

The Teamster 2023 Worker Protection Package

Questions can be directed to IBT

State Legislative Director John Mataya at:

jmataya@teamster.org

(202) 753-9362



**Department of Political
and Legislative Action**

What is the Worker Protection Package?

Three model bills strategically chosen, taking several factors into account:

1. Helps further an existing priority of the IBT
2. Either challenges or supports ongoing trends in state legislatures
3. Easy to understand and energize members and allies around
4. General enough to fit into most states



***Department of Political
and Legislative Action***

The Warehouse Worker Protection Act

- The bill is based off bills passed in California (2021) and New York (2022) and introduced this year in CT, MN, NH, and WA.
- Requires large warehouses to disclose quotas that workers are judged by, both upon a worker being hired and every time the quota is changed
- Ensures that workers shall not be required to meet a quota that interferes with workers' health and safety compliance
- Allows workers to request a written description of their quota, their own work speed data, and aggregated work speed data of similar workers



***Department of Political
and Legislative Action***

The Warehouse Worker Protection Act

- Protects workers against retaliation for requesting data or exercising any rights under the bill
- Provides a mechanism where if a facility has an annual injury rate of at least one-and-a-half times as high as the warehouse industry's average annual injury rate, a state investigation is triggered
- Permits a private right of action for injunctive relief to obtain compliance with the bill and to recover any damages done by the employer



**Department of Political
and Legislative Action**

Why is the Warehouse Worker Protection Act Needed?

- The bill is quickly catching on as one legislative remedy to address Amazon's abuses in their warehouse
- While not the silver bullet to Amazon, the bill allows us to:
 - Protect abused Amazon workers
 - Protect the standards of the traditionally middle-class warehouse industry
 - Keep Amazon on the defensive in state legislatures across the country
 - Continue to shine a light on Amazon's abysmal injury and turnover rates
 - Reinforce the Teamsters as the lead union pushing back on Amazon



**Department of Political
and Legislative Action**

Warehouse Worker Protection Act Bill Explainer

As Amazon has raked in billions of dollars in profits over the course of the pandemic, the company's obsession with speed has led to overwhelming injury rates in their warehouses, skyrocketing worker turnover, and downward pressure on the warehouse industry as whole, hurting responsible employers. In 2021, injury rates at Amazon facilities were more than double compared to rival companies¹, with turnover rates as high as 150%², churning through the workforce and decimating communities.

Currently in Amazon warehouses, as in many workplaces, workers are required to meet certain benchmarks and quotas while they work. However, unlike in union warehouses, where a negotiated contract makes it clear what to expect from both the worker and management's perspective, workers at Amazon are not told their quota. Workers are then forced to perform against an "invisible clock", under constant threat of discipline or termination, leading to physical injury and extreme mental stress. While full unionization is the ultimate remedy to Amazon's abuses, bills like the Warehouse Worker Protection Act (WWPA) are an important step in helping Amazon workers and protecting what has traditionally been a middle-class industry.

The WWPA helps workers, communities, and responsible businesses by doing the following:

1. Requiring employers to provide a written description of any quota and any potential adverse employment action upon the employee's hire date and anytime the quota is changed.
2. Not allowing adverse action against an employee who failed to meet a quota that was either not disclosed to the worker or that prevented compliance with meal breaks, rest periods, or use of bathroom facilities.
3. Allowing workers to request their work speed data along with aggregate data for similar employees in the facility.
4. Protecting workers against retaliation for requesting data or exercising any rights under the bill.
5. Providing a mechanism where if a facility has an annual injury rate of at least one-and-a-half times as high as the warehouse industry's average annual injury rate as published by the Bureau of Labor Statistics' most recent Fatal and Non-fatal Occupational Injuries and Illnesses data³, a state investigation will be triggered.
6. Permitting a private right of action for injunctive relief to obtain compliance with the bill and to recover any damages done by the employer.

The WWPA is based on legislation that was introduced in 2021-2022 in states across the country, including in CA, CT, MN, NH, NJ, NY, and WA. The bill has been signed into law in CA and is currently awaiting the Governor's signature in NY.

Amazon's abuses are only getting worse and have recently spurred federal investigations into unsafe working conditions⁴. State lawmakers are in a position to lead on this issue and take desperately needed action on behalf of workers across their state. The Teamsters will continue to lead efforts to pass legislation to help all workers impacted by these abuses and support elected officials who stand with us.

¹ <https://www.cnn.com/2022/04/12/study-amazon-workers-suffer-serious-injuries-at-twice-rate-of-rivals.html>
<https://thesoa.org/what-we-do/the-injury-machine-how-amazons-production-system-hurts-workers/>

² <https://www.nytimes.com/interactive/2021/06/16/us/amazon-workers.html>

³ <https://www.bls.gov/lif/oshstate.htm>

⁴ <https://abcnews.go.com/Business/amazon-warehouses-investigation-federal-prosecutors-department-labor/story?id=87028901>



TEAMSTER WORKER PROTECTION PACKAGE



facebook.com/teamsters



@Teamsters on Twitter



@teamsters on Instagram



Sign Up for Updates-Text "IBT" to 86466

Warehouse Worker Protection Act Fact Sheet

- Large warehouses run by billion-dollar companies, most notably Amazon, have seen a huge surge in online orders since the COVID-19 pandemic.
- While these companies make billions in profits, they abuse their employees through secret and unreasonable quotas in their warehouses.
- A 2021 study showed that Amazon's injury rates are **more than double** the injury rate of competing warehouses, with an increase of 20% from 2020 to 2021¹.
- At Amazon facilities, workers are judged by a quota rate that is not disclosed to them, being forced to work against an invisible clock every day.
- In turn, workers feel the pressure to meet this quota, risking their health and safety in order to not lose their job, creating a culture of fear in the workplace.
- Not surprisingly, these abusive quotas have led to skyrocketing injury and turnover rates of 150%². According to internal documents from Amazon, the company could exhaust the warehouse labor market by 2024³ and destroy what traditionally has been a middle-class industry.
- By allowing Amazon and other employers to get away with this practice, it creates a race to the bottom in the warehouse industry, putting pressure on employers who are doing the right thing.
- At Teamster/union facilities, where management and workers negotiate a fair contract, work expectations are known, safety is prioritized, and workers can have a long and healthy career.
- One way to protect both Amazon workers and the warehouse industry as a whole is through the Warehouse Worker Protection Act.
- The Warehouse Worker Protection Act has been passed in California, New York and was introduced in several other states across the country (CT, MN, NH, and WA) in 2021.
- The bill requires large warehouses to disclose quotas that workers are judged by, both upon a worker being hired and every time the quota is changed.
- The bill ensures that workers shall not be required to meet a quota that interferes with workers' health and safety, the ability to take breaks, and to use the bathroom.
- The bill also allows workers the ability to request a written description of the quota, their own work speed data, and aggregated work speed data for similar employees in the facility.
- The bill protects against retaliation for any of the above sections.

¹ <https://www.cnn.com/2022/04/12/study-amazon-workers-suffer-serious-injuries-at-twice-rate-of-rivals.html>

<https://thesoc.org/what-we-do/the-injury-machine-how-amazons-production-system-hurts-workers/>

² <https://www.nytimes.com/interactive/2021/04/15/us/amazon-workers.html>

³ <https://www.vox.com/recode/23170900/leaked-amazon-memo-warehouses-hiring-shortage>



TEAMSTER WORKER PROTECTION PACKAGE

 [facebook.com/teamsters](https://www.facebook.com/teamsters)

 @Teamsters on Twitter

 @teamsters on Instagram

 Sign Up for Updates—Text "IBT" to 86466

Warehouse Worker Protection Act Bill Text

Definitions. As used in this article:

1. "Defined time period" means any unit of time measurement equal to or less than the duration of an employee's shift, and includes hours, minutes, and seconds and any fraction thereof.
2. "Designated employee representative" means any employee representative, including but not limited to an authorized employee representative that has a collective bargaining relationship with the employer.
3. "Employee" means a nonexempt and non-administrative employee who works at a warehouse distribution center and is subject to a quota as defined in this section.
4. (a) "Employee work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's performance of a quota, including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks.
(b) "Aggregated data" means information that an employer has combined or collected together in summary or other form such that the data cannot be identified with any individual.
5. "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary services, or staffing agency, independent contractor, or any similar entity, at any time in the prior twelve months, employs or exercises control over the wages, hours, or working conditions of one hundred or more employees at a single warehouse distribution center or five hundred or more employees at one or more warehouse distribution centers in the state.

For the purposes of this subdivision: (a) all employees employed directly or indirectly, or through an agent or any other person, as described in the opening paragraph of this subdivision, as well as any employee employed by a member of a controlled group of corporations of which the employer is a member, shall be counted in determining the number of employees employed at a single warehouse distribution center or at one or more warehouse distribution centers in the state; and (b) all agents or other persons, as described in the opening paragraph of this subdivision, and all members of a controlled group of corporations of which the employer is a member, shall be deemed to be employers and shall be jointly and severally responsible for compliance with this article. For purposes of this subdivision, the term "controlled group of corporations" shall be defined as provided under Section 1563 of the Internal Revenue Code, 26 U.S.C. section 1563, except that fifty percent shall be substituted for eighty percent where eighty percent is specified in that definition.
6. "Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.

7. "Quota" means a work standard which:

(a) an employee is assigned or required to perform: (i) at a specified productivity speed; or a quantified number of tasks, or to handle or produce a quantified amount of material, within a defined time period; or (b) an employee's actions are categorized between time performing tasks and not performing tasks, and the employee's failure to complete a task performance standard or recommendation may have an adverse impact on the employee's continued employment or the conditions of such employment.

8. "Warehouse distribution center" means an establishment as defined by any of the following North American industry classification system ("NAICS") codes, however such establishment is denominated:

- (a) four hundred ninety-three for warehousing and storage;
- (b) four hundred twenty-three for merchant wholesalers, durable goods;
- (c) four hundred twenty-four for merchant wholesalers, nondurable goods;
- (d) four hundred fifty-four thousand one hundred ten for electronic shopping and mail-order houses; or
- (e) four hundred ninety-two thousand one hundred ten for couriers and express delivery services.

Quotas. Each employer shall provide to each employee, upon hire, or within thirty days of the effective date of this article, a written description of each quota to which the employee is subject, including the quantified number of tasks to be performed or materials to be produced or handled, within the defined time period, and any potential adverse employment action that could result from failure to meet the quota. Each time the quota changes thereafter, the employer shall provide an updated written description of each quota to which the employee is subject within two business days of such quota change. Each time an employer takes an adverse employment action against an employee, the employer shall provide that employee with the applicable quota for the employee.

Protection from quotas. An employee shall not be required to meet a quota that prevents compliance with meal or rest periods or use of bathroom facilities, including reasonable travel time to and from bathroom facilities. An employer shall not take adverse employment action against an employee for failure to meet a quota that does not allow a worker to comply with meal and rest periods or for failure to meet a quota that has not been disclosed to the employee pursuant to section seven hundred eighty-one of this article.

Time on task. Consistent with existing law, paid and unpaid breaks shall not be considered productive time for the purpose of any quota or monitoring system unless the employee is required to remain on call.

Recordkeeping.

1. Each employer shall establish, maintain, and preserve contemporaneous, true, and accurate records of the following:

(a) each employee's own personal work speed data; (b) the aggregated work speed data for similar employees at the same establishment; and (c) the written descriptions of the quota such employee was provided pursuant to section seven hundred eighty-one of this article. Such records shall be maintained and preserved throughout the duration of each employee's period of employment and made available to the commissioner upon request.

2. Subsequent to any employee's separation from the employer, such records relating to the six month period prior to the date of the employee's separation from the employer shall be preserved for a period of time not less than three years subsequent to the date of such employee's separation and made

available to the commissioner upon request. Nothing in this section shall require an employer to keep such records if such employer does not use quotas as defined in this article or monitor work speed data.

Right to request.

1. A current employee has the right to request a written description of each quota to which the employee is subject, a copy of the employee's own personal work speed data, and a copy of the prior six months of aggregated work speed data for similar employees at the same establishment.
2. A former employee has the right to request, within three years subsequent to the date of his or her separation from the employer, a written description of the quota to which they were subject as of the date of their separation, a copy of the employee's own personal work speed data for the six months prior to their date of separation, and a copy of aggregated work speed data for similar employees at the same establishment for the six months prior to their date of separation.
3. Such requested records pursuant to this section shall be provided at no cost to the current or former employee.
4. The employer shall provide such requested records pursuant to this section as soon as practicable, provided that requested written descriptions of the quota shall be provided no later than two business days following the date of the receipt of the request and requested personal work speed data and aggregated work speed data shall be provided no later than seven business days following the date of the receipt of the request.
5. Nothing in this section shall require an employer to use quotas as defined in this article or monitor work speed data. An employer that does not monitor this data has no obligation to provide it.

Unlawful retaliation.

1. No person, including but not limited to an employer, his or her agent, or person acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discharge or in any way retaliate, discriminate or take adverse action against any person for exercising any rights conferred under this article, or for being perceived as exercising rights conferred by this article, including but not limited to:
 - (a) Initiating a request for information about a quota or personal work speed data pursuant to subdivision one of XXX of this article (Right to request section).
 - (b) Making a complaint related to a quota alleging any violation of section XXX (Quotas section), section XXX (Protection from quotas section), section XXX (Time on task section), or section XXX (Right to request section) to the commissioner, any other local, state, or federal governmental agency or official, or the employer.
2. An employee need not explicitly refer to this article or the rights enumerated herein to be protected from an adverse action. Protections of this section shall apply to former employees and to employees who mistakenly but in good faith allege violations of this article.
3. If a person takes adverse action against an employee within ninety days of the employee's engaging or attempting to engage in activities protected by this article, such conduct shall raise a rebuttable presumption that the action is an adverse action in violation of this article. Such presumption may be

rebutted by clear and convincing evidence that: (a) the action was taken for other permissible reasons; and (b) the engaging or attempting to engage in activities protected by this article was not a motivating factor in the adverse action.

Enforcement. The commissioner shall adopt rules and regulations implementing the provisions of this article. The commissioner shall be authorized to enforce the provisions of this article and to assess civil penalties in a manner consistent with state law.

Workplace inspections – If a particular worksite or employer is found to have an annual employee injury rate of at least one and one-half times as high as the warehousing industry's average annual injury rate as published by the Bureau of Labor Statistics' most recent Fatal and Non-fatal Occupational Injuries and Illnesses data, the commissioner shall conduct an investigation of violations pursuant to this article.

Private right of action – A current or former employee or his or her representative may bring an action for injunctive relief to obtain compliance with this article and may, upon prevailing in the action, recover costs and reasonable attorney's fees in such action. In any action involving a quota that prevented the compliance with applicable regulations on workplace safety and health or meal or rest break requirements, the injunctive relief shall be limited to suspension of the quota and restitution and injunctive relief to address any retaliation or other adverse action taken by the employer in relation to the complaint or its enforcement. In any action involving a retaliation in violation this article, in addition to the relief authorized above, a prevailing current or former employee or his or her representative shall be awarded damages equal to the greater of ten thousand dollars or three times the actual damages, including, but not limited to, unpaid wages and benefits.

Other powers. The attorney general, either upon his or her own complaint or the complaint of any person acting for themselves or the general public, has the authority to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of the commissioner.

4. **Severability.** If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

5. This act shall take effect on the sixtieth day after it shall have become a law.

Below are suggested provisions that can be used to expand the bill.

Notice of Quota Changes – In addition to prohibition of discipline for failing to meet an undisclosed quota, another option would be to also set a penalty for failure to disclose, such as \$100 (or more) per employee per pay period in which an employee must work under the undisclosed quota – Could be difficult to prove if the quota has not been disclosed.

Posting of Notices in the workplace related to quotas – Require that employers subject to bill post a notice in the workplace regarding workers' rights under the bill, including what constitutes a permissible quota, and employees' right to request quota and speed date information, and to make a complaint to various state authorities regarding violation of an employee's quota rights.

Requirements for basing discipline on quota compliance – The provision could place procedural limitations on discipline that is based on a failure to meet a given quota. For example, could require that if the employer wishes to discipline an employee for work under quota, must provide a written explanation to the employee regarding the manner in which the employee failed to perform, including the applicable quota and comparison of work performance to that standard.

A SPECIAL REPORT FROM THE
STRATEGIC ORGANIZING CENTER

MAY 2022

THE WORST MILE

PRODUCTION PRESSURE AND THE
INJURY CRISIS IN AMAZON'S
DELIVERY SYSTEM



STRATEGIC
ORGANIZING
CENTER

POWER
AT WORK

THE WORST MILE

PRODUCTION PRESSURE AND THE INJURY CRISIS IN AMAZON'S DELIVERY SYSTEM

ABOUT THE STRATEGIC ORGANIZING CENTER

The Strategic Organizing Center (SOC) is a democratic coalition of four labor unions: Service Employees International Union (SEIU), International Brotherhood of Teamsters (IBT), Communications Workers of America (CWA) and United Farmworkers of America (UFW). Together, SOC-affiliated unions represent more than 4 million workers.

The SOC is a labor union innovation center dedicated to improving the lives of working people, partnering with its affiliates to develop effective strategies to support workers organizing for better lives for themselves and their families. We stand against structural racism and fight not only for jobs, but good jobs: safe, equitable workplaces where all employees are respected, paid living wages and have real power at work.

Learn more at thesoc.org



STRATEGIC
ORGANIZING
CENTER

POWER
AT WORK

Introduction

Amazon's e-commerce business boomed during the COVID-19 pandemic, tripling the company's profits from \$11.6 billion in 2019 to \$33.4 billion in 2021.¹ To fulfill its promise of fast delivery, Amazon raced to expand its fulfillment and delivery operations in the U.S., doubling its capacity in 24 months.² The company's delivery arm, Amazon Logistics, became the third-largest parcel carrier in the U.S. by the end of 2021 and has continued to grow rapidly since then.³ According to the company's own estimates, Amazon is likely to become the largest parcel carrier in the U.S. in the first half of 2022, managing a higher parcel delivery volume than even the United States Postal Service.⁴ In the same year that Amazon's founder, Jeff Bezos, pledged to make the company "Earth's Safest Place to Work," Amazon's enormous profits have come at great cost to its delivery workers, many of whom have had to sacrifice their bodies to meet the company's aggressive production demands.⁵

As of 2021, Amazon changed the way that it classified its facilities for purposes of reporting injury data to distinguish between parts of its operations that it believes are part of the "General Warehousing and Storage" industry and those that are part of the "Couriers and Express Delivery Services" industry.⁶ In this report, SOC's analysis focuses on Amazon's delivery system, which this report defines as including both the facilities that Amazon classifies in the "Courier and Express Delivery Services" industry and the company's last mile delivery contractors. The workers in Amazon's delivery system work at one of its facilities as direct employees, deliver packages as gig workers via Amazon's Flex app, or drive for one of Amazon's delivery contractors, which Amazon calls Delivery Service Partners (DSPs).

Drivers hired by Amazon DSPs likely account for half of all Amazon delivery system workers in the U.S., yet the company does not include these drivers in its public reporting of injury rates.⁷ Amazon has designed its DSP program such that it can maintain extensive control over DSPs' operations and employees, yet dodge responsibility for the human toll of its intense productivity demands.⁸

SOC's analysis found that drivers for Amazon DSPs experienced one injury per five full-time-equivalent workers in 2021— a nearly 40 percent increase above the previous year's injury rate.



This report analyzes injury data that Amazon and its delivery contractors submitted to the Occupational Safety and Health Administration (OSHA) for 2020 and 2021. SOC's analysis found that drivers delivering packages for Amazon DSPs were injured at an astounding rate of nearly one injury per five full-time-equivalent workers in 2021 (18.3 per 100 workers) – a nearly 40 percent increase above the previous year's injury rate. Delivery stations, the facilities where Amazon workers prepare packages for delivery, continue to be the most dangerous type of Amazon facility, with average injury rates more than 40 percent higher than the company's already dangerous warehouses.⁹ Amazon's delivery system facilities overall, as reported without DSPs, remain more dangerous than the rest of the industry, with injury rates 13 percent higher than the non-Amazon industry average.¹⁰

SOC's analysis of Amazon's injury data raises major questions about the company's management of safety issues in its delivery operations, and about the company's public claims regarding its safety record. Recently, CEO Andy Jassy wrote to Amazon shareholders and claimed that Amazon's injury rates were "a little lower than the average of our courier and delivery peers."¹¹ This claim is misleading on multiple levels: it uses outdated data, a skewed industry comparison, and excludes Amazon's enormous contracted delivery driver workforce from the company's injury rate. (See Page 6)

Amazon workers must continue to organize for safe jobs, shareholders must demand accountability from the board and executives, and enforcement agencies must scrutinize the company's abject management failures -- until Amazon finally starts to put workers' safety before production and profits.





WATCH LIVE

TECH

Amazon cited by Labor Department for exposing warehouse workers to safety hazards

PUBLISHED WED, JAN 18 2023 11:55 AM EST UPDATED WED, JAN 18 2023 2:29 PM EST



Annie Palmer
@ANNIERPALMER

WATCH LIVE

KEY POINTS

Amazon was cited by the Department of Labor at three of its warehouses.

Federal officials found Amazon workers at the facilities were exposed to “ergonomic hazards” such as lower back injuries.

Amazon faces ongoing federal probes into its workplace safety record.

Follow your favorite stocks [CREATE FREE ACCOUNT](#)

In this article

AMZN +0.19 (+0.19%)



- Amazon was cited this week at three warehouses in Illinois, Florida, and New York – a development that highlights the need for reforms like the Warehouse Worker Protection Act, currently introduced in several states. The [Dept. of Labor news release](#) cites that “OSHA investigators found Amazon warehouse workers at high risk for lower back injuries and other musculoskeletal disorders related to the high frequency with which workers are required to lift packages and other items; the heavy weight of the items; awkward postures, such as twisting, bending and long reaches while lifting; and long hours required to complete assigned tasks. OSHA also reviewed on-site injury logs required by OSHA and discovered that Amazon warehouse workers experienced high rates of musculoskeletal disorders”. Check out this [tweet](#) from General President, Sean O'Brien, bringing attention to worker safety concerns in Amazon facilities.

More Worker Protection Package bills are on the verge of being introduced in both the above states and other states throughout the country. If your state is moving forward with any of the bills from the Worker Protection Package, please coordinate with John Mataya (jmataya@teamster.org) so we can highlight your efforts in these emails and elsewhere!

Thank you for staying tuned in, and we look forward to seeing you on the February PC Call on February 14th at 2pm EST!

Sent via [ActionNetwork.org](#). To update your email address, change your name or address, or to stop receiving emails from Teamsters, please [click here](#).



Overview of Injury Data

Amazon claims to have spent \$300 million on worker safety initiatives in 2021, yet workers across its delivery system; at delivery stations, sortation centers, and DSPs, were injured at higher rates in 2021 than in 2020.³³ Further, SOC's analysis found that workers at Amazon DSPs and in Amazon delivery stations were injured at substantially higher rates and with greater severity than workers at non-Amazon delivery companies.³⁴ Moreover, the full scope of injuries is omitted from Amazon's own descriptions of its safety record as a result of Amazon's extensive use of purportedly independent contractors.

The SOC's analysis is based on internal injury reporting data that Amazon and other employers provided to OSHA in 2020 and 2021. All employers in the warehouse, delivery, grocery, or wholesale trade are legally required to submit their annual injury and illness reports to OSHA for any facility with 20 or more employees.

Since Amazon does not report injury information for its delivery drivers, the contracted DSP operators are separately obliged to report that data to OSHA. SOC was able to identify 201 DSPs that submitted injury records to OSHA in 2021, roughly 10 percent of Amazon's DSPs in the U.S., and based its analysis of DSP driver injury rates on this set of data.³⁵

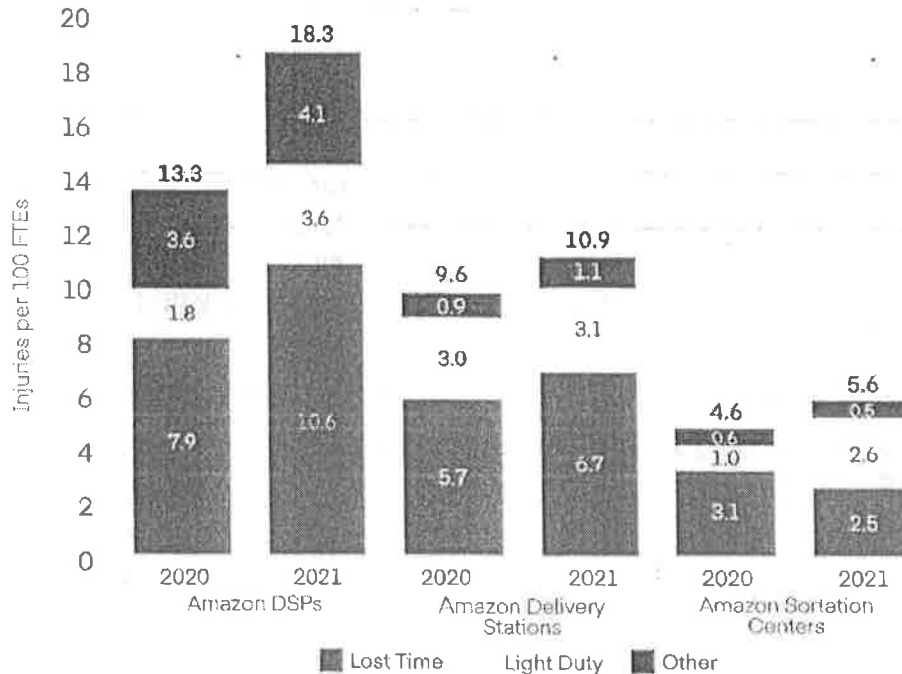
Year-over-year injury rates in the Amazon delivery system, 2020 and 2021

SOC's analysis found that contracted Amazon DSP drivers were injured at the shocking rate of 18.3 per 100 workers in 2021, nearly one injury per five workers—as shown in Figure 1.³⁶ This is a 38 percent increase over the 2020 rate. Amazon delivery station workers were also injured at a high rate in 2021: 10.9 injuries per 100 workers, almost 15 percent higher than the year prior.³⁷ Workers at Amazon's sortation centers, the least dangerous facilities within Amazon's delivery system, experienced 20 percent more injuries in 2021 than in 2020.

THE WORST MILE:

PRODUCTION PRESSURE AND THE INJURY CRISIS IN AMAZON'S DELIVERY SYSTEM

FIGURE 1: Injury Rates at Amazon DSPs, Delivery Stations, and Sortation Centers by Injury Category, 2020 and 2021



The rate of serious injuries in Amazon's delivery system – defined as those in which workers are hurt so badly that they either cannot perform their regular job functions (light duty) or are forced to miss work entirely (lost time) – increased substantially from 2020 to 2021, outpacing the growth in the overall injury rate. In 2021 Amazon DSP drivers sustained serious injuries at a rate of one injury per seven workers (14.2 serious injuries per 100 workers), 47 percent higher than in 2020 (9.7 per 100 workers). Workers at sortation centers were seriously injured at a rate 24 percent higher than in the preceding year, and workers at delivery stations experienced 12 percent more serious injuries in 2021.

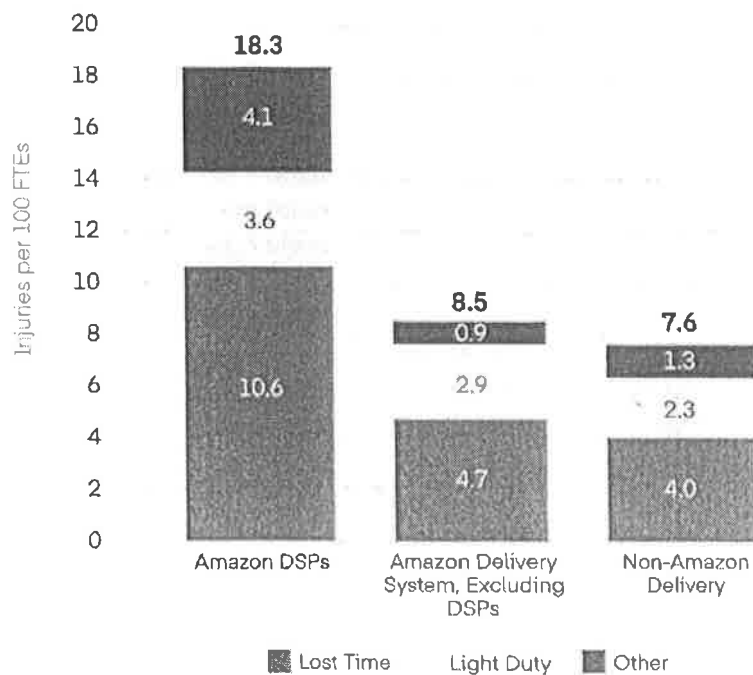
Comparing injury rates at Amazon vs. non-Amazon courier and delivery industry

For Amazon's directly employed delivery system workers, most of whom work in either delivery stations or sortation centers, the injury rate reported by Amazon for 2021 was 8.5 per 100 workers, 13 percent higher than the injury rate for the rest of the courier and delivery industry (7.6), as shown in Figure 2. SOC found an average injury rate for Amazon DSPs that submitted data to OSHA of 18.3 per 100 workers, nearly two-and-a-half times the rate of the non-Amazon delivery industry.



As of June 2021, an Amazon representative said that the company had 2,000 DSPs in the U.S. who had created 115,000 jobs.³⁸ This means that Amazon drivers could make up half (49 percent) of the workforce in Amazon's delivery system and outnumber its other last-mile delivery workers, those in delivery stations, by nearly two-to-one.³⁹ Amazon does not, however, report injury data for its DSP drivers. Amazon's choice not to disclose injury data for a large and dangerous segment of its delivery system artificially lowers its injury rates and obscures an apples-to-apples comparison of the company's performance with those of its industry peers.

FIGURE 2: Injury Rates by Injury Category for Amazon Delivery System, Amazon DSPs, and Non-Amazon Delivery, 2021



THE WORST MILE:

PRODUCTION PRESSURE AND THE INJURY CRISIS IN AMAZON'S DELIVERY SYSTEM

Amazon's Claims on Workplace Safety

In his first letter to shareholders published in April 2022, CEO Andy Jassy wrote "Our injury rates are sometimes misunderstood. . . In the last U.S. public numbers, our recordable incident rates were. . . a little lower than the average of our courier and delivery peers (7.6 vs. 9.1). . . but we don't seek to be average. We want to be best in class."⁴⁰ This claim is seriously misleading, in at least three ways:

First, Jassy is citing injury rates for 2020 in April 2022, after the company collected and reported an entire additional year of injury data to OSHA. SOC's analysis has shown that Amazon's injury rates in 2020 were substantially lower than in either 2019 or 2021, likely due to the company's decision to relax some production quotas as a result of the COVID-19 pandemic.⁴¹

Second, Jassy's letter claims to compare Amazon's "courier and delivery" operations with industry peers yet uses injury rates for Amazon that clearly exclude a massive segment of its delivery operations, its subcontracted delivery drivers. SOC's analysis found that these drivers made up about half of the workforce in Amazon's delivery system in 2021 and that DSP injury data submitted to OSHA shows shockingly high rates of injuries (18.3 per 100 workers) among Amazon drivers. Thus, Amazon is comparing a non-driver injury rate to an industry average that likely includes many delivery drivers employed by its competitors.⁴²

Third, Jassy's letter uses a cherry-picked industry comparison to make Amazon's injury rate look better. The actual industry average injury rate reported by the BLS for courier and delivery companies in 2020 was 7.5, yet Jassy and Amazon use a comparison figure of 9.1, which was the injury rate BLS reported for a subset of delivery establishments with employment between 250-999 employees.⁴³ Less than half of Amazon delivery system facilities fell in this category in 2020, but this was the only industry sub-category that had a higher injury rate than Amazon Logistics for the year.⁴⁴



Conclusion

Amazon's delivery quotas and production pressure are contributing to an escalating injury crisis among workers in every segment of Amazon's delivery system, from direct employees in sortation and delivery stations to contracted DSP drivers. Amazon claims to have taken several steps to promote safety, including increased surveillance of drivers.⁴⁶ Amazon has refused however, to address the core issue that fuels injuries in its delivery system: abusive delivery production demands. In fact, SOC analysis indicates injury rates for DSP drivers have gone up by 38 percent from 2020 to 2021 despite Amazon's introduction of additional surveillance in early 2021.⁴⁶ The real issue is Amazon's sky-high production pressure and delivery quotas which push Amazon workers to work too fast and DSP drivers to risk injury as they rush to hit delivery targets.

Rather than address the underlying issue that has led to Amazon DSP drivers getting injured at a rate more than twice the industry average in 2021, Amazon has structured its operations to insulate itself from responsibility for these workers' safety. Adding insult to injury, Amazon has made repeated public claims about injury rates in its delivery operations as if half of the workers who perform this work simply do not exist, misleading its workers, shareholders and the public about the true dangers that Amazon's operations create in communities across the nation.

Amazon does not lack the resources to make its workplaces safer. On the contrary, the company made record profits during the COVID-19 pandemic, \$21.3 billion in 2020 and \$33.4 billion in 2021, but its injury rates continued to climb.⁴⁷

Amazon's retail success was built on its ability to deliver packages fast. Amazon has shown that it is willing to ignore and deny the continuing and worsening injury crisis among its delivery system workers, despite their crucial role in the company's growth through the COVID-19 pandemic and beyond. Amazon will continue to squeeze its workers, and will continue to downplay its worker injuries, unless it is forced to take meaningful action to make its workplaces safer.

THE WORST MILE:

PRODUCTION PRESSURE AND THE INJURY CRISIS IN AMAZON'S DELIVERY SYSTEM

Appendix A: Methodology

Unless otherwise noted, all data on hours worked, injury numbers, and injury types are based on records submitted by Amazon to OSHA through OSHA's Injury Tracking Application ("ITA"). They are available in full at <https://www.osha.gov/Establishment-Specific-Injury-and-Illness-Data>. Injury rates including Total Recordable Injury Rate ("TRIR" or "Case Rate") and Serious Injury Rate ("DART") were calculated as aggregates, not simple averages, of the various rates at individual locations. Injury rates are reported as injuries per 100 "full-time-equivalent" employees. OSHA assumes that 2,000 employee-hours equals one full-time -equivalent annual employee (FTE).

Injury counts and hours worked were summed before calculating rates to ensure that rates were properly weighted and not skewed by smaller facilities. We use the term "injuries" to include both those cases recorded by Amazon as "injuries" and those recorded by Amazon as meeting OSHA's definition of work-related "illnesses." Work-related "illnesses" account for less than three percent of cases during the period covered by this analysis and could include heat-related conditions, skin diseases, respiratory conditions, and poisoning, among others.

This analysis covers Amazon's delivery system, including establishments that Amazon reported to OSHA under NAICS Code 492110, Couriers and Express Delivery Service, and establishments that the SOC has identified as an Amazon DSP. The analysis does not include Amazon Flex drivers because they do not report injuries to OSHA.

To identify Amazon DSPs, the SOC started with a full list of delivery companies which had reported their injury data to OSHA then excluded large companies known to be independent of Amazon, such as DHL, from the list. The SOC examined the remaining companies one-by-one, identifying Amazon DSPs through 1) job listings on Fountain, a third-party job listing website to which Amazon directs drivers interested in working for one of its DSPs (accessible here <https://amazon-na.fountain.com/jobs/amazon-delivery-service-partner>), 2) job listings on Indeed or other job sites in which a company identified itself as a DSP, and 3) a DSP's website or social media. The SOC classified a company as an Amazon DSP only if it exclusively delivers for Amazon and has explicitly advertised itself as an Amazon DSP. SOC was able to identify 201 Amazon DSPs that submitted injury data to OSHA for 2021, a substantial increase over the 129 DSPs that SOC had identified as submitting injury data in a previous report, *Primed for Pain*.



Amazon does not breakdown its establishments by type when reporting to OSHA. To determine whether each establishment was a sortation center or delivery station, or another type of facility, the SOC matched the reported establishment code to a list maintained by the supply chain consulting firm MWPVL (accessible here https://www.mwpvl.com/html/amazon_com.html) which provides this information.

Establishments classified as part of Amazon's logistics operations by MWPVL but not reported by Amazon to OSHA in 2021 as operating under the 492110 NAICS code were not included.

The comparison illustrated in Figure 2, is between Amazon logistics establishments as reported to OSHA, Amazon DSPs as reported to OSHA and identified by the SOC, and all companies who reported to OSHA using the 492110 NAICS Code excluding Amazon and Amazon DSPs.

When reporting data to the OSHA for 2021, Amazon re-classified its logistics operations (sortation centers, delivery stations, and air hubs) under the Couriers and Express Delivery Services NAICS code (492110). Prior to 2021, Amazon had classified all its logistics and delivery operations as operating in the General Warehouse and Storage NAICS Code (493110). There was no discernable change in the work processes at these facilities, so Figure 1 includes all Amazon Delivery Stations that were classified in the General Warehouse and Storage industry in 2020.

[See More Videos](#)

(CNN) — Amazon has been accused by federal safety regulators of failing to keep warehouse workers safe from workplace hazards at three US facilities, in the [latest example](#) of government officials scrutinizing the e-commerce giant's labor practices.

The Department of Labor said Wednesday that its Occupational Safety and Health Administration (OSHA) has cited Amazon and issued hazard letters related to injury risks from workers lifting packages after inspecting three warehouse facilities in Deltona, Florida; Waukegan, Illinois; and New Windsor, New York.



RELATED ARTICLE

Amazon will lay off more than 18,000 workers

“Each of these inspections found work processes that were designed for speed but not safety, and they resulted in serious worker injuries,” Doug Park, assistant secretary of labor at OSHA, said in a statement Wednesday.

“While Amazon has developed impressive systems to make sure its customers' orders are shipped efficiently and quickly, the company has failed to show the same level of commitment to protecting the safety and well-being of its workers,” Parker added.

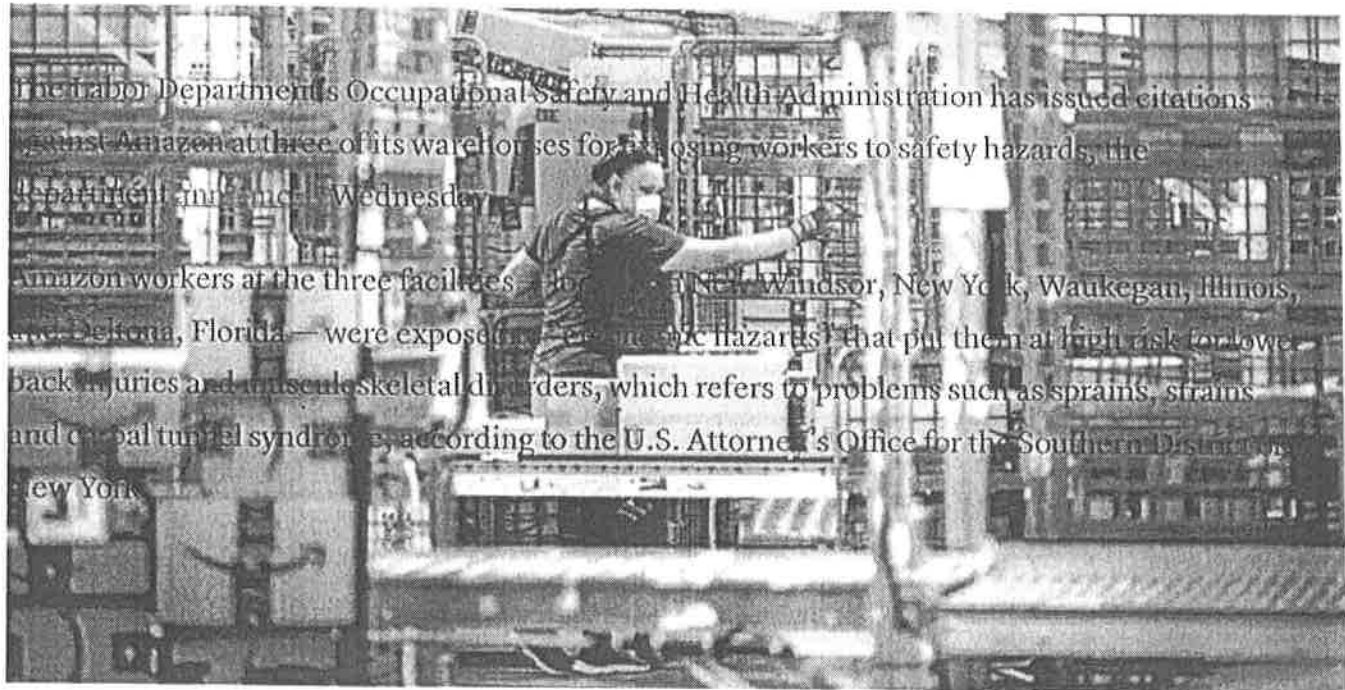
The DOL said that OSHA investigators found Amazon warehouse workers to be at higher risk for lower back injuries and other musculoskeletal disorders related to the high frequency with which its workers are required to lift packages, the weight of these items, awkward postures required while lifting, and the long hours required to complete assigned tasks.

The agency said Amazon faces a total of \$60,269 in proposed penalties.

An Amazon spokesperson said the company “strongly” disagrees with OSHA's claims and [intends to appeal](#)



WATCH LIVE



The labor Department's Occupational Safety and Health Administration has issued citations against Amazon at three of its warehouses for exposing workers to safety hazards, the Department announced Wednesday.

Amazon workers at the three facilities — located in New Windsor, New York, Waukegan, Illinois, and Deltona, Florida — were exposed to ergonomic hazards that put them at high risk for lower back injuries and musculoskeletal disorders, which refers to problems such as sprains, strains and carpal tunnel syndrome, according to the U.S. Attorney's Office for the Southern District of New York.



Amazon job cuts rise to 27,000, but it's still not enough to rightsize the company

2 DAYS AGO

Amazon's strenuous warehouse working conditions, which require employees to lift heavy packages for long hours, often in "awkward postures," contributed to the ergonomic hazards, the office said.

Amazon also received a separate citation for exposing workers at its Deltona warehouse to being struck by falling boxes of merchandise.

Amazon faces a total of \$60,269 in proposed penalties for these violations.

"Each of these inspections found work processes that were designed for speed but not safety, and they resulted in serious worker injuries," Douglas Parker, assistant secretary of Labor for occupational safety and health, said in a statement. "While Amazon has developed impressive systems to make sure its customers' orders are shipped efficiently and quickly, the company has failed to show the same level of commitment to protecting the safety and well-being of its workers."



1/6/2023



WATCH LIVE

intends to appeal. Nantel said Amazon has seen improvements around worker safety as a result of changes to processes in its warehouses, among other things.

“We’ve cooperated fully, and the government’s allegations don’t reflect the reality of safety at our sites,” Nantel said in a statement.

OSHA inspected the facilities after it received referrals from the U.S. Attorney’s Office for the Southern District of New York. OSHA and the U.S. Attorney’s Office in July opened an investigation into the three facilities. CNBC reported in August that the probe expanded to include three other sites, near Albany, New York, Denver, Colorado, and Boise, Idaho.

Amazon also faces a separate investigation by the U.S. Attorney’s Office’s civil division that centers around worker safety hazards at the e-retailer’s facilities nationwide. As part of the probe, investigators are also looking into whether Amazon has accurately reported worker injuries and if it misrepresented those injuries to lenders to obtain credit.

In December, OSHA cited Amazon for failing to record injuries and illnesses, misclassifying injuries and illnesses, not recording injuries and illnesses within the required time, and not providing OSHA with timely injury and illness records. It was fined more than \$29,000 for those violations.

Amazon, which is the second-largest employer in the U.S., behind Walmart, has been routinely criticized by lawmakers, activist groups and its own employees for its workplace safety record. Critics have increasingly zeroed in on Amazon’s use of productivity quotas, arguing its relentless focus on speed leads to on-the-job injuries at warehouses. Multiple studies by the Strategic Organizing Center, a coalition of labor unions, attributed high injury rates among warehouse and delivery workers to Amazon’s “obsession with speed.”

Lawmakers in New York and California have taken aim at the pace of work in Amazon warehouses through legislation that seeks to curtail the use of overly restrictive quotas, among other things.

Amazon warehouse workers have previously complained that the company’s pace of work prevents them from taking adequate bathroom and rest breaks, and leads to unfair disciplinary actions.



WATCH



WATCH LIVE

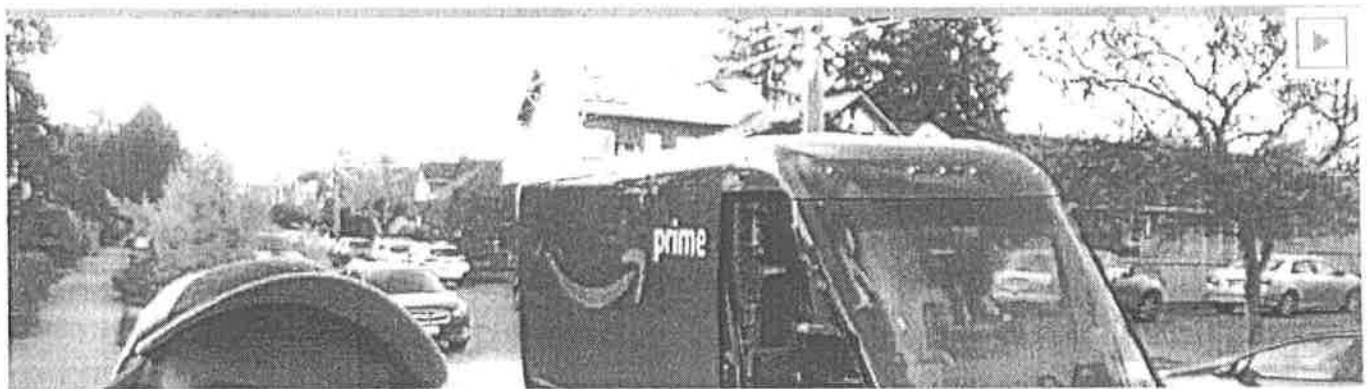
facility rejected a union, while a second election at an Amazon warehouse in Indiana is being contested. Since those elections, organizing efforts have begun at other Amazon sites in the U.S.

Amazon has previously said it supports workers' right to organize but doesn't believe unions are the best choice for employees.

Amazon has denied that it uses productivity quotas in its warehouses and disputed reports of unsafe working conditions. In April, Amazon CEO Andy Jassy said the company's injury rates are "sometimes misunderstood," but he acknowledged Amazon can do more to improve safety inside its facilities.

The company has also said it strives to be "Earth's Best Employer," and in 2021 expanded its list of foundational leadership principles to include the sentiment. Amazon has recently experienced some turnover in the roles that help oversee that effort, including its workplace safety chief, Heather MacDougall, CNBC reported.

WATCH: How the tough job of Amazon delivery has changed with new Rivian vans



VIDEO 16:20

How the tough job of Amazon delivery has changed with new Rivian vans

Follow your favorite stocks [CREATE FREE ACCOUNT](#)



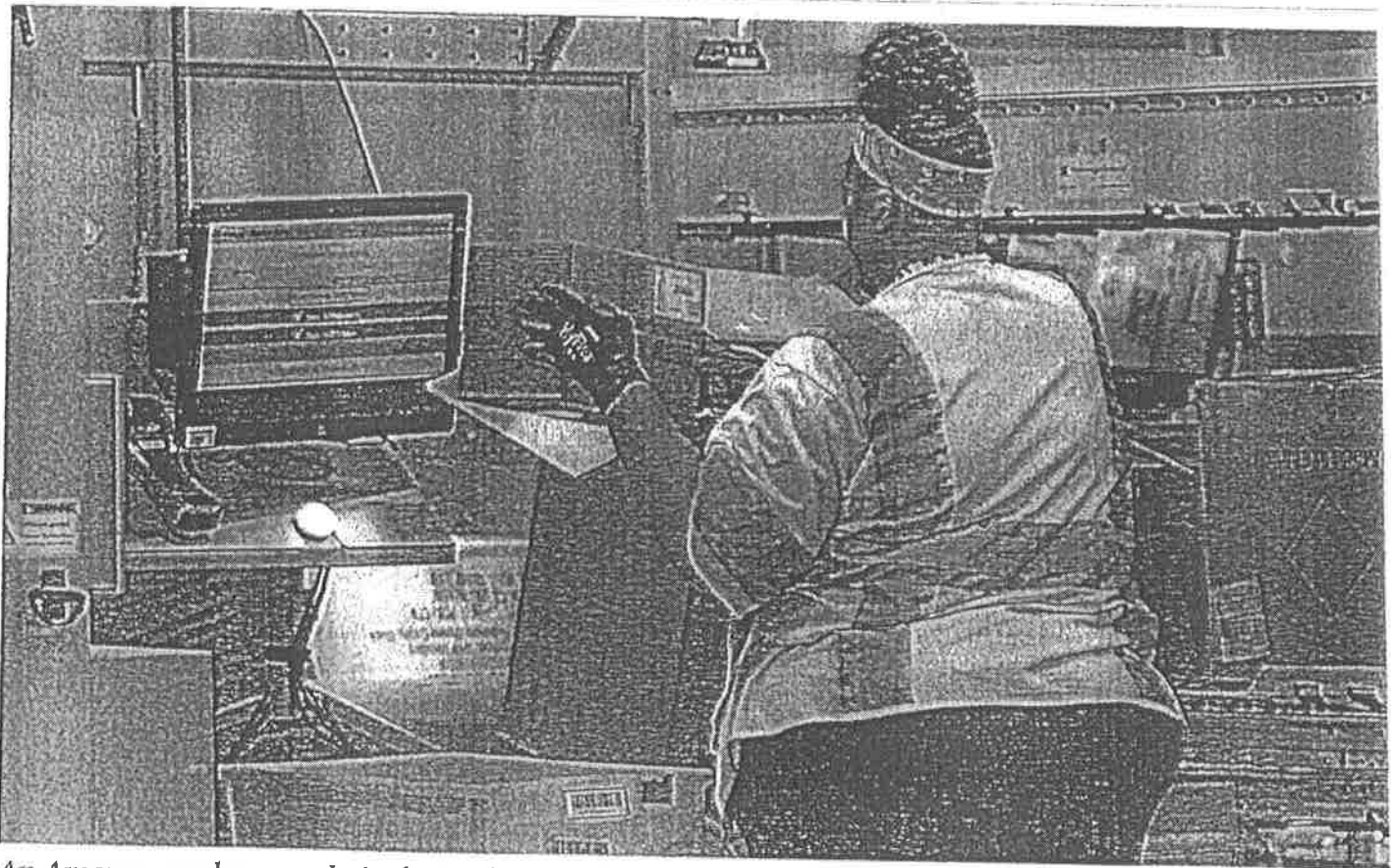


Search



Data shows Amazon workers suffer double the injuries of other warehouse workers

November 23, 2022 | 11:11 AM CST | BY MARK GRUENBERG



An Amazon employee works in the intake area of the company's warehouse in Madison County, Miss. New data show that workers in the retail giant's fulfillment centers suffer much higher on-the-job injury rates than warehouse workers in other companies. | Rogelio V. Solis / AP

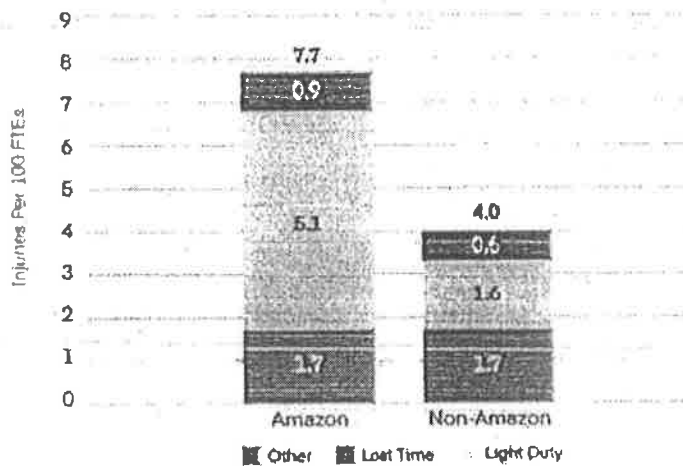
WASHINGTON—Amazon warehouse workers suffer double the on-the-job injury rates of their non-Amazon colleagues, an occupational safety and health expert for a labor-oriented research center told Congress.

The warehouse/retail monster's record is so bad that in 2021, there were more on-the-job injuries (24,945) in Amazon's 308 warehouses that cost workers time off the job or to be put on light duty than occurred in the nation's 4,184 non-Amazon warehouses (24,338), said Eric Frumin, health and safety director for the union-founded Strategic Organizing Center.

"Amazon's system—"The Injury Machine"—must be stopped before it destroys even more workers' bodies and livelihoods," Frumin declared.

Frumin was one of several pro-worker witnesses testifying at the early-November hearing of the House Workforce Protections Subcommittee, the last scheduled House panel session before the House becomes majority-Republican in January. Such oversight may go.

Injury Rates by Type at Amazon and Non-Amazon Warehouses, 2021



OSHA data. | Strategic Organizing Center

the national average for at least five years, he said.

And, using OSHA's own data, Frumin said some Amazon warehouses are worse than others. In 2021, the worst, with an injury rate of 20 per 100,000, was the ALBI warehouse just south of Albany, N.Y.

Frumin testified the overall injury rate for U.S. workers in all occupations was 3.3 injuries per 100,000 workers in 2021, according to the Occupational Safety and Health Administration (OSHA), and the rate for all warehouses was 4 per 100,000. Amazon's rate was 7.7 per 100,000. Its injury rates have been far above

If there is no crackdown, he warned, quoting another Washington state warehouse owner in 2020 hearings on separating fulfillment centers—all of which are Amazon-owned—out from other warehouses in the state for job safety reporting and data, the others will be forced to do the same thing Amazon does.

“Amazon is an industry type leader, but there will be others as it is the way of the future,” warehouse executive Robert Mitchel told state regulators then.

TAGS: Amazon Inc exploitation health and safety

CONTRIBUTOR



Mark Gruenberg [f](#) [t](#)

Award-winning journalist Mark Gruenberg is head of the Washington, D.C., bureau of *People's World*. He is also the editor of the union news service Press Associates Inc. (PAI). Known for his reporting skills, sharp wit, and voluminous knowledge of history, Mark is a compassionate interviewer but a holy terror when going after big corporations and their billionaire owners. El galardonado periodista Mark Gruenberg es el director de la oficina de People's World en Washington, D.C. También es editor del servicio de noticias sindicales Press Associates Inc. (PAI).

RELATED ARTICLES

Thus, it may be no coincidence that dangers at that warehouse were one issue the independent grass-roots Amazon Labor Union used in its organizing drive. After rampant company labor law-breaking, ALU lost the ALBI vote but complained to the National Labor Relations Board about the firm's actions. That has led to an NLRB probe of Amazon.

Besides the high injury rates, Frumin described for the panel how Amazon has stonewalled investigators from state and federal OSHAs, flat-out lied about injury numbers, and, when confronted with government demands, responded with lawsuits.

That included one, still pending in U.S. District Court in Spokane, Wash., years after the injuries which prompted it occurred. There, Amazon is challenging a state law that requires companies, when found to have endangered workers, to "abate" the practices and machines that injured the workers, rather than waiting until the cases are finally decided.

And even before Amazon became the monster it now is, its warehouse conditions rang alarm bells in its home state, Washington—to the detriment not just of workers but competitors.

In the worst case, 23.9 workers per 100,000 were seriously injured on the job at the Dupont, Wash., warehouse in 2015. The OSHA inspection, in a unique finding, said the job safety dangers there were not just due to physical hazards it found but to the very "pace of work."

"Employees are expected to maintain a very high pace of work. Information collected documented that pressure is put on workers to maintain that pace without adequate recovery time to reduce the risk of MSDs. There is a direct connection between Amazon's employee monitoring and discipline systems and workplace MSDs," OSHA's citation #317961850 said.

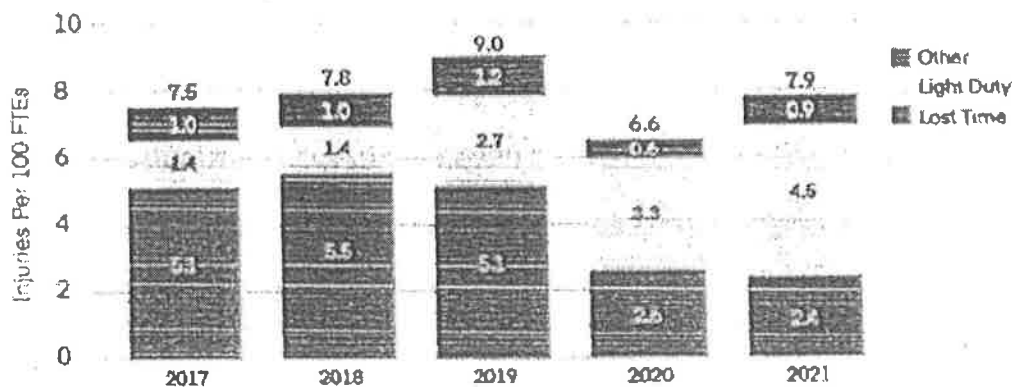
MSDs are musculoskeletal disorders, also as ergonomic or repetitive-motion injuries. They're rampant nationwide, but unregulated, thanks to a 1995 law pushed through the Republican-run Congress then, banning OSHA forever from regulating them.

And Amazon deliberately refused to protect workers unless and until it was forced to do so, Frumin testified. The coronavirus pandemic, ironically, exposed that.

“In 2020, as Amazon’s COVID cases became a full-blown crisis, the firm temporarily eased its work speed pressures by suspending disciplinary action based on production metrics. And the company’s injury rate in 2020 dropped significantly. So there is no secret to an immediate fix to help Amazon’s workforce.

“However, as soon as Prime Day approached in October 2020, Amazon

Annual Injury Rates by Type at Amazon Facilities, 2017-2021



OSHA data. | Strategic Organizing Center

reimplemented its work rate requirement, and sure enough the injury rate in 2021 jumped up again.”

The “horrendous (injury) results are no ‘accident.’ They are a predictable outcome of the company’s business model, which prioritizes speed, production, and profit over worker safety.

“Amazon optimizes its production system to put workers’ bodies under extreme levels of stress—far beyond any reasonable expectation of safety—while constantly reminding them Amazon will fire them if they don’t keep up with the inhumane pace of work.”

Frumin urged lawmakers to have OSHA step up its inspections of Amazon warehouses, levy higher fines, and treat the firm as a serious and willful violator of job safety law. Indeed, OSHA has launched a national investigation of Amazon, Frumin said.



TEAMSTER *News*

25 LOUISIANA AVENUE NW | WASHINGTON, DC 20001 | TEAMSTER.ORG | SEAN M. O'BRIEN, GENERAL PRESIDENT

For Immediate Release

May 4, 2023

Contact:

Matt McQuaid, (202) 624-6877

mmcquaid@teamster.org

WASHINGTON STATE TEAMSTERS APPLAUD PASSAGE OF WAREHOUSE WORKER PROTECTION BILLS

Legislation Will Prevent Unnecessary, Avoidable Occupational Hazards

(OLYMPIA, Wash.) – Today, the Teamsters are commending Washington Gov. Jay Inslee and members of the state legislature for enacting House Bill 1762, an Act Relating to Protecting Employees of Warehouses (HB 1762). HB 1762 will implement limits on warehouse worker production quotas.

“Congratulations to Gov. Inslee, Rep. Beth Doglio, and everyone who worked so hard to get HB 1762 enacted into law,” said John Scearcy, Teamsters Local 117 Secretary-Treasurer. “For far too long, warehouse workers have been risking grievous bodily harm in order to not lose their jobs, creating a sense of fear every time they

clock in. These laws ensure that nobody shall be required to meet a quota that risks their health, safety, ability to take breaks, or even do something as simple as use the bathroom.”

“We’re extremely proud to have enacted this law in the birthplace of Amazon,” said Rick Hicks, Teamsters Western Region International Vice President and President of Teamsters Joint Council 28. “Amazon has an injury rate that is twice the industry average and a turnover rate of 150 percent. HB 1762 is critical to making sure that the world’s largest online retailer is held accountable for its inhumane, churn-and-burn business model.”

Washington is the latest in a slew of states that are looking at laws to protect occupational safety in the supply chain. California and New York passed warehouse worker protection bills last year, and similar legislation is pending in 12 other states with support from local Teamsters.

“We are bringing the fight to statehouses all across the country to make sure that multibillion-dollar conglomerates aren’t lining their pockets by treating life-altering traumatic injuries as somebody else’s problem,” said Tom Erickson, Teamsters Central Region International Vice President and Warehouse Division Director. “As more and more technology is implemented in the workplace to increasingly squeeze productivity, regulation like this becomes critical to ensuring employers are protecting the people responsible for their ever-increasing profit margins.”

Founded in 1903, the International Brotherhood of Teamsters represents 1.2 million hardworking people in the U.S., Canada, and Puerto Rico. Visit teamster.org for more information. Follow us on Twitter @Teamsters and “like” us on Facebook at [facebook.com/teamsters](https://www.facebook.com/teamsters).