

III. Amazon's labour practices

Despite its claims of adhering to human rights principles and its own human rights policies, Amazon has consistently exploited and abused workers' rights across the globe. The labour struggles against Amazon are not restricted to the US. Amazon workers in Italy, Spain, the United Kingdom (UK), Germany and India are also protesting Amazon's labour practices. Workers from Colombia, Nigeria and Burma/Myanmar expressed solidarity with Amazon workers in Alabama.¹⁹ Below are a few instances of the ways in which Amazon exploits, and oppresses workers.

1. Sub-employment and wage theft

Amazon has engaged in several unfair practices, foremost amongst them is wage theft. In 2021, the US Federal Trade Commission (FTC) found Amazon's promise of paying their drivers 100 per cent of the tips they receive, to be false.²⁰ Amazon had in fact not paid US\$ 61.7 million in tips to drivers and settled the claims with the FTC.²¹ In another case in Oregon, Amazon workers were subjected to 'corrective action' if they came in late for work. On the other hand, however, they received no extra pay if they clocked in less than five minutes early. Amazon currently aims to settle a class action suit for US\$18 million – the 'largest wage-and-hour class settlement in Oregon history'.²² In February 2021, Amazon once again settled a class action suit by drivers worth US\$8.2 million for failing to provide minimum wage, overtime pay and

¹⁴ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) ; Right to Organise and Collective Bargaining Convention, 1949 (No. 98) ; Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol) ; Abolition of Forced Labour Convention, 1957 (No. 105) ; ; Minimum Age Convention, 1973 (No. 138) ; Worst Forms of Child Labour Convention, 1999 (No. 182) ; Equal Remuneration Convention, 1951 (No. 100) ; Discrimination (Employment and Occupation) Convention, 1958 (No. 111) ; Occupational Safety and Health Convention, 1981 (No. 155) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

¹⁵ ILO Declaration on Fundamental Principles and Rights at Work

¹⁶ Amazon. (n.d.). *Supply Chain*. Amazon.

<https://sustainability.aboutamazon.com/society/supply-chain?workerCount=true&engagementProgram=true&productCategory=true>

¹⁷ Amazon. (n.d.). *Supply Chain*. Amazon.

<https://sustainability.aboutamazon.com/society/supply-chain?workerCount=true&engagementProgram=true&productCategory=true>

¹⁸ Amazon. (n.d.). *Supplier Assessments*. Amazon. <https://sustainability.aboutamazon.com/society/supply-chain/supplier-assessments>

¹⁹ UNI Global Union. (n.d.). *UNI Amazon Global Union Alliance*. UNI Global Union.

<https://uniglobalunion.org/workers-rights/uni-amazon-global-union-alliance/>

²⁰ Federal Trade Commission. (2021, February 2). *Amazon to Pay US\$61.7 Million to Settle FTC Charges It Withheld Some Customer Tips from Amazon Flex Drivers*. FTC.

<https://www.ftc.gov/news-events/news/press-releases/2021/02/amazon-pay-617-million-settle-ftc-charges-it-withheld-some-customer-tips-a-mazon-flex-drivers>

²¹ Federal Trade Commission. (2021, February 2). *Amazon to Pay US\$61.7 Million to Settle FTC Charges It Withheld Some Customer Tips from Amazon Flex Drivers*. FTC.

<https://www.ftc.gov/news-events/news/press-releases/2021/02/amazon-pay-617-million-settle-ftc-charges-it-withheld-some-customer-tips-a-mazon-flex-drivers>

²² Manfield, L. (2022, November 17). *Amazon Settles Oregon Wage Theft Lawsuit*. Willamette Week.

<https://www.wweek.com/news/business/2022/11/17/amazon-settles-oregon-wage-theft-lawsuit/>

mandated rest and breaks for meals.²³ Later, Amazon and its delivery contractor were fined US\$6.4 million by California's labour regulator for wage theft of more than 700 drivers.²⁴ Finally, in 2022, delivery drivers sued Amazon again for wage theft, and for usurping rests and break time of drivers.²⁵

Amazon also encourages precarity in work in other ways. For example, in Amazon's warehouses, workers earn barely more than minimum wages, and platform station, in general, is increasing the pace of precarity and low-wage work.²⁶ Amazon also hires approximately 150,000 seasonal workers in the US²⁷, which compels them to be in a permanent state of unemployment. This is because seasonal work traps workers who have been unemployed in the long term, to accepting short-term employment opportunities and further the cycle of impoverishment and precarity.²⁸ The instability of short-term employment means hundreds of workers are living in shelters.²⁹ Worse still, in several instances, seasonal workers' shifts were not recorded, and it took them weeks to ensure that they got paid the right amount.³⁰

Moreover, Amazon regularly engages in zero-hour contracts even after refuting claims that they do not.³¹ The scale of impact that Amazon has around the world is especially relevant to understand the consequences of not fulfilling its legal responsibilities. For instance, in Scotland, 92 per cent of all warehouse jobs advertised were for Amazon. Similarly, in West Lothian, 58 per cent of all jobs advertised were for Amazon.³²

Finally, Amazon is currently working to replace workers using Amazon Go, an automated grocery store that first opened in Seattle.³³ According to Forbes, this could leave approximately 2.3 million cashiers out of work.³⁴

²³ Gurley, L.K. (2021, March 19). *Amazon Keeps Getting Sued for Paying Drivers Less Than Minimum Wage*. *Vice*. <https://www.vice.com/en/article/qjpyqm/amazon-keeps-getting-sued-for-paying-drivers-less-than-minimum-wage>

²⁴ Sonnemaker, T. (2021, March 9). *Amazon and delivery contractor fined \$6.4 million by California regulators for stealing wages from drivers*. *Insider*. <https://www.businessinsider.com/amazon-6-million-fine-wage-theft-california-labor-commissioner-drivers-2021-3>

²⁵ Santos, M. (2022, October 4). *Delivery Drivers sue Amazon for wage theft – again*. *Axios* Seattle. <https://www.axios.com/local/seattle/2022/10/04/delivery-drivers-sue-amazon-wage-theft> (Last accessed on April 30, 2023).

²⁶ Bearson, D., Kenney, M. & Zysman, J. (2020). *Measuring the impacts of labor in the platform economy: new work created, old work reorganized, and value creation reconfigured*. *Oxford University*. <https://kenney.faculty.ucdavis.edu/wp-content/uploads/sites/332/2021/01/Measuring-the-Impact-of-Labor-in-the-Platform-Economy.pdf>

²⁷ Schuster, K. (2022, October 30). *Amazon To Hire Thousands of Seasonal Workers Across California*. *Patch*. <https://patch.com/california/across-ca/amazon-hire-swaths-seasonal-workers-across-california>

²⁸ Parrott, M. (2018, August 29). *Low Wages And No Stability: How Amazon's Use of Perma-Temps is Hurting Workers*. In *These Times*. <https://inthesetimes.com/article/amazon-perma-temps-jess-bezos-profits-workers>

²⁹ Kasperkevic, J. (2014, May 4). *Homeless and working for Amazon: the trap of the seasonal job cycle*. *The Guardian*. <https://www.theguardian.com/money/2014/may/04/amazon-seasonal-work-homeless-jobs-unemployment>

³⁰ McClenaghan, M., McShane, C., Boutaud, C., Mellino, E. & Shahid, N. (2021, February 18). *Amazon's Empty Pledge Leaves Agency Workers Without Shifts and Pay*. *The Bureau of Investigative Journalism*. <https://www.thebureauinvestigates.com/stories/2021-02-18/amazons-empty-pledge-leaves-agency-workers-without-shifts-and-pay>

³¹ ITV. (2021, February 18). *Zero-hour contracts and wrong wages – the reality of being an Amazon agency worker*. *ITV*. <https://www.itv.com/news/2021-02-18/zero-hour-contracts-and-wrong-wages-the-reality-of-being-an-amazon-agency-worker>

³² ITV. (2021, February 18). *Zero-hour contracts and wrong wages – the reality of being an Amazon agency worker*. *ITV*. <https://www.itv.com/news/2021-02-18/zero-hour-contracts-and-wrong-wages-the-reality-of-being-an-amazon-agency-worker>

³³ Stevenson, A. (2018, February 1). *Amazon Go and The 2.3 Million Cashiers It Could Leave Behind*. *Forbes*. <https://www.forbes.com/sites/justcapital/2018/02/01/amazon-go-and-the-2-3-million-cashiers-it-could-leave-behind/?sh=29ed8c77bc7>

³⁴ Stevenson, A. (2018, February 1). *Amazon Go and The 2.3 Million Cashiers It Could Leave Behind*. *Forbes*. <https://www.forbes.com/sites/justcapital/2018/02/01/amazon-go-and-the-2-3-million-cashiers-it-could-leave-behind/?sh=29ed8c77bc7>

2. Violations of Workers' Freedom of Association

Amazon has been consistently accused of violating international standards³⁵, especially on Freedom of Association (FoA).³⁶ Amazon claims to be committed to respecting workers' right to unionise.³⁷ However, it continues to surveil workers and track workers' organising and union activity in deeply pervasive ways.³⁸ According to Judge Diane Gujarati, US District Judge of the Eastern District of New York, Amazon has engaged in unfair labour practices and violated the labour law in advance of union elections in Staten Island.³⁹ The judge ruled that the company must "Cease and desist from firing workers who engage in protected activity" and from "interfering with, restraining, or coercing employees in the exercise of the rights guaranteed to them"⁴⁰ under labour law. Amazon has aggressively encouraged workers to vote against the union in Alabama and even sponsored ads on Facebook to that effect.⁴¹ According to some workers, this was harassment on Amazon's part. Finally, in 2023, the National Labour Relations Board (NLRB) stated that the company broke labour laws by adopting the access rule⁴² that disallows off-duty workers from accessing the warehouse, which in turn makes it difficult for workers to talk to coworkers about joining a union. Amazon, however, claimed this rule was adopted for 'worker safety'.⁴³ The NLRB has also accused Amazon of firing workers in retaliation for supporting a union.

3. Increased surveillance of workers

An international survey of Amazon workers published in January 2023⁴⁴ shows the increased surveillance of workers across Amazon units and the unrealistic targets that workers are expected to meet consistently. According to many of the workers surveyed, Amazon's reliance on algorithms does not recognise the realities of workers' lives.

³⁵ Business & Human Rights Resource Centre. (2022, June 7). *USA: Amazon accused of violating international standards on freedom of association amid alleged anti-union campaigns; incl. Co.response*. Business & Human Rights Resource Centre. <https://www.business-humanrights.org/en/latest-news/usa-amazon-accused-of-violating-international-standards-on-freedom-of-association-a-mid-alleged-anti-union-campaigns/>

³⁶ Amnesty International. (2020). *Amazon, Let Workers Unionize! Respect for Workers' Rights is Not a Choice*. Amnesty International. <https://www.justice.gov/file/1365181/download>; Amnesty International. (2020, October 13). *It is Time for Amazon to Respect Workers' Right to Unionize*. Amnesty International. <https://www.amnesty.org/en/wp-content/uploads/2021/05/ACT3032042020ENGLISH.pdf>

³⁷ Amazon. (n.d.). *Amazon Global Human Rights Principles*. Amazon. <https://sustainability.aboutamazon.com/society/human-rights/principles#:~:text=We%20respect%20freedom%20of%20association,reprisal%2C%20intimidation%2C%20or%20harassment.>

³⁸ Greene, J. (2021, December 2). *Amazon's employee surveillance fuels unionization efforts: 'It's not prison, it's work'*. The Washington Post. <https://www.washingtonpost.com/technology/2021/12/02/amazon-workplace-monitoring-unions/>

³⁹ Scheiber, N. (2023, January 31). *Judge Finds Amazon Broke Labor Law in Anti-Union Effort*. The New York Times. <https://www.nytimes.com/2023/01/31/business/economy/amazon-union-staten-island-nlr.html>

⁴⁰ Howland, D (2022, November). *Federal judge orders Amazon to cease and desist anti-labor practices*. RetailDive. <https://www.retaildive.com/news/federal-judge-orders-amazon-to-cease-and-desist-anti-labor-practices/637069/>

⁴¹ Sainato, M. (2021, February 3). *Amazon intensifies 'severe' effort to discourage first-ever US warehouse union*. The Guardian. <https://www.theguardian.com/technology/2021/feb/03/amazon-intensifies-severe-effort-discourage-first-warehouse-union>

⁴² Scheiber, N. (2023, March 23). *Amazon Union Gets Favorable Finding on Warehouse Access for Organizing*. The New York Times. <https://www.nytimes.com/2023/03/23/business/economy/amazon-labor-union-nlr.html>

⁴³ Scheiber, N. (2023, March 23). *Amazon Union Gets Favorable Finding on Warehouse Access for Organizing*. The New York Times. <https://www.nytimes.com/2023/03/23/business/economy/amazon-labor-union-nlr.html>

⁴⁴ UNI Global Union. (2023). *Life in the Amazon Panopticon: An International Survey of Amazon Workers*. Jarrow Insights for UNI Global Union. https://uniglobalunion.org/wp-content/uploads/UNIAMZN_Report-1.pdf

Reports have also shown that Amazon relies on Pinkerton operatives to spy on warehouse workers, monitor activities of labour unions and environmental activists⁴⁵ and gather information on other social movements which might disrupt operations. According to notes from an internal meeting of Amazon leadership that VICE News gained access to, the number of warehouse workers attending union meetings and the nature of worker dissatisfaction regarding work conditions are closely monitored.⁴⁶ Amazon has previously also attempted to smear Warehouse Organiser Christian Smalls, who actively spoke out against Amazon's work conditions.⁴⁷

4. Poor health standards for employees

According to accounts documented by The Intercept, workers had to 'pee in bottles' because of the pressure to meet quotas for production.⁴⁸ According to this report, workers' breaks are for exactly twenty minutes, and these breaks do not include the time taken to walk from the break room to the workstation. These policies which strictly time workers' breaks have a deeply adverse impact on workers' health, which Amazon deliberately does not recognise.

Further during the pandemic, workers in Staten Island protested for around a year regarding the failed COVID protections and concerns regarding the health and safety of workers.⁴⁹ Amazon also retaliated against workers who objected to the unsafe working conditions by firing them. In other Amazon facilities such as in New York, a number of complaints were filed against Amazon's inability to take employees' health into consideration. According to Attorney General James, Amazon's health and safety response violated state law because it failed to provide 'reasonable and adequate protection to employees'.⁵⁰ Amazon's productivity monitoring practices did not take into account the precautions employees had to take to protect themselves from infection risks.⁵¹ The failure to protect workers was especially stark given that Amazon was one of the few companies to actually profit from the imposition of national lockdowns, but ultimately provided inadequate safety and health measures for workers who helped create those profits.⁵²

⁴⁵ Gurley, L. K. (2020, November 24). *Secret Amazon Reports Expose the Company's Surveillance of Labor and Environmental Groups*. Vice. <https://www.vice.com/en/article/5dp3yn/amazon-leaked-reports-expose-spying-warehouse-workers-labor-union-environmental-groups-social-movements>

⁴⁶ Gurley, L. K. (2020, November 24). *Secret Amazon Reports Expose the Company's Surveillance of Labor and Environmental Groups*. Vice. <https://www.vice.com/en/article/5dp3yn/amazon-leaked-reports-expose-spying-warehouse-workers-labor-union-environmental-groups-social-movements>

⁴⁷ Blest, P. (2020, April 3). *Leaked Amazon Memo Details Plan to Smear Fired Warehouse Organizer: 'He's Not Smart or Articulate'*. Vice. <https://www.vice.com/en/article/5dm8bx/leaked-amazon-memo-details-plan-to-smear-fired-warehouse-organizer-hes-not-smart-or-articulate>

⁴⁸ Klippenstein, K. (2021, March 26). *Documents show Amazon is Aware Drivers pee in Bottles and Even Defecate En Route, Despite Company Denial*. The Intercept. <https://theintercept.com/2021/03/25/amazon-drivers-pee-bottles-union/>

⁴⁹ Lyons, K. (2021, December 1). *Amazon faces new pressure over COVID protections in warehouses*. The Verge. <https://www.theverge.com/2021/11/30/22810754/amazon-new-york-ag-reinstate-fired-worker-health-safety-covid>

⁵⁰ Office of the New York State Attorney General. (2021, November 30). *Attorney General James Seeks Emergency Relief to Protect Rights and Safety of Amazon Workers*. New York State Attorney General. <https://ag.ny.gov/press-release/2021/attorney-general-james-seeks-emergency-relief-protect-rights-and-safety-amazon>

⁵¹ Office of the New York State Attorney General. (2021, November 30). *Attorney General James Seeks Emergency Relief to Protect Rights and Safety of Amazon Workers*. New York State Attorney General. <https://ag.ny.gov/press-release/2021/attorney-general-james-seeks-emergency-relief-protect-rights-and-safety-amazon>

⁵² Kassem, S. (2020). *Amazon in the time of coronavirus*. HesaMag. https://etui.org/sites/default/files/2020-11/4-Sarrah_Kassem_Amazon%20in%20the%20time_of_coronavirus_2020.pdf

5. Forced labour in supply chains

Aside from these unfair labour practices, according to the Tech Transparency Project⁵³ Amazon's suppliers in China have been linked to forced labour by Uyghurs.⁵⁴ Although Amazon consistently claims to comply with the laws and regulations of the countries where it operates and that it expects its suppliers to adhere to the Supply Chain Standards, there has been well-documented evidence which shows their reliance on the use of Uyghur forced labour. In fact, even after the US government imposed sanctions on one such supplier⁵⁵ Amazon continued its business and supplier relations with them. Given that many of Amazon's products are made in Xinjiang and that there were reports submitted to the Office of the UN High Commissioner for Human Rights (OHCHR) of '...alleged arbitrary detention on a broad scale in so-called camps...', Amazon's involvement in forced labour must be addressed urgently.⁵⁶

6. Gender and racial discrimination

Beyond the forced labour issues in its supply chains, as of May 2022, Amazon has also been accused of discriminating against pregnant workers and workers with disabilities.⁵⁷ Women have been at the forefront of protests, against violent workplaces and have demanded corporate accountability in the case of Amazon.⁵⁸ They have alleged mistreatment, discrimination⁵⁹, and harassment, claimed they were underpaid based on race⁶⁰, and accused Amazon Prime of being institutionally biased against women.⁶¹ Further, in 2021, over 5,800 Amazon workers⁶² – mostly Black women in the US⁶³ – protested against Amazon's unfair labour practices and anti-unionisation efforts. Later in July 2022, several Amazon employees alleged that the company had created an unsafe and racially hostile work environment, including racist death threats against Black workers.⁶⁴

⁵³ Broken Chain. (2022, March 7). *Amazon Suppliers Tied to Forced Labor in Xinjiang*. Tech Transparency Project. <https://www.techtransparencyproject.org/articles/amazon-suppliers-tied-forced-labor-xinjiang>

⁵⁴ According to the BBC, Uyghurs are the largest minority ethnic group in China's north-western province of Xinjiang. China has been accused of committing crimes against humanity and genocide by detaining Uyghurs in 're-education' camps, compelling them to perform forced labor in factories, and sentencing thousands of Uyghurs to prison sentences. For more information, see: BBC News Services. (2022, May 24). *Who are the Uyghurs and why is China being accused of genocide?*. BBC. <https://www.bbc.com/news/world-asia-china-22278037>

⁵⁵ Office of Public Affairs. (2020, July 20). *Commerce Department Adds Eleven Chinese Entities Implicated in Human Rights Abuses in Xinjiang to the Entity List*. US Department of Commerce. <https://web.archive.org/web/20220202181048/https://2017-2021.commerce.gov/news/press-releases/2020/07/commerce-department-adds-ellen-chinese-entities-implicated-human.html>

⁵⁶ UN Office of the High Commissioner. (2022). *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>

⁵⁷ Colello, I. (2022, May 19). *New York files human rights violation complain against Amazon*. Nexstar Television LLC. <https://www.informnny.com/abc50-now/new-york-files-human-rights-violation-complaint-against-amazon/>

⁵⁸ Global Labor Justice. (n.d.). *Women Leading the Fight for Violence Free Workplaces and Corporate Accountability [Blog]*. Global Labor Justice. <https://globallaborjustice.org/women-leading-the-fight-for-violence-free-workplaces-and-corporate-accountability/>

⁵⁹ Schiffer, Z. (2021, May 20). *Five more Women are suing Amazon for discrimination and retaliation*. The Verge. <https://www.theverge.com/2021/5/19/22444635/amazon-five-discrimination-retaliation-lawsuits-warehouse>

⁶⁰ Keck, C. (2021, June 8). *Amazon Prime employees allege gender inequality and workplace harassment*. The Verge. <https://www.theverge.com/2021/6/7/22523481/amazon-prime-gender-inequality-harassment>

⁶¹ Keck, C. (2021, June 8). *Amazon Prime employees allege gender inequality and workplace harassment*. The Verge. <https://www.theverge.com/2021/6/7/22523481/amazon-prime-gender-inequality-harassment>

⁶² Imam, H. (2021, March 25). *The Amazon Women of Bessemer, Alabama*. Massachusetts Peace Action. <https://masspeaceaction.org/the-amazon-women-of-bessemer-alabama/>

⁶³ Hill, N. & Hill, V. M. (2021, March 24). *Amazon Workers: The Struggle for Human Rights and Workplace Dignity*. Albert Shanker Institute. <https://www.shankerinstitute.org/blog/amazon-workers-struggle-human-rights-and-workplace-dignity>

⁶⁴ Holmes, E. (2022, July 28). *Amazon Joliet warehouse workers file complaints alleging unsafe, hostile working environments*. ABC7 Chicago. <https://abc7chicago.com/amazon-warehouse-joliet-racist-threats-workplace-conditions/12077275/>

This system of racial discrimination is not new at Amazon. In November 2020, Amazon faced a lawsuit accusing the company of violating the civil rights of its largely Black, Brown and immigrant workers during the COVID-19 pandemic, while flocking to protect its white managers.⁶⁵

Moreover, it was revealed that workers in the Mechanical Turk platform are compelled to “leverage gift cards for ... rewards”, instead of monetary compensation.⁶⁶ In doing so, the company fails to recognize that its gift cards and vouchers are not universal. Further, this system of substituting monetary rewards for gift cards is largely implemented in Global South countries such as Botswana and South Africa, whereas workers from European countries are able to get bank transfers for the work they have done.⁶⁷ In creating a system where workers can only spend within the platform, the company deliberately ignores that its gift cards and vouchers cannot substitute money, and workers are forced to not realise the full range of benefits associated with their earnings. These are some of the many labour issues that Amazon and Amazon Web Services are currently riddled with.

7. Below minimum wages at Amazon’s Mechanical Turk Platform

It is well known that workers on Amazon’s Mechanical Turk platform earn well below minimum wage. As of 2018, only 4 percent of workers earn more than US\$7.25 an hour which was America’s effective minimum wage at the time. It was evident through research which involved observing 2,676 workers who performed 3.8 million tasks as part of Amazon Mechanical Turk, that the median wage was approximately US\$2 an hour, with no benefits.⁶⁸

8. Domination of workers and markets

In July 2020, unions, on behalf of millions of workers, called on the FTC in the US to stop Amazon from using COVID-19 to further expand its dominance over US markets.⁶⁹ By weaponising its prices, Amazon can jeopardise retailers and sellers and force them out of the market. Further, in April 2020, a ProPublica investigation found that Amazon’s algorithm compelled sellers from meeting ‘suggested’ inventory levels to ensure they are not demoted in sales results. Consequently, retailers were forced to prioritise Amazon over other platforms, for fear of losing revenue.⁷⁰

⁶⁵ Sonnemaker, T. (2020, November 18). *USA: Amazon faces COVID-19 class action lawsuit alleging discrimination against workers of color and immigrants*. Business Insider.

<https://www.business-humanrights.org/en/latest-news/usa-amazon-facing-class-action-lawsuit-alleging-discriminaton-against-workers-of-color-and-immigrants-by-failure-to-provide-ppe-and-implement-covid-19-safety-measures/>

⁶⁶ Jones, P. (2021). *Work without Worker: Labour in the Age of Platform Capitalism*.

⁶⁷ Jones, P. (2021). *Work without Worker: Labour in the Age of Platform Capitalism*.

⁶⁸ Hara, K., Adams, A., Milland, K., Savage, S., Callison-Burch, C. & Bigam, J. (2018). *A Data-Driven Analysis of Workers’ Earnings on Amazon Mechanical Turk*. <https://arxiv.org/pdf/1712.05796.pdf>

⁶⁹ Ongweso, E. J. (2020, July 25). *America’s Largest Unions Are Calling on the FTC to Stop Amazon*. Vice.

<https://www.vice.com/en/article/ep45jm/americas-largest-unions-are-calling-on-the-ftc-to-stop-amazon>

⁷⁰ Dudley, R. (2020, April 26). *The Amazon Lockdown: How an Unforgiving LAlgorithm Drives Suppliers to Favor the E-Commerce Giant Over Other Retailers*. ProPublica.

<https://www.propublica.org/article/the-amazon-lockdown-how-an-unforgiving-algorithm-drives-suppliers-to-favor-the-e-commerce-giant-over-other-retailers>

Google LLC.

I. Company brief

Google is an American multinational technology company which aims to organise the world's information and make it universally accessible and useful. It started as a search engine company but it now offers several Internet services and products including cloud computing, Artificial Intelligence (AI) and advertising, amongst others. It also manufactures and sells hardware in the form of mobile phones. In 2022, its revenue was US\$279.8 billion⁷¹, and its parent company - Alphabet - was ranked as the fourth biggest and most valued company in the world. It is headquartered in California, US.⁷² Currently, about 40 percent of Google employees are women. It has approximately 139,995 employees.⁷³

II. Google's human rights commitments

According to Google, it is committed to respecting the UDHR and it's implementing treaties⁷⁴, the standards under the United Nations Guiding Principles on Business and Human Rights⁷⁵ and the standards under the Global Network Initiative Principles.⁷⁶ In 2020, Google's Audit and Compliance committee's charter was modified to explicitly include the oversight of human rights issues.⁷⁷ Google's Human Rights Program claims to advance the company-wide strategy on human rights and civil rights and aims to advise product teams on potential rights impacts and conduct due diligence.⁷⁸

III. Google's labour practices

1. Permatemp workers

Google has projected an image of being an egalitarian and utopian workspace which prioritises employees' wellbeing. However, according to several reports in 2021, it underpaid thousands of international workers called 'shadow workers' or contractors/temporary workers thus

⁷¹ Statista. (2023, February). *Revenue of Google from 1st quarter 2008 to 4th quarter 2022*. Statista. <https://www.statista.com/statistics/267606/quarterly-revenue-of-google/>

⁷² Companies MarketCap. (n.d.). *Company profile – Alphabet (Google)*. Companies MarketCap. <https://companiesmarketcap.com/alphabet-google/marketcap/>

⁷³ Zippia. (2023, February 6). *Google Statistics and Demographics*. Zippia. <https://www.zippia.com/google-careers-24972/demographics/>

⁷⁴ Google. (n.d.). *About Google: Human Rights*. Google. <https://about.google/human-rights/>

⁷⁵ Google. (n.d.). *About Google: Human Rights*. Google. <https://about.google/human-rights/>

⁷⁶ Global Network Initiative. (n.d.). *Protecting and Advancing Freedom of Expression and Privacy in the ICT Sector*. GNI. <https://globalnetworkinitiative.org>

⁷⁷ Google. (n.d.). *About Google: Human Rights*. Google. <https://about.google/human-rights/>

⁷⁸ Google. (n.d.). *About Google: Human Rights*. Google. <https://about.google/human-rights/>

violating labour laws across the globe.⁷⁹ This 'invisible' workforce has for long performed the grunt work, and by keeping them as temporary workers, Google frees up millions of dollars which are then invested to retain 'higher-skilled' workers.⁸⁰ Moreover, these micro-workers do not know the final purpose/uses of their tasks and for whom they are performing them⁸¹ while they remain poorly compensated. Google relies on temporary workers or contractors, who according to the New York (NY) Times far outnumber the permanent employees. In fact, in 2019, 54 percent of Google's workforce were temporary workers, vendors and contract workers.⁸² They are paid less, have no paid vacation time in the US and were even made to wear red badges as temporary workers which ultimately led to a sense of shame.⁸³ According to one report, it was creating a caste system within the company and a 'permanent underclass'.⁸⁴

2. Widespread layoffs and unfair dismissal

In January 2023, Google laid off around 12,000 employees⁸⁵, leading to protests in New York, California and Texas, amongst others. The employees received no advance warning of their last day at the company.⁸⁶ In February 2023, another protest took place outside Google's headquarters, regarding the poor working conditions for company subcontractors.⁸⁷ According to one source, Google offered full-time employment only if the agency could provide health insurance, time off and minimum wages.

These protests were simultaneous with the release of the company's fourth-quarter results proving that Google's parent company, Alphabet, earned US\$13.62 billion in profits. Workers claimed to be subjected to 'poverty wages and no benefits' at Google. It was apparent that the company's savings through layoffs were insignificant compared to the billions it made in profit.⁸⁸

⁷⁹ Wakabayashi, D. (2021, September 10). Google Could be Violating Labor laws With Pay for Temp Workers. The New York Times.

<https://www.nytimes.com/2021/09/10/technology/google-temporary-workers-labor-laws-pay.html>; Wong, J. C. (2021, September 10).

Revealed: Google illegally underpaid thousands of workers across dozens of countries. The Guardian.

<https://www.theguardian.com/technology/2021/sep/10/google-underpaid-workers-illegal-pay-disparity-documents> as cited in Towey, H.

(2021, September 11). *Google underpaid thousands of international "shadow workers", violating labor laws around the world, reports reveal.* Insider.<https://www.businessinsider.com/google-underpaid-thousands-of-temporary-workers-around-world-reports-2021-9>

⁸⁰ Bergen, M. & Eidelson, J. (2018, July 18). *Inside Google's shadow workforce of labourers.* The Economic Times.

<https://economictimes.indiatimes.com/tech/software/inside-googles-shadow-workforce-of-contract-labourers/articleshow/65140018.cms?from=mdr>

⁸¹ Tubaro, P., Casilli, A. & Coville, M. (2020). *The trainer, the verifier, the imitator: Three ways in which human platform workers support artificial intelligence.* Big Data & Society.

https://www.researchgate.net/publication/340905636_The_trainer_the_verifier_the_imitator_Three_ways_in_which_human_platform_workers_support_artificial_intelligence/link/5ea4313e92851c1a906d7f76/download

⁸² Wakabayashi, D. (2019, May 28). *Google's Shadow Work Force: Temps Who Outnumber Full-Time Employees.* The New York Times.

<https://www.nytimes.com/2019/05/28/technology/google-temp-workers.html>

⁸³ Bastone, N. (2019, May 28). *Google barred contractors from communicating with full-time Googlers on some Internal Groups forums, and makes temps wear red badges that add to a 'sense of shame'.* Insider.

<https://www.businessinsider.com/google-contractor-temp-workers-roadblocks-2019-5>

⁸⁴ Bergen, M. & Eidelson, J. (2018, July 18). *Inside Google's shadow workforce of labourers.* The Economic Times.

<https://economictimes.indiatimes.com/tech/software/inside-googles-shadow-workforce-of-contract-labourers/articleshow/65140018.cms?from=mdr>

⁸⁵ Bergen, M., Love, J. & Alba, D. (2023, January 20). *Google to Cut 12,000 Jobs in 6% Reduction of Global Workforce.*

Bloomberg.<https://www.bloomberg.com/news/articles/2023-01-20/google-cutting-12-000-jobs-in-6-slash-to-global-workforce#xj4y7vzkg>

⁸⁶ Brooks, K.J. (2023, January 24). *Ex-Google employees bemoan the way they were notified of layoff.* CBS News.

<https://www.cbsnews.com/news/google-employees-laid-off-via-email/>

⁸⁷ Barrabi, T. (2023, February 3). *Angry Google workers stage protests over layoffs in NYC, California.* New York Post.

<https://nypost.com/2023/02/03/angry-google-workers-stage-protests-over-layoffs-in-nyc-california/>

⁸⁸ Barrabi, T. (2023, February 3). *Angry Google workers stage protests over layoffs in NYC, California.* New York Post.

<https://nypost.com/2023/02/03/angry-google-workers-stage-protests-over-layoffs-in-nyc-california/>

3. Anti-unionisation and retaliation

The tech industry at large and Google, specifically, has resisted unionisation. For several years now, Google [has retaliated against workplace activism](#)⁸⁹ and those who questioned Google's AI systems. In [one such instance](#)⁹⁰, when a worker protested against Google's contract with the Israeli military to provide AI tools, she was asked to relocate in 17 days. This is one of many instances of Google's retaliation against activism. In the past, such retaliation also occurred against workers who called the company's sexual misconduct policy to attention as inadequate.⁹¹

4. Institutional discrimination

In 2018, more than 20,000 workers walked out of Google's 50 offices in the US, Australia, Brazil, Canada, India, Ireland, Japan, the Netherlands, the Philippines, the UK, Singapore, Sweden and Switzerland to protest how the company had handled allegations of sexual assault and misconduct.⁹² Despite Google itself investigating and concluding that the allegation against Andy Rubin, an Android founder and ex-CEO of Google, was credible, Rubin was paid US\$90 million on his exit⁹³, and the company invested millions in his next venture. Rubin is merely one of the other executives accused of sexual misconduct that Google has protected over the last few years. According to several Google workers, the company covered up harassment cases and contributed to an unsafe work environment. Although it had a sexual harassment policy, the policy was flexibly enforced.⁹⁴ The 'broken system' of reporting sexual harassment compelled workers to protest.⁹⁵ Similarly, Google paid then senior vice president Amit Singhal⁹⁶, who was accused of groping an employee while inebriated - millions of dollars when he left the company.

Google has also been accused of other forms of discrimination – for instance, in 2022, a former employee has sued the company for systematically discriminating against Black workers by placing them at lower-level jobs and denying them opportunities to advance in their careers. According to the plaintiff, the company is “engaged in a nationwide pattern or practice of intentional race discrimination.”⁹⁷ This lawsuit echoes the concerns of many other employees and shows that the company has struggled to increase diversity, especially in the higher echelons of work. The complainant claimed she was subject to a hostile work environment,

⁸⁹ Khan, I. (2023, February 6). *Google is Feeling the Heat From its Own Employees*. New York Times. <https://www.nytimes.com/2022/08/30/technology/google-employee-israel.html>

⁹⁰ Grant, N. (2022, August 30). *Google Employee Who Played Key Role in Protest of Contract With Israel*. The New York Times. <https://www.nytimes.com/2022/08/30/technology/google-employee-israel.html>

⁹¹ Infra note __, Statt.

⁹² Statt, N. (2018, November 2). *Over 20,000 Google employees participated in yesterday's mass walkout*. The Verge. <https://www.theverge.com/2018/11/2/18057716/google-walkout-20-thousand-employees-ceo-sundar-pichai-meeting>

⁹³ Wakabayashi, D. & Benner, K. (2018, October 25). *How Google Protected Andy Rubin, the 'Father of Android'*. The New York Times. <https://www.nytimes.com/2018/10/25/technology/google-sexual-harassment-andy-rubin.html>

⁹⁴ Wakabayashi, D. & Benner, K. (2018, October 25). *How Google Protected Andy Rubin, the 'Father of Android'*. The New York Times. <https://www.nytimes.com/2018/10/25/technology/google-sexual-harassment-andy-rubin.html>

⁹⁵ Robertson, A. (2018, November 1). *Google organizers call for new harassment policies amid mass walkout*. The Verge. <https://www.theverge.com/2018/11/1/18051756/google-walkout-sexual-harassment-policy-reform-new-york-protest>

⁹⁶ Guardian staff and agencies. (2019, March 11). *Google paid former executive US\$35 million after sexual assault allegation*. The Guardian. <https://www.theguardian.com/technology/2019/mar/11/google-executive-payout-harassment-amit-singhal>

⁹⁷ Wakabayashi, D. (2022, March 18). *Lawsuit Accused Google of Bias Against Black Employees*. The New York Times. <https://www.nytimes.com/2022/03/18/technology/google-discrimination-suit-black-employees.html>

that she was not permitted to speak or present during important meetings, and that the company 'hazed' Black job candidates by deliberately asking them more difficult questions and by deeming them not 'Googly' enough. In the past, the company has been accused of recommending medical leave to individuals who complained of sexism or racism.⁹⁸ In 2019, Google ended its age-discrimination suit with US\$11 million in settlement.⁹⁹ These instances reveal a pattern of devaluing employees and workers and belittling their experiences of discrimination.

Finally in April 2022¹⁰⁰ Google cancelled a talk to be delivered by a prominent caste equity activist Thenmozhi Soundararajan, claiming it would have been 'too divisive'. Google has been accused of casteism and refusing to address the issue in any meaningful way.

5. Use of forced labour

The Australian Strategic Policy Institute also identified Google as one of the companies which could have directly or indirectly benefited from forced labour performed by Uyghurs in China.¹⁰¹ The data was based on supplier lists, media reports and the suppliers that the factories claimed they supplied to. For instance, in May 2018, 105 Uyghur workers were transferred out of Xinjiang, to Hubei Yihong Precision Manufacturing Co. Ltd., which is a subsidiary of Dongguan Yidong Electronic Co. Ltd. According to Dongguan's website, it supplies precision parts for electronics to Google and other companies. In another case, 1,554 Uyghur workers were transferred from Xinjiang to different provinces to work at various companies including Hefei Bitland Information Technology Co. Ltd. whose website claims it produces electronics for Google.¹⁰²

⁹⁸ Glaser, A. & Adams, C. (2021, March 7). *Google advised mental health care when workers complained about racism and sexism*. NBC News. <https://www.nbcnews.com/tech/tech-news/google-advised-mental-health-care-when-workers-complained-about-racism-n1259728>

⁹⁹ Gurchiek, K. (2019, July 24). *Google Ends Age-Discrimination Suit with US\$11 Million Settlement*. SHRM. <https://www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/global-and-cultural-effectiveness/pages/google-ends-age-discrimination-suit-with-11-million-settlement.aspx>

¹⁰⁰ Press Trust of India. (2022, June 2). *Dalit Civil Rights Activist Accuse Google of a Casteist and Hostile Workplace Practices*. Outlook India. <https://www.outlookindia.com/business/dalit-civil-rights-activist-accuse-google-of-a-casteist-and-hostile-workplace-practices-news-200026>

¹⁰¹ Xu, V., Cave, D., Leibold, J., Munro, K. & Ruser, N. (2020, March 1). *Uyghurs for sale: 'Re-education', forced labour and surveillance beyond Xinjiang*. Australian Strategic Policy Institute. <https://www.aspi.org.au/report/uyghurs-sale>

¹⁰² Xu, V., Cave, D., Leibold, J., Munro, K. & Ruser, N. (2020, March 1). *Uyghurs for sale: 'Re-education', forced labour and surveillance beyond Xinjiang*. Australian Strategic Policy Institute. <https://www.aspi.org.au/report/uyghurs-sale>

Apple Inc.

I. Company brief

Apple Inc. designs, manufactures and markets smartphones, tablets, personal computers and wearable devices. It offers software applications and related services, accessories and third-party digital content. Apple is headquartered in California, US and its business presence exists across Asia and the Pacific, the Middle East, Africa, Americas and Europe. Apple claims its manufacturing is done by primarily Asian partners such as China, India, Taiwan, Japan, South Korea and Vietnam¹⁰³, although more than 95 per cent of its iPhones, AirPods, Macs and iPads are in fact made solely in China¹⁰⁴. Most of Apple's manufacturing is done in China given that it has a ready-made supply chain network, and at the time has the ability to scale up production swiftly.¹⁰⁵ As of September 2022, the total number of Apple employees in the world was 164,000 and the total revenue for fiscal year 2022, was US\$378.7 billion¹⁰⁶. As of April 2023, Apple is considered the most valued company in the world.¹⁰⁷ According to one source, 38 percent of Apple employees are women.

II. Apple's human rights commitments

Apple has a Supplier Code of Conduct¹⁰⁸ based on the UN International Bill of Human Rights¹⁰⁹ (i.e. the UDHR¹¹⁰, the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹¹¹ and the International Covenant on Civil and Political Rights (ICCPR)¹¹² along with its two Optional Protocols), the ILO's Declaration on Fundamental Principles and Rights at Work¹¹³, and claims to be committed to human rights, through its company-wide Human Rights Policy¹¹⁴ based on the UN Guiding Principles for Business and Human Rights.¹¹⁵ In its 2023 Annual Progress Report on people in Apple's supply chains¹¹⁶ the company claimed that it had

¹⁰³ Guardian Staff. (2021, June 3). *Apple uses more suppliers from China than Taiwan for first time, data shows*. The Guardian. <https://www.theguardian.com/technology/2021/jun/03/apple-uses-more-suppliers-from-china-than-taiwan-for-first-time-data-shows>

¹⁰⁴ Banker, S. (2023, January 19). *Apple's Reliance On China Poses A Problem For the Company*. Forbes. <https://www.forbes.com/sites/stevebanker/2023/01/19/apples-china-problem/?sh=19a2bfd3282f>

¹⁰⁵ Kaur, D. (2022, October 3). *Apple decoupling from China in easier said than done*. T_HQ. <https://techhq.com/2022/10/apple-decoupling-from-china-is-easier-said-than-done/>

¹⁰⁶ Forbes. (n.d.). *Forbes company profile – Apple*. Forbes. <https://www.forbes.com/companies/apple/?sh=1e6e0e435355>

¹⁰⁷ Protska, O. (2023, April 18). *Most Valuable Companies in the World – 2023*. FXSSI. <https://fxssi.com/top-10-most-valuable-companies-in-the-world>

¹⁰⁸ Apple. (n.d.). *Apple Supplier Code of Conduct*. Apple. <https://www.apple.com/supplier-responsibility/pdf/Apple-Supplier-Code-of-Conduct-and-Supplier-Responsibility-Standards.pdf>

¹⁰⁹ Office of the United Nations High Commissioner for Human Rights. (n.d.). *Fact Sheet No. 2 (Rev. 1), The International Bill of Human Rights*. <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet2Rev.1en.pdf>

¹¹⁰ Universal Declaration of Human Rights, 1948.

¹¹¹ International Covenant on Economic, Social and Cultural Rights, 1966.

¹¹² International Covenant on Civil and Political Rights, 1966.

¹¹³ ILO Declaration on Fundamental Principles and Rights at Work, 1998.

¹¹⁴ Human Rights Policy, August 2020.

¹¹⁵ UN Guiding Principles for Business and Human Rights, 2011.

¹¹⁶ Apple. (2023). *Annual Progress Report, 2023 – People and Environment in Our Supply Chain*. Apple. https://www.apple.com/supplier-responsibility/pdf/Apple_SR_2023_Progress_Report.pdf

invested US\$50 million to improve workers' rights in supply chains, and trained 26 million supplier employees on their workplace rights since 2008.

III. Apple's labour practices

1. Forced labour in supply chains

Apple's supply chains are riddled with human rights abuses.¹¹⁷ While the company claims to commit to the human rights of workers based on international standards, where these standards conflict with domestic laws, the company defers to the latter. This ultimately means that it does not protect workers' rights in several significant ways. When this issue was sought to be tackled in the US in the form of the Uyghur Forced Labour Prevention Act of 2021, Apple [attempted to water down](#) the legislation¹¹⁸ by requesting to release the required information about its suppliers only to congressional committees rather than the public and requiring Chinese entities to be designated by the US government as helping to surveil or detain Muslim minority groups in Xinjiang. In other words, the company attempted to pass on the responsibility to ensure its supply chains were free of forced labour to the US government. This attempt, however, has been successfully thwarted.

In 2021, the [Chair and Co-Chair of the Congressional-Executive Commission](#)¹¹⁹ on China urged Apple's then Chief Executive Officer (CEO) to divest from Chinese suppliers who participate in the 'labour transfer' program (using Uyghur people) and engage with the US Customs and Border Protection to achieve this. However, Apple has consistently claimed that its supply chains do not have forced labour and that there is no evidence of this, despite [several reports](#).¹²⁰ China Labour Watch has consistently published human rights abuses by Apple's suppliers in China over the past decade.¹²¹ It is evident through the reports that workers in Apple's supply chains continue to work tremendous overtime hours and take only two days off each month, with leaves often not being granted.¹²²

¹¹⁷ For instance, according to the UN Special Rapporteur on Contemporary Forms of Modern Slavery, based on independent assessment, academic research, open sources and testimonies of victims, amongst other sources, it is reasonable to conclude that forced labour among Uyghurs in the manufacturing sector has been occurring in the Xinjiang Uyghur Autonomous Region of China, where Apple's suppliers' factories are located.

¹¹⁸ Lovejoy, B. (2022, June 22). *Uyghur Forced Labor Prevention Act requires Apple to prove that it doesn't use forced labour*. 9to5Mac. <https://9to5mac.com/2022/06/22/uyghur-forced-labor-prevention-act/>

¹¹⁹ Congressional-Executive Commission on China. (2021, June 8). *Xinjiang: Chairs Issue Statement About Forced labour in Apple's Supply Chains*. CECC.

<https://www.cecc.gov/media-center/press-releases/chairs-issue-statement-about-forced-labor-in-apple's-supply-chain-in>

¹²⁰ Broken Chain. (2021, June 8). *Apple's Uyghur Dilemma Grows*. Tech Transparency Project. available at <https://www.techtransparencyproject.org/articles/apples-uyghur-dilemma-grows> ; Ma, Wayne. (2021, May 10). *Seven Apple Suppliers Accused of Using Forced labour From Xinjiang*. *The Information*. <https://www.theinformation.com/articles/seven-apple-suppliers-accused-of-using-forced-labor-from-xinjiang> ; Nicas et. al. *Censorship, Surveillance and Profits: A Hard Bargain for Apple in China*, available at <https://www.nytimes.com/2021/05/17/technology/apple-china-censorship-data.html> (Last accessed on April 21, 2023); Xu, V. X., Cave, D., Leibold, J., Munro, K. & Ruser, N. (2020, March 1). *Uyghurs for Sale*. Australian Strategic Policy Institute. <https://www.aspi.org.au/report/uyghurs-sale>

¹²¹ Albergotti, R. (2019, September 9). *Apple accused of worker violations in Chinese factories*. The Washington Post. <https://www.washingtonpost.com/technology/2019/09/09/apple-accused-worker-violations-chinese-factories-by-labor-rights-group/>

¹²² Albergotti, R. (2019, September 9). *Apple accused of worker violations in Chinese factories*. The Washington Post. <https://www.washingtonpost.com/technology/2019/09/09/apple-accused-worker-violations-chinese-factories-by-labor-rights-group/>

Although the company has argued that it is difficult to prove that its suppliers are not engaging in forced labour, the purpose of the Forced Labour Prevention Act is to precisely recognise the complicity of companies engaging with suppliers who are operating in regions with substantial evidence of use of forced labour. This is especially so for suppliers who have partnered with the Xinjiang Production and Construction Corps, which is considered to be one of the largest suppliers of Uyghur forced labour.¹²³ According to several independent reports, China is committing crimes against humanity¹²⁴, especially given that Uyghur women have been forcibly sterilised and raped. Further, according to some testimonies, medical experiments have also been performed on the Uyghur prisoners. Inmates are compelled to work for free, as part of their ‘training’.¹²⁵ It is unclear how many women, or even the proportion of women to men working in Apple’s supply chains in China.

Further, in 2010, workers in Foxconn’s factories (which produce iPhones) started killing themselves by jumping from their dorm buildings, protesting labour camp-like conditions of work.¹²⁶ In 2020, Chan, Selden and Ngai released their research into Foxconn factories, *Dying for an iPhone*, where it was clear that many workers saw suicide as the only way to escape their brutal exploitation. This continued even after the protests by the workers’ families in 2010, as well as the media attention that these deaths garnered.¹²⁷ According to one report, the company has now placed ‘body-catching nets’ to ensure workers did not die from suicide.¹²⁸ Currently, Foxconn remains one of the largest employers in mainland China, and workers continue to protest against the deeply exploitative work conditions in these factories.¹²⁹ As of 2019, workers were found to be working over 100 hours overtime and being ‘punished’ for not meeting their targets.¹³⁰ More recently, to prevent a COVID-19 outbreak, workers were locked up in the iPhone plant and were required to sleep in the factory. Workers were working under ‘closed-loop operations’ which meant workers could not leave the factory and continued working round the clock to prevent an outbreak. Workers reported that their living conditions significantly worsened and rations were reduced. Although the company promised bonuses, these were not paid.¹³¹

¹²³ Broken Chain. (2021, June 8). *Apple’s Uyghur Dilemma Grows*. Tech Transparency Project. <https://www.techtransparencyproject.org/articles/apples-uyghur-dilemma-grows>

¹²⁴ Human Rights Watch. (2021, April 19). “Break Their Lineage, Break Their Roots”: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims. HRW. <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting> as cited in Davis, C. R. (2021, April 19). *China is committing ‘crimes against humanity’ with its treatment of Uyghurs in Xinjiang human rights group says*. Insider. <https://www.businessinsider.com/china-committing-crimes-against-humanity-against-uyghurs-in-xinjiang-hrw-2021-4>

¹²⁵ Ma, A. (2019, December 9). *Mysterious automated calls, vanished relatives, and sinister Facebook comments: How China intimidates Uyghurs who don’t even live in the country*. Insider. <https://www.businessinsider.com/china-uyghurs-spooked-even-outside-country-2019-12>

¹²⁶ Merchant, B. (2017, June 18). *Life and death in Apple’s forbidden city*. The Guardian. <https://www.theguardian.com/technology/2017/jun/18/foxconn-life-death-forbidden-city-longhua-suicide-apple-iphone-brian-merchant-one-device-extract>

¹²⁷ Cormack, M. (2020, April 30). *Review | Dying for an iPhone: investigating Apple, Foxconn and the brutal exploitation of Chinese workers*. South China Morning Post. <https://www.scmp.com/magazines/post-magazine/books/article/3082307/dying-iphone-investigating-apple-foxconn-and-brutal>

¹²⁸ Supra note 8, Merchant.

¹²⁹ Kharpal, A. (2022, November 29). *iPhone maker Foxconn entices angry workers in China to return as Apple faces supply crunch*. CNBC. <https://www.cnbc.com/2022/11/29/iphone-maker-foxconn-entices-workers-in-china-to-return-after-unrest.html>

¹³⁰ Business and Human Rights Centre. (2019, September 9). *China: Apple accused of violating labour laws as employees at iPhone factory found working 100 hours of overtime & being ‘punished’ for not meeting targets*. Business & Human Rights Resource Centre. <https://www.business-humanrights.org/en/latest-news/china-apple-accused-of-violating-labour-laws-as-employees-at-iphone-factory-found-working-100-hours-of-overtime-being-punished-for-not-meeting-targets-incl-co-comments/>

¹³¹ Binder, N. (2022, November 23). *Protests erupt at Foxconn’s iPhone factory in China over working conditions, pay* Mashable. <https://mashable.com/article/foxconn-apple-iphone-protests-covid-working-conditions>

It is evident that this model will be replicated in other places, as Apple aims to use a similar model of exploitative work in an Indian state and negotiates with the government to ‘liberalise’ labour laws in order to allow 12-hour shifts and ease rules for night-time work.¹³² The new legislation is bound to increase allowable overtime hours to 145 over a three-month period, as opposed to the earlier 75 hours.¹³³

2. Institutional discrimination

Apple has also been criticised for how it handled complaints of abuse and discrimination¹³⁴, by calling complainants unprofessional and, in several cases, reaching settlements with them to drop their complaints with the National Labour Relations Board. In 2022, over a dozen women accused the company of mishandling complaints by retaliating against them or getting an unhelpful response. In one instance, a male colleague removed a female employee’s clothes and photographed her when she was briefly asleep. According to Apple, this might have been criminal conduct but did not violate “any policy in the context of his work at Apple”.¹³⁵ In another instance¹³⁶, an employee was put on indefinite administrative leave for tweeting about sexism in the workplace. Ultimately, she was fired.

Earlier in 2021, Apple workers organised against patterns of institutional discrimination on the basis of sex and race, and the company’s consistent failure to address them. This group of workers received hundreds of stories from workers - according to the Guardian, 75 per cent of them involved discrimination of some kind, and nearly half were regarding sexism, retaliation and dismissal.¹³⁷ In 2021, more than 500 individuals including current and former employees at Apple had submitted accounts of abuse, sexual harassment, discrimination and retaliation.¹³⁸ Through workers’ initiative to document these complaints, it was evident that the company had created a culture of secrecy, which discouraged workers from complaining.

¹³² Reed, J. & Hille, K. (2023, March 10). *Apple, Foxconn convince Indian state to loosen labour laws*. Ars Technica. <https://arstechnica.com/gadgets/2023/03/apple-foxconn-convince-indian-state-to-loosen-labor-laws/?comments=1&comments-page=1>

¹³³ Reed, J. & Hille, K. (2023, March 10). *Apple, Foxconn convince Indian state to loosen labour laws*. Ars Technica. <https://arstechnica.com/gadgets/2023/03/apple-foxconn-convince-indian-state-to-loosen-labor-laws/?comments=1&comments-page=1>

¹³⁴ Wuerthele, M. (2022, August 4). *Apple under fire for how HR handles women who complain about abuse*. Apple Insider. <https://appleinsider.com/articles/22/08/04/apple-under-fire-for-how-hr-handles-women-who-complain-about-abuse> ; see also Whitt, J. (n.d.) *My coworker terrorized me and said he was part of a drug ring. When I told Apple, I was punished*. Lioness.

<https://www.lioness.co/post/my-coworker-terrorized-me-and-told-me-he-was-part-of-a-drug-ring-when-i-told-apple-i-was-punished>

¹³⁵ (2022, August 4). *Apple Accused of Mishandling Sex Misconduct Complaints: Report*. Barron’s. <https://www.barrons.com/news/apple-accused-of-mishandling-sex-misconduct-complaints-report-01659645608#:~:text=Apple%20was%20accused%20by%20current%20allegations%2C%20the%20Financial%20Times%20reports&text=Over%20a%20dozen%20women%20accused,Financial%20Times%20report%20out%20Thursday>.

¹³⁶ Schiffer, Z. (2021, August 4). *Apple places female engineering program manager on administrative leave after tweeting about sexism in the office*. The Verge. <https://www.theverge.com/2021/8/4/22610112/apple-female-engineering-manager-leave-sexism-work-environment>

¹³⁷ Anguiano, D. (2021, September 3). *AppleToo: employees organize and allege harassment and discrimination* The Guardian. <https://www.theguardian.com/technology/2021/sep/03/appletoo-apple-employees-organize-allege-harassment-discrimination>

¹³⁸ Nicas, J. and Browning, K (2021, September 17). *Tim Cook Faces Surprising Employee Unrest at Apple* The New York Times. <https://www.nytimes.com/2021/09/17/technology/apple-employee-unrest.html>

Microsoft

I. Company brief

Microsoft produces operating systems for personal computers, servers, phones, other intelligent devices and server applications for distributed computing environments amongst others. It generates revenue by developing, licensing, and supporting a wide range of software products and services, by designing and selling hardware and by delivering relevant online advertising to a global customer audience. Microsoft's headquarters are in Washington, US. Microsoft is the second highest-valued company in the world¹³⁹ after Apple. For the 12 months preceding December 31, 2022, its revenue was US\$204.094 billion¹⁴⁰, with a 17.96 per cent increase from 2021. According to one source, Microsoft has 182,268 workers, of which 34 percent are women.

II. Microsoft's human rights commitments

Microsoft claims to be committed to human rights. It has a Global Human Rights Statement¹⁴¹ which respects the UDHR, the ICCPR, the ICESCR¹⁴² and the ILO Declaration on Fundamental Principles and Rights at Work¹⁴³. It has also committed to the United Nations Guiding Principles on Business and Human Rights¹⁴⁴, as well as ILO Core commitments and Women's Empowerment Principles.¹⁴⁵ Microsoft has a Supplier Code of Conduct¹⁴⁶ and training and a Modern Slavery and Human Trafficking Statement.¹⁴⁷ However, according to the Corporate Human Rights Benchmark 2022 Company Scoresheet, Microsoft's commitment to the health and safety of workers remains only partly fulfilled – there is no publicly available policy statement committing to respect the health and safety of workers.¹⁴⁸ For instance, Microsoft does not meet ILO's labour standards regarding working hours or committing to a regular 48-hour work week.¹⁴⁹

¹³⁹ Statista. (2023, April 18). *Biggest companies in the world by market value 2022*. Statista. <https://www.statista.com/statistics/263264/top-companies-in-the-world-by-market-capitalization/>

¹⁴⁰ MacroTrends. (n.d.). Microsoft Revenue 2010-2023 | MSFT. MacroTrends. <https://www.macrotrends.net/stocks/charts/MSFT/microsoft/revenue>

¹⁴¹ Microsoft. (n.d.). *Microsoft Global Human Rights Statement*. Microsoft. https://www.microsoft.com/en-us/corporate-responsibility/human-rights-statement?activetab=pivot_1:primaryr5

¹⁴² Microsoft. (n.d.). *Empowering our employees*. Microsoft. <https://www.microsoft.com/en-us/corporate-responsibility/empowering-employees>

¹⁴³ ILO Declaration on Fundamental Principles and Rights at Work, 1998.

¹⁴⁴ Crown, S. (2021, October 20). *Taking on human rights due diligence*. Microsoft. <https://blogs.microsoft.com/on-the-issues/2021/10/20/taking-on-human-rights-due-diligence/>

¹⁴⁵ Crown, S. (2021, October 20). *Taking on human rights due diligence.*, Microsoft. <https://blogs.microsoft.com/on-the-issues/2021/10/20/taking-on-human-rights-due-diligence/>

¹⁴⁶ Microsoft. (n.d.). *Supplier Code of Conduct and training*. Microsoft. <https://www.microsoft.com/en-us/procurement/supplier-conduct.aspx?activetab=pivot:primaryr7>

¹⁴⁷ Microsoft. (n.d.). *FY22 Microsoft Modern Slavery and Human Trafficking Statement*. <https://modernslaveryregister.gov.au/statements/file/56ce85df-7128-4e75-aa37-598756938865/>

¹⁴⁸ World Benchmarking Alliance. (2022). *Corporate Human Rights Benchmark: Microsoft*. <https://www.worldbenchmarkingalliance.org/publication/chrbc/companies/microsoft-3/>

¹⁴⁹ World Benchmarking Alliance. (2022). *Corporate Human Rights Benchmark: Microsoft.*, available at <https://www.worldbenchmarkingalliance.org/publication/chrbc/companies/microsoft-3/> (Last accessed on April 29, 2023).

III. Microsoft's labour practices

1. Forced labour in supply chains

According to the Working Group on the Issue of Human Rights and Transnational Corporations and other business enterprises¹⁵⁰ and several UN Special Rapporteurs, Microsoft is involved in alleged forced labour, arbitrary detention and trafficking of persons of Uyghur and other minorities in Xinjiang Uyghur Autonomous Region.¹⁵¹ One of the many major issues in these supply chains is the subjection of Uyghur workers to excessive overtime and the question of whether these workers receive salaries at all. According to Reuters 2021¹⁵² and Australian Strategic Policy Institute's Report of 2020¹⁵³ Microsoft relies on forced labour performed by Uyghurs in its supply chains and had even attempted to push back against the Forced Labour Prevention Act.

2. Institutional discrimination

Further, the company is also notorious for poorly addressing allegations of misconduct. According to Seattle Times in 2018, it was clear that Microsoft had a culture of sexual harassment and abuse, including a 'male-dominated hierarchy' and poor grievance redressal mechanisms.¹⁵⁴ Dozens of workers have shared their stories of being harassed but complained of inaction on the part of the company. In 2018, it was revealed that women at the company had filed 238 internal complaints about gender discrimination/sexual harassment. Between 2019-2021, Microsoft received 721 employee complaints of discrimination and harassment in the US.¹⁵⁵ Women workers have alleged that the company has a 'boys club' culture while serious allegations and complaints to the Human Resources Department of the organisation were ignored.¹⁵⁶

¹⁵⁰ Working Group on the issue of human rights and transnational corporation and other business enterprises, Special Rapporteurs in the field of cultural rights; minority issues; freedom of religion or belief; contemporary forms of slavery, torture and other cruel, inhuman or degrading treatment or punishment; trafficking in persons especially women and children. (2021, March 12). *Mandates of the Working Group on the issue of human rights and transnational corporation and other business enterprises, Special Rapporteurs in the field of cultural rights; minority issues; freedom of religion or belief; contemporary forms of slavery, torture and other cruel, inhuman or degrading treatment or punishment; trafficking in persons especially women and children* : Reference AL ORH 133/2021. OHCHR. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26215>

¹⁵¹ Working Group on the issue of human rights and transnational corporation and other business enterprises, Special Rapporteurs in the field of cultural rights; minority issues; freedom of religion or belief; contemporary forms of slavery, torture and other cruel, inhuman or degrading treatment or punishment; trafficking in persons especially women and children. (2021, March 12). *Mandates of the Working Group on the issue of human rights and transnational corporation and other business enterprises, Special Rapporteurs in the field of cultural rights; minority issues; freedom of religion or belief; contemporary forms of slavery, torture and other cruel, inhuman or degrading treatment or punishment; trafficking in persons especially women and children* : Reference AL ORH 133/2021. OHCHR.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26215>

¹⁵² Cadell, C. (2021, October 8). *Exclusive US electronics firm struck deal to transport and hire Uyghur workers*. Reuters. <https://www.reuters.com/world/china/exclusive-us-electronics-firm-struck-deal-transport-hire-uyghur-workers-2021-10-07/>

¹⁵³ Xu, V. X., Cave, D., Leibold, J., Munro, K. & Ruser, N. (2020, March 1). *Uyghurs for Sale*. Australian Strategic Policy Institute. <https://www.aspi.org.au/report/uyghurs-sale>

¹⁵⁴ Miller, M. (2022, June 11). *Microsoft eliminates controversial practices to protect workers and comply with state law*. The Seattle Times. <https://www.seattletimes.com/business/microsoft-eliminates-controversial-practices-to-protect-workers-and-comply-with-state-law/>

¹⁵⁵ Novet, J. (2022, November 15). *Microsoft will update harassment policy after report shows pitfalls in handling in complaints*. CNBC. <https://www.cnbc.com/2022/11/15/microsoft-will-update-sexual-harassment-policy-after-arentfox-report.html>

¹⁵⁶ Van Boom, D. (2019, April 4). *Microsoft employees protest 'boys club' culture to CEO Satya Nadella*. CNET. <https://www.cnet.com/tech/tech-industry/microsoft-employees-protest-sexist-company-culture-to-ceo-satya-nadella/>

3. Child labour in sourcing raw materials

In 2020, international rights advocates filed a class complaint against Microsoft and other tech companies, alleging the ‘cruel and brutal use of young children’ to mine cobalt in the Democratic Republic of Congo.¹⁵⁷ Although the lawsuit was dismissed in 2021 by a judge in the US District Court of Columbia, it was dismissed only as it relates to claims under the Trafficking Victims Protection Reauthorization Act of, 2013, and that neither did the plaintiffs claim that they were forced to work under threat of serious harm, a requirement under the Act, nor did the plaintiffs allege a specific action connected to these defendant companies.¹⁵⁸

Microsoft currently claims to use artisanal miners who generally run informal operations of Congolese nationals operating with rudimentary tools and no safety equipment. In fact, in 2019, Microsoft had 99.6 percent Smelters or Refiners (SOR)¹⁵⁹ in conformance to the Cobalt Refiner Supply Chain Due Diligence Standard.¹⁶⁰ In 2020, this dipped to 78.7 per cent. In 2021, it continued to decline to 73.9 percent while Microsoft believed it was justified in not terminating businesses with any of its suppliers.

4. Widespread employee layoffs

As of January 2023, Microsoft also aims to lay off 10,000 workers – or approximately five percent of its workforce – to trim costs and pull back on the aggressive hiring process before the pandemic. This is despite the fact that Microsoft – like many others in the tech industry – continues to earn billions of dollars in profits. Microsoft’s annual revenue grew by 58 per cent over the last three years.¹⁶¹ Despite this, Nadella stated that the tech industry will have to ‘get efficient’.¹⁶² This is similar to the layoffs of 2017¹⁶³, and prior to that in 2014, when Microsoft cut off 18,000 people after acquiring Nokia’s devices and services businesses.¹⁶⁴ This is one of the largest cuts in Microsoft.¹⁶⁵

¹⁵⁷ Mudukuti, A. (2020, January 13). *The Mighty Apple, Google, Tesla, Dell and Microsoft in “the dock” – A Look at the Child Labour Lawsuit*. *OpinioJuris*.

<http://opiniojuris.org/2020/01/13/the-mighty-apple-google-tesla-dell-and-microsoft-in-the-dock-a-look-at-the-child-labour-lawsuit/>

¹⁵⁸ Nelson, J. (2021, November 4). *Federal court dismisses child labour case against major tech companies*. *Jurist*.

<https://www.jurist.org/news/2021/11/federal-court-dismisses-child-labor-case-against-major-tech-companies/>

¹⁵⁹ Sinclair, B. (2022, December 8). *Industry shows zero improvement on conflict minerals sourcing*. *Games Industry.biz*.

<https://www.gamesindustry.biz/industry-shows-zero-improvement-on-conflict-minerals-sourcing>

¹⁶⁰ Cech, A. (2022, February 9). *The Revised Cobalt Refiner Supply Chain Due Diligence Standard – Supporting responsible production efforts of companies*. Cobalt Institute.

<https://www.cobaltinstitute.org/news/the-revised-cobalt-refiner-supply-chain-due-diligence-standard-supporting-responsible-production-efforts-of-companies/>

¹⁶¹ Weise, K. (2023, January 18). *Microsoft to Lay Off 10,000 Workers as It Looks to Trim Costs*. *New York Times*.

<https://www.nytimes.com/2023/01/18/business/microsoft-layoffs.html>

¹⁶² Moneycontrol. (2023, January 18). *LIVE Davos, 2023, Conversation with Satya Nadella, CEO Microsoft* [Video]. Youtube.

<https://www.youtube.com/watch?v=DS1sdsn7rTg>

¹⁶³ Haselton, T. & Fortt, J. (2017, July 6). *Microsoft plans thousands of job cuts in a sales staff overhaul to fuel cloud growth*. *CNBC*.

<https://www.cnn.com/2017/07/06/microsoft-will-layoff-thousands-of-employees.html>

¹⁶⁴ US Securities and Exchange Commission (2014, July 17). *Microsoft announces steps to simplify organization and align devices strategy*. SEC. <https://www.sec.gov/Archives/edgar/data/789019/000119312514271285/d758424dex991.htm>

¹⁶⁵ Warren, T. (2023, January 18). *Microsoft announces big layoffs that will affect 10,000 employees*. *The Verge*

<https://www.theverge.com/2023/1/18/23560315/microsoft-job-cuts-layoffs-2023-tech>

IBM

I. Company brief

IBM is a multinational technology company with headquarters in New York, US. It has operations in over 170 countries, and as of December 2022, it was ranked 88th among the top 100 biggest companies in the world.¹⁶⁶ IBM primarily makes money from hardware and software products including computers, servers, storage systems, networking equipment, etc. IBM's revenue for the twelve months preceding March 31, 2023, was US\$60.53 billion¹⁶⁷, with a 5.54 per cent increase from the previous year. As of 2022¹⁶⁸ IBM had over 245,000 employees across the world. According to one source, approximately 32 per cent of IBM employees are women.

II. IBM's human rights commitments

In 2019, the company adopted a Human Rights Statement of Principles¹⁶⁹ which represents the company's commitment towards international norms such as the UDHR, the ILO Declaration on Fundamental Principles and Rights at Work, as well as the UN Guiding Principles on Business and Human Rights. IBM claims to be committed to high standards of corporate responsibility across all functions¹⁷⁰, including respecting and protecting human rights. Finally, IBM has a Modern Slavery Act Transparency Statement¹⁷¹, as required under the UK's Modern Slavery Act of 2015, to ensure that none of IBM's supply chains has human trafficking or slavery.

III. IBM's labour practices

1. Institutional discrimination

In 2019, IBM was accused of discriminating against its workers based on age and compelling older employees out of their jobs to replace them with younger workers.¹⁷² According to the lawsuit, the workers had to sign waivers affecting their rights to get their severance packages.¹⁷³ Moreover, IBM's confidentiality rules regarding arbitration¹⁷⁴ also reflect a broad secrecy requirement making it difficult for employees to enforce their right to communicate

¹⁶⁶ Neufeld, D. (2022, December 26). *Ranked: The 100 Biggest Companies in the World*. Visual Capitalist. <https://www.visualcapitalist.com/biggest-public-companies-in-the-world-2022/>

¹⁶⁷ Statista. (n.d.). *IBM revenue worldwide from 2010 to 2022 by segment*. Statista. <https://www.statista.com/statistics/274823/ibms-global-revenue-by-segment/>

¹⁶⁸ Shvartsman, D. (2023, April 28). *IBM: The Most Innovative and Prizewinning Tech Company*. Investing. <https://www.investing.com/academy/statistics/ibm-facts/>

¹⁶⁹ IBM. (n.d.). *IBM Human Rights Statement of Principles*. IBM. https://www.ibm.com/ibm/responsibility/ibm_humanrightsprinciples.html

¹⁷⁰ IBM. (2023). *IBM Business Conduct Guidelines*. IBM. https://www.ibm.com/investor/att/pdf/IBM_Business_Conduct_Guidelines.pdf

¹⁷¹ IBM. (n.d.). *Modern Slavery Act Transparency Statement for 2021*. IBM. <https://www.ibm.com/downloads/cas/EG7RMOMG>

¹⁷² Gosselin, P. & Tobin, A. (2018, March 22). *Cutting 'Old Heads' at IBM*. ProPublica. <https://features.propublica.org/ibm/ibm-age-discrimination-american-workers/>

¹⁷³ Scheiber, N. (2022, February 12). *Making 'Dinobabies' Extinct" IBM's Push for a Younger Work Force*. New York Times. <https://www.nytimes.com/2022/02/12/business/economy/ibm-age-discrimination.html>

¹⁷⁴ Eidelson, J. (2021, November 17). *IBM arbitration gag Rules Are Illegal, Fired Workers Say*. Bloomberg. <https://www.bloomberg.com/news/articles/2021-11-18/ibm-arbitration-gag-rules-are-illegal-fired-workers-say#xj4y7vzkg>

with each other. Further, according to the plaintiffs' attorney, IBM has removed older employees from its workforce in a systematic manner and concealed relevant information which could detect the discrimination in these actions.¹⁷⁵ It denies them access to information that can help them decide and be made aware whether they have been victims of age-based discrimination even though the company is legally required to.¹⁷⁶ Although this class suit was dismissed on the basis that the agreements merely barred former employees from joining class action suits and did not strip them of their individual rights¹⁷⁷, the US Equal Employment Opportunity Commission had concluded that IBM's defence in the age discrimination did not withstand scrutiny.¹⁷⁸ The company has been settling many of these suits, including *Lohnn v. IBM*¹⁷⁹, *Langley v. IBM*¹⁸⁰, *Schenfeld v. IBM*¹⁸¹, *Lacano v. IBM*¹⁸², *Keebaugh v. IBM*¹⁸³ and *VanDeWeghe v. IBM*¹⁸⁴ amongst others.¹⁸⁵ In January 2023, the company settled with eight other former employees who alleged that the company had created a fire-and-hire scheme to lay off workers who were over 40 years and replaced them with younger workers.¹⁸⁶

2. Permatemp workers

Further, IBM brought back some of its older employees as contract workers to perform the same work for lower pay and fewer benefits.¹⁸⁷ This echoes the general policy in tech companies of having more contract workers or temporary workers/vendors in order to reduce costs. In 2019, IBM had tried to stop the unionisation of workers in Ottawa¹⁸⁸, who had alleged that IBM was their true employer. According to workers, IBM wanted to avoid risks by severing the ties between the company and individual workers in order to reduce its liabilities in terms of employee benefits and other entitlements based on labour laws.

¹⁷⁵ American Association of Retired Persons. (2019, April 3). IBM Faces Age Discrimination Lawsuit. AARP. <https://www.aarp.org/work/age-discrimination/ibm-age-discrimination-case/>

¹⁷⁶ Gosselin, P. & Tobin, A. (2018, March 11). *Inside IBM's Purge of Thousands of Workers Who Have One Thing in Common*. MotherJones. <https://www.motherjones.com/crime-justice/2018/03/ibm-propublica-gray-hairs-old-heads/>

¹⁷⁷ Wiessner, D. (2022, July 14). *Judge upholds IBM Workers' arbitration pacts in age bias legislation*. Reuters. <https://www.reuters.com/legal/litigation/judge-upholds-ibm-workers-arbitration-pacts-age-bias-litigation-2022-07-14/>

¹⁷⁸ US Equal Employment Opportunity Commission New York District Office. (n.d.). *Determination*. <https://www.documentcloud.org/documents/7206573-2020-09-02-IBM-LOD-Amended-Final-1-003.html>

¹⁷⁹ *Lohnn v. International Business Machines Corporation*, 21-CV-6379 (LJL) as cited in Claburn, T. (2022, August 16). *Dinobabies latest: IBM settles with widow of exec who killed himself after layoff*. The Register. https://www.theregister.com/2022/08/16/ibm_dinobabies_case_settled/

¹⁸⁰ *Langley v. International Business Machines Corporation*, A-18-CV-443-DAE as cited in Claburn, T. (2020, April 15). *IBM age discrimination lawsuit suddenly ends, suggests Big Blue was willing to pay to avoid discovery process*. The Register. https://www.theregister.com/2020/04/15/ibm_age_discrimination_lawsuit/

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