

Testimony of Irene Tung, PhD

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Testimony in support of HB 2547: Warehouse Worker Protection Act

Hearing before Illinois House of Representatives Labor & Commerce Committee

Chairperson Marcus C. Evans, Jr.
Vice-Chairperson Martin J. Moylan
Republican Spokesperson Dan Ugaste

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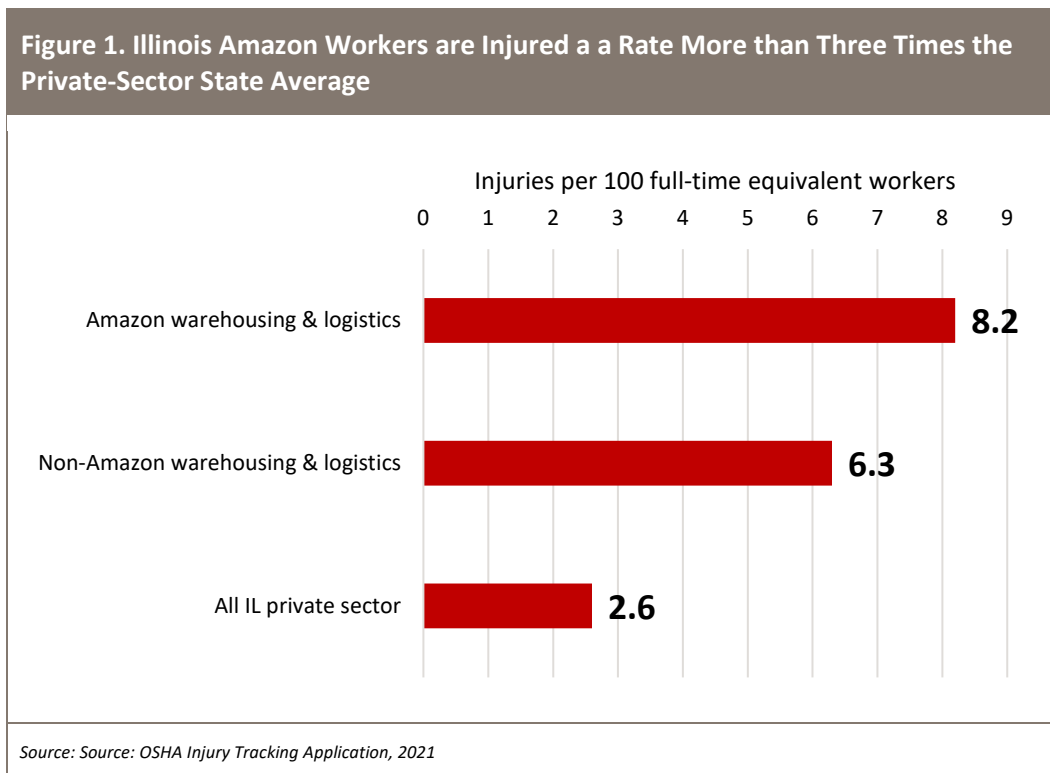
Good afternoon Chair Evans, Vice-Chair Moylan, Spokesperson Ugaste, and members of the Committee. Thank you for the opportunity to testify before you today in support of HB 2547, which will provide critical safeguards for workers employed by the largest and most sophisticated warehouse companies, in particular companies such as Amazon, which use opaque data-driven quotas.

My name is Irene Tung. I am a Senior Researcher and Policy Analyst at the National Employment Law Project (NELP). We are a nonprofit, non-partisan research and advocacy organization specializing in employment policy.

Over the last three years, I've studied Amazon's workplace practices across the country, and I am the lead author of several reports about health and safety issues at Amazon.

Amazon Warehouse Workers Injured at More than Triple the Rate of Other Workers in Illinois

Our analysis of Amazon's own self-reported data to the Occupational Safety and Health Administration shows that Amazon warehouse workers in Illinois are injured at a dramatically higher rate than other workers—a rate of 8.2 injuries for every 100 workers.¹ This is thirty percent higher than the rate of non-Amazon workers in warehousing and logistics in Illinois and more than three times the rate of private-sector workers in Illinois.²



Amazon Workers in Illinois 60 Percent More Likely to Suffer the *Most Serious* Types of Injuries

The overwhelming majority of injuries to Illinois Amazon workers—89 percent—were of the most serious kind, meaning cases severe enough that workers could not continue performing their normal job duties and had to either be transferred or take time off work to recover. Amazon workers in Illinois are 60 percent more likely to suffer these types of serious injuries than their non-Amazon counterparts in Illinois warehousing and logistics.

I can't emphasize enough that the injuries we are talking about here—serious muscle strain injuries caused by heavy, forceful, awkward, and repetitive motions without sufficient recovery time—are not only painful but are often disabling and can stay with workers their entire lives.

Amazon's Quota System Fosters Climate of Fear that Results in Worker Injuries

As regulators have noted, the high rates of serious injury at Amazon are directly attributable to the way that the company manages its workforce.³ It is Amazon's obsession with speed, enforced through a combination of intensive electronic surveillance and frequent discipline that has created this injury crisis for workers. Amazon's data-driven management system often keeps workers in the dark about whether or not they are adequately meeting performance standards, which are frequently changing.⁴ Workers have described how this system has the effect of fostering a climate of fear in which they must push their bodies to the brink and beyond—or risk losing their jobs.⁵

And when Amazon temporarily suspended some of its productivity tracking and disciplinary policies in 2020, injury rates dropped significantly.⁶ When it reintroduced these policies later that year, the company's injury rate jumped across the country, including a 39 percent rise in Illinois.⁷ This has made it abundantly clear that these injuries are largely preventable.

Current Federal and State Policies are Inadequate to Address Amazon's Injury Crisis

Unfortunately, current federal OSHA regulations do not include standards on the critical issue of work quota transparency that this bill is designed to address. Even in the absence of specific rules on productivity quotas, OSHA has cited Amazon in multiple locations across the country, including Illinois, and noted hazards such as heavy package weights, poor job design, the failure to use standard warehouse engineering methods and excessive worktime without breaks. For example, in January of this year, OSHA completed a detailed, six-month investigation of high injury rates at an Amazon warehouse in Waukegan, Illinois. OSHA determined that multiple departments at the facility created illegal and unacceptable risks of low back injury and ordered Amazon to take specific actions to reduce those risks.⁸

While this recent enforcement action by OSHA represents an important breakthrough in bringing to light Amazon's willful failure to provide a safe workplace, several factors prevent OSHA from comprehensively tackling the Amazon injury crisis in Illinois and elsewhere. First is the lack of federal standards on productivity quotas to address the underlying management practices causing injuries at Amazon. Second is that OSHA's appeals process allows employers like Amazon to delay fixing urgent and documented problems at a worksite for years while the company's appeals are pending. Third is that under federal law,

during the time that Amazon appeals, workers have no legal recourse to seek their own enforcement of safety regulations, as they can in the case of minimum wage violations. Finally, OSHA has very limited authority to protect workers from retaliation. This means that those workers in Waukegan and thousands of other Illinois workers will continue to suffer extreme rates of injury unless Illinois lawmakers take action to mitigate this crisis.

HB 2547 Would Establish Transparency in Quotas, Ensure Workers Can Take Rest Breaks, and Protect Workers from Retaliation

What's troubling is that we've begun to see the Amazon business model spread, as other companies are pressured to adopt similar practices. With warehousing projected by the Illinois Department of Labor to be one of the fastest growing industries in the state between 2020 and 2030, passing HB 2547 is an important first step to turning the tide against high injury rates not only at Amazon, but throughout the sector.⁹ Most importantly, this bill establishes transparency in quotas, allows workers access to data about their performance, prohibits employers from using quotas that interfere with rest breaks, and protects workers from retaliation for exercising these rights.

Importantly, establishing standards on quotas will allow Illinois regulators to better enforce existing Illinois meal and rest break laws. For example, if a worker tells the Illinois Department of Labor, "I couldn't take my meal break because of a quota," the agency currently has no authority to take enforcement action on that quota because quotas aren't currently governed by any state standards. As a representative from the Minnesota Department of Labor and Industry recently testified with respect to a similar bill being considered in that state, quota transparency requirements would aid in the enforcement of existing laws by providing regulators with crucial information they don't currently have about what prevents workers from taking breaks as provided for by state law.¹⁰

For these reasons, I urge you to support this bill. Thank you for the opportunity to present this testimony to you. I would be happy to answer any questions you may have.

Endnotes

¹ Unless otherwise noted, Illinois worker injury rates cited in this testimony come from a NELP analysis of Occupational Safety and Health Administration (OSHA) Injury Tracking Application data, for the years 2021 and 2022, available at <https://www.osha.gov/Establishment-Specific-Injury-and-Illness-Data>. These data are self-reported by companies to OSHA. Companies are required to report any work-related injuries that require medical attention, and whether the injury caused workers to miss days of work or require a job transfer.

² NELP analysis of OSHA Injury Tracking Application data, 2021 and U.S. Bureau of Labor Statistics, Survey of Occupational Injury and Illness, 2021

³ Will Evans, Reveal News (May 2022). "Amazon's warehouse quotas have been injuring workers for years. Now, officials are taking action." <https://revealnews.org/article/amazons-warehouse-quotas-have-been-injuring-workers-for-years-now-officials-are-taking-action/>

⁴ Lauren Gurley, Vice News (June 2022) "Internal Documents Show Amazon's Dystopian System for Tracking Workers Every Minute of Their Shifts." <https://www.vice.com/en/article/5dgn73/internal-documents-show-amazons-dystopian-system-for-tracking-workers-every-minute-of-their-shifts>

⁵ Charles Duhigg, The New Yorker (October 2019) "Is Amazon Unstoppable" <https://www.newyorker.com/magazine/2019/10/21/is-amazon-unstoppable>

⁶ CNBC (October 2020). "Amazon has resumed policies that penalize workers for taking too many breaks, just in time for Prime Day." <https://www.cnbc.com/2020/10/14/amazon-resumes-policy-that-dings-workers-for-taking-too-many-breaks.html>

⁷ OSHA Injury Tracking Application data, 2020 and 2021; CNBC (October 2020). "Amazon has resumed policies that penalize workers for taking too many breaks, just in time for Prime Day." <https://www.cnbc.com/2020/10/14/amazon-resumes-policy-that-dings-workers-for-taking-too-many-breaks.html> and; The Strategic Organizing Center (April 2022). "The Injury Machine: How Amazon's Production System Hurts Workers." <https://thesoc.org/wp-content/uploads/2022/04/The-Injury-Machine-How-Amazons-Production-System-Hurts-Workers.pdf>

⁸ U.S. Department of Labor, Occupational Safety and Health Administration, "Citation and Notification of Penalty, Amazon.com Services LLC – MDW8, 1750 Bridge Dr., Waukegan, IL 60085," January 17, 2023. In this citation, OSHA mandated standard modern warehouse engineering methods to prevent injuries, such as more conveyors, eliminate lifting packages from the floor, and using motorized equipment (electric pallet jacks) to eliminate the assignment of workers to push and pull heavy pallets filled with packages. OSHA also directed Amazon to modernize its staffing and workhours methods to reduce the injury risk from excessive time on the job. Specifically, OSHA told Amazon managers in Waukegan:

"Reduce the duration (hours per shift) of manual material handling tasks by workers in the Inbound Dock and Outbound Ship Dock areas. Methods of reducing the duration of manual material handling tasks include: (1) adding workers to manual handling tasks to lessen the individual periods of allowed manual handling per worker, (2) adding significant rest periods/breaks between manual material handling task sessions, and (3) developing and implementing an employee rotation program that rotates workers between tasks that significantly reduces the amount and duration of manual material handling during a given shift."

⁹ Illinois Department of Labor, Employment Projections 2020-2030, <https://ides.illinois.gov/resources/labor-market-information/employment-projections.html>

¹⁰ Minnesota State Senate Committee on Labor Hearing, January 19, 2023, <https://youtu.be/bGVtpWhy10c>