

# Amazon's Bold Return-To-Office Policy: A Legal Perspective



Effective January 2, 2025, Amazon employees worldwide were mandated to return to the office on a full-time basis. Amazon employees have been under hybrid arrangements that require working in the office three days per week since May 2023. The news was, unsurprisingly, unpopular among many employees, 500 of whom sent a letter to the CEO in October protesting the return-to-office ("RTO") mandate, while others are reported to be "rage applying" to other jobs that offer hybrid work arrangements and more flexibility.

## **Legal recourses for Amazon's employees**

From an employment law perspective, Amazon's directive raises questions about the legality of Amazon's RTO policy, and what (if any) recourses employees have to maintain their remote or hybrid work arrangements.

The starting point would be to review the applicable employment contract. If remote work was a term of the contract, it will be much more difficult to order employees to return to the office full-time without triggering a constructive dismissal. A constructive dismissal takes place when an employer makes a substantial change to a term of employment, such as a significant decrease in salary, a demotion, or unreasonable changes to an employee's working hours or place of work. Where a constructive dismissal is found, an employee is entitled to the same remedies as if they had been dismissed (i.e. a severance package).

However, if the employment contract is silent on the issue and remote work was offered as a temporary measure, the implications of an RTO directive are less certain. After all, employers cannot breach terms of contract, but they can revoke a gratuitous privilege. It all comes down to how significant the change is (i.e. revoking hybrid arrangements), how hybrid arrangements were communicated in the first place (i.e. as a temporary arrangement subject to change at any time) and other factors, such as whether the employment contract has any other terms that can be relied on that give employers the discretion to make changes in the workplace.

Finally, employers should be mindful of human rights law and whether they must make exceptions to RTO directives as a form of accommodation. For example, some employees may need to work from home due to disability or child and eldercare responsibilities. If the reason why an employee requires an exception to an RTO requirement is due to a prohibited ground of discrimination, employers should take such requests seriously

before deciding whether to provide an exception or insist on returning to the office.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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