

# **The “Injury-Productivity Trade-off”:**

**How Amazon’s Obsession with Speed Creates  
Uniquely Dangerous Warehouses**



**United States Senate**

**Committee on Health, Education, Labor, and Pensions**

**Chairman Bernard Sanders**

**Majority Staff Report**

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## **EXECUTIVE SUMMARY**

Amazon’s warehouse workers have raised the alarm for years about unsafe working conditions and a corporate culture that prioritizes speed and profit over worker health and safety. Many of these workers live with severe injuries and permanent disabilities because of the company’s insistence on enforcing grueling productivity quotas and its refusal to adequately care for injured workers. These workers’ concerns have formed the basis of efforts to organize warehouses in New York,<sup>1</sup> Kentucky,<sup>2</sup> Florida,<sup>3</sup> Alabama,<sup>4</sup> Missouri,<sup>5</sup> and beyond. As one warehouse worker explained:

I don’t even use Amazon anymore, I’d rather wait . . . than have some poor employee in an Amazon warehouse get battered and bruised so I can get my book within six hours. People don’t see that, they think it just appears by magic. But it doesn’t, it appears by blood, sweat, and tears.<sup>6</sup>

Recognizing the severity of Amazon’s injury crisis, Senator Bernie Sanders (I-Vt.), Chairman of the Senate Committee on Health, Education, Labor, and Pensions (HELP Committee), launched an investigation into Amazon’s workplace safety practices on June 20, 2023.<sup>7</sup> This investigation aimed to uncover why Amazon’s injury rates far exceed those of its competitors and to understand what happens to Amazon workers when they are injured on the job.

Over the past eighteen months, the Committee conducted an exhaustive inquiry into Amazon’s operations. The Committee solicited information from current and former Amazon workers about their experiences in Amazon’s warehouses. Nearly 500 workers shared their stories with the Committee, and Committee staff conducted 135 interviews, both virtual and in-person. Those workers provided the Committee with more than 1,400 documents, photographs, and videos to support their stories. Some of those documents and photographs are included in this report and its appendices. This evidence reveals a deeply troubling picture of how one of the largest corporations in the world treats its workforce.

Although the Committee also sought information from Amazon itself, including through detailed requests in its initial letter to the company as well as through numerous follow-up requests to the company’s counsel, Amazon has provided extremely limited information to the Committee. In eighteen months, Amazon produced just 285 documents—less than a **quarter** of what the

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<sup>1</sup> Press Release, Int’l Bhd. of Teamsters, Amazon Labor Union Votes to Ratify Teamsters Affiliation, <https://teamster.org/2024/06/amazon-labor-union-votes-to-ratify-teamsters-affiliation/> (last visited Dec. 12, 2024).

<sup>2</sup> Amazon KCVG Teamsters, *What We’re Fighting For*, <https://unionizeamazonkcvg.org/what-were-fighting-for> (last visited Nov. 22, 2024).

<sup>3</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

<sup>4</sup> BAmazonUnion, *Amazon’s Working Conditions Are Not Safe*, <https://bamazonunion.org/amazons-working-conditions-are-not-safe> (last visited Nov. 22, 2024).

<sup>5</sup> Ash Judd, *What It’s Like to Organize My Amazon Warehouse as a Young Queer Person*, TEEN VOGUE (Mar. 13, 2024), <https://www.teenvogue.com/story/amazon-warehouse-union-stl8-missouri>.

<sup>6</sup> HELP Committee Majority staff interview with LY (Nov. 3, 2023).

<sup>7</sup> See Letter from Bernard Sanders, Chair, U.S. Senate Comm. on Health, Educ., Lab., and Pensions, to Andy Jassy, CEO, Amazon.com, Inc. (June 20, 2023) (in Appendix C).

Committee received from current and former workers. Nearly half of these 285 documents are training materials given to on-site first aid staff—just a small portion of the Committee’s investigation and Chairman Sanders’s initial request letter. The Committee also asked Amazon for information on how it tracks workers, the quotas it imposes on workers and the disciplinary actions it takes when workers cannot meet those quotas, internal studies on the connection between speed and injury rates, and the company’s treatment of injured workers. Amazon provided very little that was responsive to these requests—and sometimes ignored them altogether. The only other information the company provided to the Committee was through a briefing from a Senior Manager for ergonomics at the company and tours of two of its facilities. As a result, the Committee has had to rely heavily on evidence from workers, many of whom are willing to risk their jobs to share their experiences at the company. Although the Committee expects Amazon will dispute the veracity of the evidence those workers provided, Amazon has had eighteen months to offer its own evidence and has refused to do so.

Through its investigation, the Committee found extensive evidence of a corporate culture obsessed with speed and productivity. This culture, driven by relentless productivity demands, has resulted in systemic safety failures and high rates of injury. Amazon expects workers to move at unsafe rates and in unsafe conditions that cause workers to be injured far more frequently than they are at other warehouses. Workers told the Committee about Amazon regularly ignoring safety concerns, ordering workers to stay in roles that were causing them pain, denying workers needed medical care or pressuring them to return to work too soon, and refusing accommodations for work-related injuries as well as disabilities.

The Committee also uncovered evidence that Amazon is aware of the safety risks caused by the speed it demands of its workers. Amazon initiated a series of multi-year internal studies aimed at understanding how it can improve worker safety. But when those internal studies recommended efforts that might reduce workers’ pace—and potentially hurt the company’s bottom line—Amazon chose not to act on the studies’ findings. In short, the Committee’s investigation found that Amazon is not only aware of the connection between speed and injuries, but also that the company specifically rejected potential safety improvements, accepting injuries to its workers as the cost of doing business. Incredibly, while the company refuses to adopt those recommended safety improvements, it also presents a misleading narrative about its injury rates and claims its warehouses are far safer than they truly are.

Amazon’s refusal to protect workers is particularly egregious given its incredible financial resources. Amazon is the sixth largest company in the world and the second-largest private employer in the United States.<sup>8</sup> In 2023, the company had a total profit of \$36.9 billion, and the company’s current market capitalization recently reached \$2.39 trillion—an amount greater than the GDP of all but 7 countries.<sup>9</sup> Amazon’s founder, Jeff Bezos, is the third wealthiest person in

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<sup>8</sup> Andrea Murphy & Matt Schiffrin, *The Global 2000: 2024*, FORBES (June 6, 2024), <https://www.forbes.com/lists/global2000/> (calculating company size based on sales, profits, assets, and market value); Irene Tung et al., Nat’l Emp. L. Project, *Amazon’s Outsized Role: The Injury Crisis in U.S. Warehouses and a Policy Roadmap to Protect Workers 2* (2024), <https://www.nelp.org/app/uploads/2024/04/Amazons-Outsized-Role-5-1-24.pdf>.

<sup>9</sup> *Amazon.com, Inc. Common Stock*, NASDAQ, <https://www.nasdaq.com/market-activity/stocks/amzn> (last visited December 13, 2024, 4:41 PM ET); *Annual Report (2023)*, AMAZON.COM, INC., 25 (2024),

the world, with a net worth of approximately \$242.2 billion.<sup>10</sup> Bezos's successor as CEO, Andy Jassy, received nearly \$30 million in total compensation in 2023, and has received over \$300 million in total compensation since 2021.<sup>11</sup>

Amazon is able to operate this way because the penalties for its behavior are, by law, far too low to serve as a deterrent for a company with a market cap of over \$2 trillion. OSHA's maximum penalties are just over \$16,000 for each serious violation.<sup>12</sup> Even for a company like Amazon, which repeatedly violates federal regulations, these penalties amount to very little: OSHA's proposed penalties for more than 50 violations included in citations to Amazon over a two-year period totaled less than \$300,000.<sup>13</sup> That is approximately 1% of Amazon CEO Andy Jassy's total compensation in 2023.

The Committee presents this report, along with a summary of its key findings and legislative recommendations, to expose Amazon's unacceptable behavior. Amazon knowingly puts its workers at risk of injury and fails to comply with its obligation under federal law to provide a safe working environment. The United States Congress must hold Amazon accountable for its failure to protect its workers.

## **A. Key Findings**

**1) Amazon manipulates its workplace injury data to portray its warehouses as safer than they actually are.** Amazon claims that its warehouses are nearly as safe as the industry average—but it does so by cherry-picking data rather than grappling with its uniquely dangerous warehouses. The Committee's review of the company's publicly reported data found that Amazon chooses misleading comparisons in an effort to obscure the fact that the company's warehouses have significantly higher injury rates than both the industry average and non-Amazon warehouses. An analysis of the company's data shows that Amazon warehouses recorded over 30 percent more injuries than the warehousing industry average in 2023. The Committee also found that in each of the past seven years, Amazon workers were nearly twice as likely to be injured as workers in warehouses operated by the rest of the warehousing industry. Alarming, this problem is common across the company's facilities: more than two-thirds of Amazon's warehouses have injury rates that exceed the industry average. (Page 17)

**2) Contrary to its public claims, Amazon imposes speed and productivity requirements on workers, commonly called "rates."** These requirements force workers to move at an extremely

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[https://s2.q4cdn.com/299287126/files/doc\\_financials/2024/ar/Amazon-com-Inc-2023-Annual-Report.pdf](https://s2.q4cdn.com/299287126/files/doc_financials/2024/ar/Amazon-com-Inc-2023-Annual-Report.pdf); see Caleb Silver, *The Top 25 Economies in the World*, INVESTOPEDIA (Oct. 4, 2024), <https://www.investopedia.com/insights/worlds-top-economies>.

<sup>10</sup> *Jeff Bezos: Chairman and Founder, Amazon*, FORBES, <https://www.forbes.com/profile/jeff-bezos/> (last modified Dec. 12, 2024).

<sup>11</sup> The Committee's calculation is based on information from the "Executive Compensation" section of Amazon's 2024 Proxy Statement. See Amazon, *Notice of 2024 Annual Meeting of Shareholders & Proxy Statement* 92–104 (2024), [https://s2.q4cdn.com/299287126/files/doc\\_financials/2024/ar/Amazon-com-Inc-2024-Proxy-Statement.pdf](https://s2.q4cdn.com/299287126/files/doc_financials/2024/ar/Amazon-com-Inc-2024-Proxy-Statement.pdf).

<sup>12</sup> OSHA, DOL, *OSHA Penalties*, <https://www.osha.gov/penalties> (last visited Dec. 14, 2024).

<sup>13</sup> Committee review of OSHA citations issued to Amazon between February 2022 and February 2024. Citations available on OSHA's website. OSHA, DOL, *Establishment Search*, <https://www.osha.gov/ords/imis/establishment.html> (last visited Dec. 14, 2024).

fast and often dangerous pace. To ensure compliance with the requirements, Amazon closely tracks workers' movements throughout each shift. When workers cannot keep up, Amazon uses automated systems to initiate disciplinary procedures. These disciplinary procedures progress in severity and eventually result in termination. (Page 24)

**3) Amazon forces workers to move in unsafe ways and to repeat the same movements hundreds and thousands of times each shift, resulting in extremely high rates of musculoskeletal disorders.** Although Amazon is aware that these repetitive movements—made over 10- to 12-hour shifts—cause musculoskeletal disorders, the company refuses to take action to protect workers. (Page 43)

**4) Although Amazon has safety procedures in place, the company's required rates make those procedures nearly impossible to follow.** Workers report having to regularly bypass safety measures, such as properly using ladders or asking a teammate for help to lift a heavy item, to keep up with the company's productivity requirements. As a result, workers are forced to choose between following safety procedures and risking discipline and potential termination for not moving fast enough. (Page 55)

**5) Amazon's failure to ensure safe working environments—based in large part on its unsustainable rates and productivity quotas—results in debilitating injuries.** Workers reported chronic pain, loss of mobility, temporary and permanent disabilities, and diminished quality of life because of the injuries they experienced at Amazon's warehouses. (Page 54)

**6) Amazon has studied the connection between speed requirements and worker injuries for years, but it refuses to implement injury-reducing changes because of concerns those changes might reduce productivity.** In 2020, Amazon launched a multi-team initiative, called "Project Soteria," to identify risk factors for injuries in its warehouses and to propose changes that would lower injury rates. Although Project Soteria found evidence of a connection between speed and injuries, and made recommendations based on this connection, Amazon did not implement policy changes in response.

Project Soteria studied two policies that Amazon had put in place during the COVID-19 pandemic: pausing disciplinary measures for workers who failed to meet speed requirements and giving workers more time off. Project Soteria found that both policies resulted in lower injury risks. Although the policies were intended to be temporary, the Project Soteria team requested they be formally adopted. But Amazon denied the request. In explaining their reasoning, the company's senior leaders expressed concern about "negatively impacting rate/productivity and the ability to deliver on time to customers." (Page 71)

Amazon leadership then directed the Project Soteria team to switch its focus from reducing injuries to finding ways to "maximize rates/productivity" without increasing injuries. Project Soteria referred to this as the "injury-productivity trade-off." (Page 77) Two years later, the Project Soteria team again found a connection between speed and injuries, and proposed slowing down the pace of work for workers in the roles and facilities studied. Amazon rejected that proposal. (Page 80) That same year, Amazon leadership directed a different team to audit Project Soteria's findings—specifically its finding of a connection between speed and injuries. That



second team hypothesized that worker injuries were actually the result of workers’ “frailty” and “intrinsic likelihood of injury.” (Page 82) During the Committee’s investigation, Amazon repeatedly characterized this team’s analysis as accurate.

In 2021, another Amazon team, called “Project Elderwand,” determined the maximum number of times per shift a warehouse worker in a certain role could do the same physical tasks before increasing the risk of harm to themselves, with the goal of reducing the significant risk of back injuries in this role. The Amazon team also developed a method for ensuring workers did not exceed that maximum number. After conducting tests to assess how implementing that change would impact “customer experience,” Amazon decided not to implement the change to limit workers’ movements. Workers in this role continue to far exceed the maximum number that Amazon identified, risking injuries that Amazon could reduce. (Page 90)

**7) Amazon actively discourages injured workers from receiving outside medical care, putting injured workers further at risk.** Amazon has multiple internal practices that operate to delay workers from receiving needed medical care and force workers who need medical care to return to work too soon, exacerbating their injuries. (Page 97)

**8) Workers who need short-term or permanent workplace accommodations for work-related injuries and disabilities experience significant challenges obtaining appropriate accommodations.** In addition, Amazon’s accommodations processes do not appear to involve an interactive process. (Page 126)

**9) Amazon terminates workers injured in the company’s warehouses who are on approved medical leave.** These terminations are often the result of failures by the company’s time-tracking systems. As a result, workers are left without access to Human Resources and other resources and are forced to recover from injuries without income or support. (Page 136)

**10) Amazon deflates the injury numbers it records for federal regulators.** Staff at Amazon’s on-site first aid centers, called “AMCARE,” often delay workers from being referred to outside medical providers. Those same first aid providers regularly treat workers in-house instead of referring them to outside medical providers. These tactics effectively reduce the number of injuries that Amazon must record and disclose to the federal government. The Committee’s review of Amazon’s internal data also raises serious questions about whether the company accurately records injuries. (Page 117)

## **B. Legislative Recommendations**

**Pass S.4260 – Warehouse Worker Protection Act.** The Committee’s investigation found that Amazon imposes quotas on workers, which force workers to move quickly and in ways that cause injuries. Four states have already enacted laws requiring warehouse employers, like Amazon, to disclose to workers any quotas and adverse employment actions that can result from not meeting those quotas. A federal version of this policy would protect workers across the country. This bill would:

- Require warehouse employers to provide a written description of any quota workers are subject to, any discipline associated with not meeting the quota, how the quota is set, and how the quota is monitored;
- Prevent employers from requiring any quota that would keep workers from complying with health and safety standards or from using the bathroom, including reasonable travel time to facilities;
- Require the Occupational Safety and Health Administration (OSHA) to establish an ergonomics standard protecting workers from workplace hazards that cause musculoskeletal disorders; and
- Require OSHA to establish a standard to protect workers from delays in referrals to outside medical care after sustaining a workplace injury or illness.

**Pass H.R. 2998 – Protecting America’s Workers Act.** The Committee’s investigation found that Amazon discourages proper recording of work-related injuries. Current OSHA penalties are too low to serve as an effective deterrent to employers like Amazon. In addition, by contesting the majority of OSHA citations it receives, Amazon bypasses the requirement to fix hazardous conditions that put workers at risk. This bill would:

- Increase civil monetary penalties for violations of worker safety laws, including increasing the maximum penalty for willful and repeated violations to \$700,000;
- Authorize criminal penalties for employers whose knowing violation of worker safety laws results in death or serious bodily harm;
- Require employers to abate workplace hazards after receiving a citation for a serious, willful, or repeated violation, even if the employer contests the citation;
- Prohibit employers from having policies or practices that discourage the recording of work-related injuries; and
- Reinstate OSHA’s ability to issue citations for recordkeeping violations within the past five years, rather than only within the past six months.

**Pass S.567 – Richard L. Trumka Protecting the Right to Organize Act.** The Committee found that Amazon dismisses workers’ safety concerns and subjects them to conditions the company knows are hazardous. Amazon workers deserve a voice in their workplace so they can address the conditions that put them at risk. This bill would:

- Make it easier for workers to join together and negotiate for better working conditions; and
- Authorize penalties for employers who violate workers’ labor rights.

**Pass S.2419 – No Robots Bosses Act.** The Committee found that Amazon subjects workers to discipline based on automated systems that are prone to errors, including firing workers who are on medical leave. Amazon workers deserve transparency from their employer regarding decisions about discipline and termination. This bill would:

- Prevent employers from exclusively relying on automated systems to make decisions about disciplining or firing workers; and
- Require employers using automated decision-making systems to tell workers how the system works and how workers can appeal system decisions.

**Pass S.262 – Stop Spying Bosses Act.** The Committee found that Amazon closely tracks workers’ movements and actions throughout the workday, and uses this information to make disciplinary decisions. This bill would:

- Require employers to disclose to employees what data employers collect about them and how this data is used for employment-related decisions;
- Prohibit employers from using workplace surveillance in ways that could interfere with workers exercising their federal labor rights, including to identify workers seeking to join a labor organization or to monitor the activities of workers engaging in protected concerted activity;
- Require employers using data from workplace surveillance for employment-related decisions to disclose to the worker the data on which the decision is based; and
- Limit the data employers can collect on workers via workplace surveillance to only what is reasonably related to the employer’s operations.

**Pass S.2501 – Asunción Valdivia Heat Illness, Injury and Fatality Prevention Act.** The Committee found that Amazon workers are subjected to extremely hot working conditions that put them at risk for heat stroke and other heat-related illness. Amazon workers need federal protections from unsafe heat in indoor and outdoor workplaces. This bill would require OSHA to establish an enforceable standard protecting workers from harmful exposure to extreme heat, including requirements for paid rest breaks to reduce heat stress, access to employer-provided hydration, and acclimatization policies.

**Pass the Fair Pay and Safe Workplaces Act.** The Committee found that Amazon has been cited numerous times for violations of federal and state worker safety laws, yet has not remedied the hazards OSHA identified and, instead, allowed continued dangers to workers. This bill would require large federal contractors to disclose federal and state labor violations, including of workplace safety laws, from the prior three years. The bill is similar to President Obama’s Fair Pay and Safety Workplaces Executive Order. The Committee also supports issuance of an Executive Order that includes aspects of the previous Executive Order.

## **I. INTRODUCTION**

Amazon has a vast and complex network of warehouses that is integral to the company's promise of high-speed delivery. For years, Amazon has publicly touted its safety record in those warehouses—to Congress, to its investors, and to the public. But reporting by the press, citations by state and federal enforcement agencies, and stories from workers tell a different story. This report contains evidence that shows that Amazon's self-assessment is disturbingly inaccurate and that the company operates uniquely dangerous warehouses—knowingly allowing unsafe conditions that injure workers and failing to fix those unsafe conditions if doing so could hurt the company's bottom line. Once workers are injured, Amazon fails to provide critical support, including by impeding workers' ability to receive needed medical care and accommodations.

Amazon could choose to operate its warehouses in a way that prioritizes worker safety and does not result in industry-leading injury rates—but Amazon has repeatedly refused to do so. Amazon could use the logistics acumen driving its fulfillment network to design efficient and effective first aid and accommodations systems for workers who are injured in its warehouses—but Amazon has repeatedly refused to do so. Instead, Amazon has chosen to prioritize profits over the health and safety of its workforce.

## **II. BACKGROUND ON AMAZON'S OPERATIONS**

### **A. Amazon operates more than one thousand warehouses in a complex, fast-paced fulfillment network**

Amazon is the sixth largest company in the world and the second-largest private employer in the United States.<sup>14</sup> In 2023, the company had a total profit of \$36.9 billion, and the company's market capitalization recently reached \$2.39 trillion—an amount greater than the GDP of all but 7 countries in the world.<sup>15</sup>

Amazon's global reach and continued growth are due in large part to its fulfillment services, which the company and third-party sellers use to store and ship customer orders. Amazon reports that the company's online stores, physical stores, and third-party seller services, all of which use its fulfillment services, accounted for \$392 billion in net sales in 2023—or 68 percent of the company's global net sales.<sup>16</sup>

In the United States, Amazon's fulfillment network consists of over 1,000 warehouses employing more than 740,000 workers.<sup>17</sup> Amazon operates several different types of warehouses that each play a different role in this network:

- **Receive centers** are where large shipments of inventory arrive from manufacturers. Receive centers distribute products to fulfillment centers throughout Amazon's network.
- **Fulfillment centers** store inventory until workers package items for shipping to customers. Amazon refers to some fulfillment centers that store smaller items as “sortable.” Sortable facilities may use robotics to assist in managing inventory. Amazon refers to other fulfillment centers that store larger items as “non-sortable.”
- **Sortation centers** are mid-way stops in the shipping process between fulfillment centers and delivery stations, where packages are sorted by their delivery destination and packed onto trucks for delivery.
- **Delivery stations** are the last facilities in the network. They are where orders arrive from fulfillment centers and sortation centers and are prepared for delivery to customers.

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<sup>14</sup> Andrea Murphy & Matt Schiffrin, *The Global 2000: 2024*, FORBES (June 6, 2024), <https://www.forbes.com/lists/global2000/> (calculating company size based on sales, profits, assets, and market value); Irene Tung et al., Nat'l Emp. L. Project, *Amazon's Outsized Role: The Injury Crisis in U.S. Warehouses and a Policy Roadmap to Protect Workers 2* (2024), <https://www.nelp.org/app/uploads/2024/04/Amazons-Outsized-Role-5-1-24.pdf>.

<sup>15</sup> *Amazon.com, Inc. Common Stock*, NASDAQ, <https://www.nasdaq.com/market-activity/stocks/amzn> (last visited December 13, 2024, 4:41 PM ET); *Annual Report (2023)*, AMAZON.COM, INC., *supra* note 9 at 25; *see* Caleb Silver, *The Top 25 Economies in the World*, INVESTOPEDIA (Oct. 4, 2024), <https://www.investopedia.com/insights/worlds-top-economies>.

<sup>16</sup> The Committee's calculation adds the net sales of Online Stores, Physical Stores, and Third-Party Seller Services. *See Annual Report (2023)*, AMAZON.COM, INC., *supra* note 9 at 69.

<sup>17</sup> HELP Committee analysis of Occupational Safety and Health Administration (OSHA) Injury Tracking Application data for 2023. *See* Occupational Safety and Health Admin. (OSHA), U.S. Dep't of Labor (DOL), *Injury Tracking Application (ITA) Data*, <https://www.osha.gov/Establishment-Specific-Injury-and-Illness-Data> (last visited Dec. 8, 2024).

Amazon also has specialty facilities that fill more specific roles, such as warehouses that print and package books, returns centers where customer returns are received and processed, Same-Day facilities that process same-day deliveries, and Air Hubs, located at airports, where workers load and unload packages onto airplanes.<sup>18</sup>

There are a range of positions for entry-level workers at these different facilities. Common positions include:

- **Stow:** Workers assigned to “Stow” put items away in the facility. In robotics facilities, this job requires workers to grab items from a tote or bin delivered to their workstation, and then turn and place those items in tall robotized containers to be stored until ordered by customers.
- **Pick:** Workers assigned to “Pick” locate and retrieve items in the facility. In robotics facilities, this job requires workers to find the correct item from the tall robotized containers and place that item into a bin to be sent to another employee for packing and distribution.
- **Pack:** Workers assigned to “Pack” put items into boxes or envelopes for shipment. Packing jobs are separated by the size of the items—some workers deal with single items that can fit in small envelopes, while others deal with multiple items or large items that need to be packed in boxes.

#### **B. Across its network, Amazon warehouses share an emphasis on speed and productivity above all else**

The warehouses that make up Amazon’s fulfillment network can vary significantly in both size and operations. Some are large, some are not. Some use robotics, some do not. Some have on-site first aid clinics, some do not. For example, Committee staff toured a fulfillment center that is over 1.1 million square feet and has an entire floor dedicated to robotized processes, as well as an on-site first aid clinic.<sup>19</sup> Committee staff also toured a delivery station that is less than one-fifth that size and has no robotics or on-site first aid clinic.<sup>20</sup> Despite these differences, there is a critical common feature across Amazon’s fulfillment network: the company’s obsession with speed.

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<sup>18</sup> ORD4, *Amazon Books Make on Demand Virtual Tour*, YOUTUBE (Jan. 11, 2022), <https://www.youtube.com/watch?v=9KjPcw64Izg> (book printing); Gopal Pillai, Vice President, Worldwide Returns and ReCommerce at Amazon, *How the Returns Process Works at Amazon*, AboutAmazon.com (Dec. 21, 2023), <https://www.aboutamazon.com/news/retail/what-happens-to-amazon-returns> (return centers); Walter Loeb, *Amazon Expands One-Day Delivery*, FORBES (Aug. 4, 2023), <https://www.forbes.com/sites/walterloeb/2023/08/04/amazon-expands-one-day-delivery/> (same-day facilities); Sarah Rhoads, Amazon VP Global Workplace Health & Safety, *Welcome to the Amazon Air Hub*, AboutAmazon.com (Aug. 11, 2021), <https://www.aboutamazon.com/news/operations/welcome-to-the-amazon-air-hub> (air hubs).

<sup>19</sup> Clayco, *Amazon Sorting Facility – Baltimore*, <https://claycorp.com/project/amazon-sorting-facility-baltimore> (last visited Dec. 10, 2024).

<sup>20</sup> The facility is 194,000 square feet. Press Release, Amazon.com, Inc., Amazon Opens Two New Central Maryland Delivery Stations (Sept. 1, 2021), <https://press.aboutamazon.com/2021/9/amazon-opens-two-new-central-maryland-delivery-stations>.

The speed with which Amazon delivers packages to customers is a core component of the company's business model and one of the main drivers of its success.<sup>21</sup> Amazon says its customers believe "faster is almost always better," and the company has invested significant resources in delivering items on shorter and shorter time frames.<sup>22</sup> In 2023, it delivered seven billion items the same or next day, with more than half of those in the United States.<sup>23</sup> In his 2023 letter to shareholders, CEO Andy Jassy boasted that the company had broken "multiple company records" related to delivery speeds and highlighted efforts to "deliver[] faster for customers" in 2024.<sup>24</sup> In the first quarter of this year, Amazon delivered more than two billion items the same or next day.<sup>25</sup> By promising two-day, then one-day, and now same-day delivery, Amazon has made massive profits from its extremely fast delivery speeds.<sup>26</sup>

Amazon's obsession with speed permeates every aspect of its warehouse culture, including warehouse workers' experiences. The Committee's investigation revealed that Amazon workers are instructed to meet certain speed quotas each shift, which can include a total number of items picked, packed, or stowed.<sup>27</sup> Workers who meet these quotas receive no benefits, but workers who do not meet these quotas face discipline, including termination.<sup>28</sup> As one worker told the Committee, "It's just about numbers. Get as many products as you can through the conveyor system as quick as possible. Don't stop the conveyor for any reason. Shove stuff through even if it isn't supposed to go there. All for numbers."<sup>29</sup>

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<sup>21</sup> See Doug Herrington, CEO of Worldwide Amazon Stores, *Amazon's Prime Delivery Speeds Are Faster than Ever So Far in 2024*, AboutAmazon.com (Apr. 29, 2024), <https://www.aboutamazon.com/news/retail/amazon-prime-delivery-speeds-2024>; Doug Herrington, CEO of Worldwide Amazon Stores, *Amazon Delivered to Prime Members at the Fastest Speeds Ever in 2023—and Is Working to Get Even Faster in 2024*, AboutAmazon.com (Jan. 30, 2024), <https://www.aboutamazon.com/news/operations/doug-herrington-amazon-prime-delivery-speed-2024-updates>; Jordyn Holman, *You Want That Gift to Arrive Today? This is What it Takes*, N.Y. TIMES (Dec. 3, 2024), <https://www.nytimes.com/2024/12/03/business/amazon-same-day-delivery.html>.

<sup>22</sup> Letter from Andy Jassy, CEO, Amazon.com, Inc., to Amazon Shareholders (Apr. 14, 2022), <https://www.aboutamazon.com/news/company-news/2021-letter-to-shareholders>.

<sup>23</sup> Herrington, *Amazon Delivered to Prime Members at the Fastest Speeds Ever in 2023—and Is Working to Get Even Faster in 2024*, *supra* note 21.

<sup>24</sup> Letter from Andy Jassy, CEO, Amazon.com, Inc., to Amazon Shareholders (Apr. 11, 2024), <https://www.aboutamazon.com/news/company-news/amazon-ceo-andy-jassy-2023-letter-to-shareholders>.

<sup>25</sup> Herrington, *Amazon's Prime Delivery Speeds Are Faster than Ever So Far in 2024*, *supra* note 21.

<sup>26</sup> See Spencer Soper, *Amazon Doubling Same-Day Delivery Facilities in Push for Speed*, BLOOMBERG (July 31, 2023), <https://www.bloomberg.com/news/articles/2023-07-31/amazon-doubles-down-on-delivery-speed-ahead-of-earnings>; Rocio Fabbro, *Amazon Prime Deliveries Are Getting Faster than Ever*, QUARTZ (Apr. 29, 2024), <https://qz.com/amazon-prime-delivery-speed-same-two-day-andy-jassy-1851442209>.

<sup>27</sup> See *infra* Section V(B).

<sup>28</sup> See *infra* Section V(C).

<sup>29</sup> HELP Committee Majority staff interview with AM (Feb. 26, 2024).

### **III. THE HELP COMMITTEE’S INVESTIGATION**

In June 2023, the Senate Committee on Health, Education, Labor, and Pensions (HELP Committee) launched an investigation into Amazon’s workplace safety practices in an effort to determine what is causing Amazon’s high injury rates and to better understand what happens to workers when they get injured on the job.<sup>30</sup>

Over the course of 18 months, the Committee solicited information from current and former Amazon workers about their experiences in Amazon’s warehouses.<sup>31</sup> Nearly 500 workers shared their stories with the Committee, and Committee staff conducted 135 interviews, both virtual and in-person. Those workers provided the Committee with more than 1,400 documents, photographs, and videos to support their stories. Some of those photographs and documents are included in the narrative portion of this report and in Appendix D.<sup>32</sup> For their protection, references to information provided by current and former Amazon workers have been anonymized using the workers’ initials, and some of the workers’ initials and identifying details have been changed or redacted at their request. In some cases, workers asked to be identified by name; the Committee has included those workers’ full names in the report.

The Committee also requested information from Amazon, both in its initial letter to the company and in multiple follow-up requests, including information and documents related to Amazon’s uniquely dangerous warehouses, the pace at which Amazon forces employees to work, and internal knowledge of the connection between speed and injuries. Amazon responded with 26 letters and produced 285 documents, many of which referenced information regarding Amazon’s warehouse safety record that was already publicly available. Some of those letters and documents are included in Appendix C. Committee staff also spoke with Amazon’s outside counsel on numerous occasions to request clarification about information provided by the company and to make further or repeated requests for information. In addition, Committee staff took tours of two Amazon facilities and received a briefing from a Senior Manager for ergonomics at the company.

As detailed throughout this report, Amazon’s cooperation with this investigation has been extremely limited. The company has chosen to craft a narrative of compliance instead of responding with transparency to the Committee’s requests. Amazon repeatedly refused to provide documents, data, and communications related to a range of issues that the Committee identified as critical to its investigation. As one example, Chairman Sanders’s initial letter to the company requested emails and other communications related to important issues such as safety improvements in warehouses and speed and productivity requirements. Amazon refused to

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<sup>30</sup> See Letter from Bernard Sanders, Chair, U.S. Senate Comm. on Health, Educ., Lab., and Pensions, to Andy Jassy, CEO, Amazon.com, Inc. (June 20, 2023) (in Appendix C).

<sup>31</sup> The Committee also reviewed publicly available information posted online by Amazon workers, including public posts made to an Amazon-specific sub-Reddit. Although the Committee is unable to verify the identity of each Reddit post author, the Committee includes and relies on these cited posts when they match information that we received from a separate source, including current and former workers.

<sup>32</sup> Cited documents that are simply screenshots or photographs are included in full in the text of the report and are not included in Appendix D.



comply; the company **never** provided a single email or other communication to the Committee. The company instead publicly asserted that it had “shared thousands of pages of information and documents” with the Committee.<sup>33</sup> It failed to note that nearly half of those documents were training materials for on-site first aid workers, just one subpart of Chairman Sanders’s initial letter and the Committee’s investigation.

Amazon also refused to respond to multiple requests to provide specific documents on one of the core topics of the Committee’s investigation: the connection between the speed requirements imposed on workers and the injuries those workers experience.<sup>34</sup> Amazon’s counsel told the Committee that “producing more documents may not be the best use of time.”<sup>35</sup>

Amazon similarly failed to provide information responsive to follow-up requests that arose over the course of the Committee’s investigation. On multiple occasions, Committee staff amended or narrowed requests in an effort both to obtain information and to be responsive to the company’s objections. In most of these instances, the company still refused to provide responsive documents.

Fortunately, the Committee’s interviews with 135 workers yielded significant information about the company’s operations. But Amazon’s failure to produce requested documents significantly hampered the Committee’s ability to understand how the company makes decisions about worker safety. The Committee hopes future investigators will uncover additional information to more fully inform the public about the practices of one of the largest and most influential employers in the country. In Appendix B, the Committee outlines additional topics that were identified during the course of this investigation but not explored in detail due to the confines of the report; those topics may merit additional investigation.

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<sup>33</sup> Amazon Staff, *Read Amazon’s Response to Senator Bernie Sanders’ Misleading ‘Interim Report’ on Workplace Safety*, AboutAmazon.com (July 16, 2024), <https://www.aboutamazon.com/news/policy-news-views/amazon-response-to-bernie-sanders-interim-report>.

<sup>34</sup> See Section VI.

<sup>35</sup> Telephone call with Paul, Weiss, Counsel to Amazon (June 6, 2024) (notes of call on file with Committee).

#### **IV. AMAZON MANIPULATES WORKPLACE INJURY DATA TO CLAIM ITS WAREHOUSES ARE SAFER THAN THEY ARE**

For years, Amazon has been telling the public a story about the company’s commitment to workplace safety—the same story that was repeated to the Committee over the course of this investigation. In 2021, former CEO Jeff Bezos announced to shareholders that the company was committed to being “Earth’s Safest Place to Work.”<sup>36</sup> In each of the three years since, the company has published annual workplace safety reports that state that Amazon is improving warehouse safety and dedicating resources to that goal.<sup>37</sup>

These workplace safety reports have emphasized that Amazon is “seeing improvements”<sup>38</sup> and has “made meaningful and measurable progress.”<sup>39</sup> The company has supported those claims, in large part, by touting a decrease in the rate of injuries that it records and discloses to the Occupational Safety and Health Administration (OSHA), an agency of the Department of Labor that enforces federal workplace safety law.<sup>40</sup> The company has also emphasized that its injury rates closely track industry averages calculated by the Bureau of Labor Statistics (BLS), another branch of the Department of Labor that compiles and publishes labor statistics, including industry-specific data on workplace injuries.<sup>41</sup>

The Committee independently evaluated Amazon’s worker injury data and found that it does not support the safety record that Amazon has touted publicly. Instead, the data shows that Amazon’s warehouses are **far more dangerous** than the company’s major competitors and the warehousing industry more broadly. Amazon has chosen to manipulate the data it presents to the public to hide that fact. Instead of grappling with the empirical reality of the company’s injury rate and the impact of its speed requirements on workers, Amazon obscures the truth to paint the company in the best possible light.

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<sup>36</sup> Letter from Jeffrey Bezos, Founder and CEO, Amazon.com, Inc., to Amazon Shareholders (Apr. 15, 2021), <https://www.aboutamazon.com/news/company-news/2020-letter-to-shareholders>.

<sup>37</sup> Amazon, *Delivered with Care: Safety, Health, and Well-Being at Amazon* (2022), <https://cdn-safety.aboutamazon.com/33/92/e4790630470a9697643b409011f4/delivered-with-care.pdf> (hereinafter “2021 Safety, Health, and Well-Being Report”); Amazon, *Delivered with Care: Amazon’s 2022 Safety, Health, and Well-Being Report* (2023), <https://cdn-safety.aboutamazon.com/ea/c3/d72d03394d0db22e336048031ec8/amazon-safety-report-2022-v41.pdf> (hereinafter “2022 Safety, Health, and Well-Being Report”); Sarah Rhoads, Amazon VP Global Workplace Health & Safety, *Amazon’s Safety Performance Continues to Improve Year over Year*, AboutAmazon.com (Mar. 8, 2024), <https://www.aboutamazon.com/news/workplace/amazon-workplace-safety-post-2023>.

<sup>38</sup> Amazon, 2021 Safety, Health, and Well-Being Report, *supra* note 37 at i.

<sup>39</sup> Amazon, 2022 Safety, Health, and Well-Being Report, *supra* note 37 at 8. *See also* Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37 (noting the company’s “year-over-year progress”).

<sup>40</sup> Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37 (“Our [recordable injury rate] improved 24% over the past four years.”).

<sup>41</sup> Amazon, 2021 Safety, Health, and Well-Being Report, *supra* note 37, at 11; Amazon, 2022 Safety, Health, and Well-Being Report, *supra* note 37 at 10; Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37. The Committee’s analysis of publicly-available workplace safety data in this section relies on both OSHA data (for site-by-site injury data from companies) and BLS data (for averages of injury rates by industry).

Amazon’s mischaracterizations begin with the company’s repeated insistence that its injury rate has fallen dramatically in recent years.<sup>42</sup> Like most employers, Amazon is required to record and disclose to OSHA injuries and illnesses that result in “death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.”<sup>43</sup> Those injuries and illnesses are called “recordable,” and are collectively referred to throughout this report as “recordable injuries” because illnesses constitute just a small fraction of the incidents recorded and disclosed to OSHA.<sup>44</sup> OSHA makes the records of these injuries available to the public for certain industries, including warehouses. These records allow other entities—such as the HELP Committee—to calculate a company’s “recordable injury rate”: the number of qualifying work-related injuries and illnesses per every 100 full-time workers.

In March 2024, Amazon boasted that its recordable injury rate had “improved 30% over the past four years.”<sup>45</sup> As the chart below shows, that claim is true: the company’s recordable injury rate decreased from 2019 to 2023.<sup>46</sup>

But the chart also shows that Amazon’s statement is only true because the company’s 2019 data represented a 24 percent increase from two years earlier, and a 16 percent increase from 2018. In other words, Amazon has chosen to boast, repeatedly, about its recordable injury rate falling as compared to an outlier year.

Amazon also cherry-picks data and makes misleading comparisons so that its injury rates appear to be closer to the rest of the warehousing industry’s injury rates than they actually are. Rather than comparing its recordable injury rate to the warehousing industry in general, Amazon compares its recordable injury rate to a small subcategory of the industry. In both public-facing documents and in communications to the Committee, Amazon has repeatedly compared the injury rate for its warehouses of **all sizes** to the industry average for

	Recordable Injury Rate
	Amazon warehouses
2017	7.25
2018	7.74
2019	9.01
2020	6.59
2021	7.64
2022	6.97
2023	6.54

Injury rate at Amazon’s warehouses, based on injury data reported by Amazon to OSHA.  
Chart created by Committee.

<sup>42</sup> See Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37 (“In the General Warehousing and Storage industry. . . [o]ur [recordable incident rate] improved 24% over the past four years.”).

<sup>43</sup> 29 C.F.R. § 1904.7(a).

<sup>44</sup> *Id.*

<sup>45</sup> Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37. See also Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 5 (Aug. 22, 2024) (“Amazon’s Recordable Incident Rate (RIR)—which includes any work-related injury that requires more than basic first-aid treatment—has improved 28% from 2019-2023.”). All cited letters from Amazon’s counsel are included in Appendix C to this report.

<sup>46</sup> Committee calculation based on OSHA injury tracking application (ITA) data from 2017–2023. See OSHA, DOL, *ITA Data*, *supra* note 17.

**large warehouses** (those with 1,000 or more employees).<sup>47</sup> But only 40 percent of Amazon warehouses have 1,000 or more employees.<sup>48</sup> That means that Amazon’s advertised safety record is based on a false equivalence—comparing all of its warehouses to an industry subcategory that does not include the majority of Amazon’s warehouses.

It is likely that Amazon makes this comparison because it is more favorable for the company than a comparison to the average injury rates of the entire warehousing industry. The injury rate for the subcategory of large warehouses is consistently higher than the overall injury rate for the entire warehousing industry. For example, in 2023, the injury rate for all warehouses was 4.8 injuries per 100 workers, while the injury rate for large warehouses was 5.4 injuries per 100 workers—closer to Amazon’s recordable injury rate of 6.54 injuries per 100 workers in the same year.<sup>49</sup>

In addition, Amazon’s warehouses constitute approximately two-thirds of the total warehouses nationwide with 1,000 or more employees—the subcategory it has chosen as a comparison.<sup>50</sup> In 2023, Amazon had 168 of the country’s 255 total warehouses with more than 1,000 employees, and employed nearly 80 percent of all of the workers who work in facilities of that size.<sup>51</sup> That means that the average injury rate for that subcategory is determined predominately by the injury rate at those 168 Amazon facilities. In other words, the reason the average injury rate for that subcategory is closer to Amazon’s injury rate is because Amazon dominates the subcategory. Incredibly, even using this misleading comparison, Amazon’s injury rate **has still been higher than the average injury rate for large warehouses in each of the past five years.**<sup>52</sup>

The Committee flatly rejects Amazon’s misleading comparisons. Amazon recorded and disclosed injuries at warehouses ranging in size from 20 to more than 5,000 employees.<sup>53</sup> The proper comparison for the company’s overall injury data is the overall average for the “general

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<sup>47</sup> Amazon, 2022 Safety, Health, and Well-Being Report, *supra* note 37 at 9; Rhoads, *Amazon’s Safety Performance Continues to Improve Year Over Year*, *supra* note 37 at n. 2; Amazon, 2021 Safety, Health, and Well-Being Report, *supra* note 37 at 10. *See also* Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon at 5 (Sept. 24, 2024).

<sup>48</sup> Committee calculation based on OSHA ITA data from 2023. Only 168 of 419 Amazon warehouses had more than 1,000 employees in 2023. *See* OSHA, DOL, *ITA Data*, *supra* note 17.

<sup>49</sup> Industry average rates from BLS. U.S. Bureau of Lab. Stat. (BLS), DOL, *Injuries, Illnesses, and Fatalities: Industry Injury and Illness Data: Quartile Data: Q1: Total Recordable Cases – Injuries and Illnesses – Detailed Industry by Establishment Size*, <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/soii-summary-historical.htm> (last modified Nov. 8, 2024). *See* note 52 *infra* for data on previous years.

<sup>50</sup> Committee calculation based on OSHA ITA data from 2023. *See* OSHA, DOL, *ITA Data*, *supra* note 17.

<sup>51</sup> Committee calculation based on OSHA ITA data from 2023. *See id.*

<sup>52</sup> 2023 (6.54 injuries per 100 workers at Amazon compared with 5.4 injuries per 100 workers at large warehouses); 2022 (6.97 injuries per 100 workers at Amazon compared with 6.8 injuries per 100 workers at large warehouses); 2021 (7.64 injuries per 100 workers at Amazon compared with 6.7 injuries per 100 large warehouses); 2020 (6.59 injuries per 100 workers at Amazon compared with 5.5 injuries per 100 workers at large warehouses); 2019 (9.01 injuries per 100 workers at Amazon compared with 5.8 injuries per 100 workers at large warehouses). Amazon RIR from Committee analysis of OSHA ITA data. Industry average rates from BLS. BLS, DOL, *Injuries, Illnesses, and Fatalities: Industry Injury and Illness Data: Quartile Data: Q1: Total Recordable Cases – Injuries and Illnesses – Detailed Industry by Establishment Size*, <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/soii-summary-historical.htm> (last modified Nov. 8, 2024).

<sup>53</sup> HELP Committee analysis of OSHA ITA data for 2023. *See* OSHA, DOL, *ITA Data*, *supra* note 17.

warehousing” industry, as reported regularly by BLS. If the injury rate at Amazon’s warehouses was compared to the average injury rate for all of the nation’s warehouses—instead of just those included in the company’s preferred subcategory—Amazon’s safety record would look much more troubling. Compared to the industry as a whole, in 2023, Amazon warehouses recorded and disclosed **31 percent more injuries than the average warehouse**.<sup>54</sup>

But even that number downplays how uniquely dangerous Amazon’s warehouses are. Amazon is so large that its injury rate has a significant and growing impact on the average injury rate for the entire warehouse sector. For that reason, the Committee also analyzed the injury data for all warehouses in the United States that are **not** operated by Amazon. That allows for a comparison of Amazon’s injury rates not just to the average warehouse (skewed by Amazon’s data), but to the average of all other warehouses (providing a more accurate picture of how Amazon’s safety record compares to its peers). Not surprisingly, the company’s rate of recordable injuries was significantly higher than both the industry average and the average for non-Amazon warehouses in each year from 2017–2023.<sup>55</sup>

In fact, as the chart below shows, Amazon’s injury rate is **nearly double the average injury rate** for all non-Amazon warehouses in each of the past seven years.

	<b>Recordable Injury Rate</b>		
	<b>Amazon warehouses</b>	<b>Non-Amazon warehouses</b>	<b>BLS Industry Average</b>
<b>2017</b>	7.25	3.88	5.2
<b>2018</b>	7.74	4.18	5.2
<b>2019</b>	9.01	4.02	4.9
<b>2020</b>	6.59	3.18	5
<b>2021</b>	7.64	4.02	5.6
<b>2022</b>	6.97	3.18	5.7
<b>2023</b>	6.54	3.17	4.8

Comparison of Amazon’s recordable injury rate, the average recordable injury rate for non-Amazon warehouses, and the average recordable injury rate for the warehousing and storage industry. Chart created by Committee.<sup>56</sup>

<sup>54</sup> HELP Committee analysis of OSHA ITA data for 2023. *See id.*

<sup>55</sup> All data discussed in this section is for the warehousing and storage industry (NAICS code 493110).

<sup>56</sup> Data for Amazon and non-Amazon warehouses are based on Committee analysis of OSHA ITA data. *See* OSHA, DOL, *ITA Data*, *supra* note 17. The Committee calculated Amazon warehouse and non-Amazon warehouse injury rates using the same formula BLS uses to calculate incident rates. For both Amazon warehouses and non-Amazon warehouses, the Committee reviewed data for NAICS code 493110. For Amazon warehouses, the Committee summed total injuries and illnesses at Amazon facilities (total cases with days away from work, total cases with job transfer or restriction, and total number of other recordable cases), multiplied that number by 200,000 (a base for the equivalent of 100 full-time workers), and divided it by the total hours worked at Amazon facilities. For non-Amazon warehouses, the Committee did the same calculation for all non-Amazon facilities in NAICS code 493110. For the industry average, the Committee relied on the BLS industry averages. BLS, DOL, *Injuries, Illnesses, and Fatalities*:

This chart makes clear that Amazon’s claim that the company’s injury rates “are generally **lower** than the relevant industry averages” is false.<sup>57</sup>

Some of Amazon’s facilities have particularly concerning rates of injuries. One of Amazon’s warehouses in Spokane, Washington<sup>58</sup> had the highest injury rate of all Amazon warehouses in 2023, with 27 injuries per every 100 workers.<sup>59</sup> Amazon’s warehouse in Arlington, Washington had an injury rate of 22.5 injuries per every 100 workers.<sup>60</sup> The ten Amazon warehouses with the highest injury rates all exceeded 17 injuries per 100 workers—more than 3.5 times the industry average.<sup>61</sup> And more than two-thirds of all Amazon warehouses had an injury rate above the industry average for warehousing in 2023.<sup>62</sup>

Amazon presents an obviously misleading defense of its apples-to-oranges comparison between its overall injury rate and the average injury rate for the largest warehouses. Amazon claims that its preferred comparison tracks the BLS data, which calculates industry averages “based on employers’ size.”<sup>63</sup> This is false: BLS does not calculate industry averages based on **employer** size. BLS creates subcategories of data based on the size of **each warehouse**, not the size of the employer that operates the warehouse.<sup>64</sup> There is no official governmental database that compiles recordable injury rates based on the size of the employer. Even Amazon’s competitors recognize this. Walmart, a company that operates large warehouses and that Amazon described

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*How to Compute Your Firm’s Incidence Rate for Safety Management*, <https://www.bls.gov/iif/overview/compute-nonfatal-incidence-rates.htm> (last modified Mar. 25, 2019). BLS industry averages are provided by BLS. BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2018), <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/soii-summary-historical/summary-table-1-2017-national.htm>; BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2019), <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/soii-summary-historical/summary-table-1-2018-national.htm>; BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2020), <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/soii-summary-historical/summary-table-1-2019-national.htm>; BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2021), [https://www.bls.gov/web/osh/summ1\\_00.htm](https://www.bls.gov/web/osh/summ1_00.htm); BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2022), <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/table-1-injury-and-illness-rates-by-industry-2021-national.htm>; BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2023), <https://www.bls.gov/web/osh/table-1-industry-rates-national.htm>; BLS, DOL, *Survey of Occupational Injuries and Illnesses* (2024), <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables/table-1-injury-and-illness-rates-by-industry-2023-national.htm>.

<sup>57</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 5 (Sept. 24, 2024).

<sup>58</sup> In Amazon’s internal reference system, referred to as “GEG2.”

<sup>59</sup> Committee analysis of OSHA ITA data from 2023. See OSHA, DOL, *ITA Data*, *supra* note 17.

<sup>60</sup> Committee analysis of OSHA ITA data from 2023. See *id.*

<sup>61</sup> Committee analysis of OSHA ITA data from 2023. See *id.*

<sup>62</sup> Committee analysis of OSHA ITA data from 2023. See *id.*

<sup>63</sup> Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37.

<sup>64</sup> BLS, DOL, *Injuries, Illnesses, and Fatalities: Survey of Occupational Injuries and Illnesses Data: Quartile Data: Q1. Total Recordable Cases – Injuries and Illnesses – Detailed Industry by Establishment Size – 2023*, <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables.htm> (last modified Nov. 8, 2024). Table Q1 provides total recordable cases by “establishment size,” a common term in BLS data for “a single physical location,” rather than all of a company’s locations. See Akbar Sadeghi et al., BLS, DOL, *Establishment, Firm, or Enterprise: Does the Unit of Analysis Matter?*, Monthly Lab. Rev. (Nov. 2016), <https://www.bls.gov/opub/mlr/2016/article/establishment-firm-or-enterprise.htm>.

as having “businesses similar to Amazon”<sup>65</sup> publishes its own safety reports that compare Walmart’s data to the overall average for the warehousing industry rather than Amazon’s preferred subcategory.<sup>66</sup>

There are signs, however, that the company knows the data does not support its safety claims. For example, the company has slowly started backing away from its goal of being “Earth’s Safest Place to Work.” In its 2023 annual report, the company stated that its goals include being “Earth’s most customer-centric company” three times and “Earth’s best employer” once.<sup>67</sup> But it made no mention of being “Earth’s Safest Place to Work,” as advertised in the 2021 annual report. Indeed, the goalposts explicitly shifted in the 2023 annual safety report: the company wrote, “[o]ur goal is to be the safest workplace within the industries in which we operate.”<sup>68</sup> Even this more modest goal is far from a reality.

Rather than acknowledging its uniquely high injury rates and seriously committing to make its warehouses safer, Amazon has sought to mislead the public. Amazon uses its data to tell a story of a company committed to safety. But the Committee’s investigation found instead that the company prioritizes, above all else, speed. In addition to the Committee’s evaluation of publicly available injury data, the Committee reviewed evidence from the company and from workers that sheds light on the company’s relentless focus on workers’ speed. This report will present new information about the connection between that speed and the company’s injury rate. In particular, this report will expose the company’s **knowledge** of the connection between speed and injuries—and Amazon’s continued choice not to make significant changes to its operations on the basis of that information.

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<sup>65</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 7 (Aug. 22, 2024).

<sup>66</sup> Walmart, *Ethics and Compliance*, (Apr. 24, 2024), <https://corporate.walmart.com/purpose/esgreport/governance/ethics-compliance>.

<sup>67</sup> *Annual Report (2023)*, *supra* note 9 at 3–4, 42.

<sup>68</sup> Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37.

## **V. AMAZON PRIORITIZES SPEED OVER WORKER SAFETY**

*“Safety is not a priority for them. They basically try to turn numbers, get you in, wear you out, get you out.”  
–Amazon worker in Indiana<sup>69</sup>*

Although Amazon claims that its goal is to make “safety a culture, not just a priority,” warehouse workers know the truth: Amazon consistently prioritizes speed over worker safety.<sup>70</sup> The faster workers complete tasks, the faster products move through Amazon’s fulfillment network. And the faster products move through Amazon’s fulfillment network, the more money the company makes.<sup>71</sup> The result is a relentless pressure to work as quickly as possible.

Amazon applies this pressure by requiring workers to move at certain speeds or to meet certain quotas. When workers cannot keep up, Amazon disciplines them. As a consequence, workers are constantly aware of their pace and work in perpetual fear of falling behind.

### **A. Amazon falsely claims that workers are not subject to quotas**

In its public statements, Amazon has repeatedly said that it does not have speed and productivity requirements. For example, in 2022, Amazon asserted: “It’s a misconception that Amazon has quotas. We do not.”<sup>72</sup> Last year, Amazon insisted it “do[es] not require employees to meet specific productivity speeds or targets.”<sup>73</sup> And in June 2024, Amazon stated that the company does not have “fixed quotas” in its facilities.<sup>74</sup> Amazon has repeated these claims in the course of the Committee’s investigation.<sup>75</sup>

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<sup>69</sup> HELP Committee Majority staff interview with LG (Nov. 14, 2023).

<sup>70</sup> Amazon, *Making Safety a Culture, Not Just a Priority*, Amazon Jobs, <https://www.amazon.jobs/en/teams/workplace-health-safety> (last visited Nov. 22, 2024); HELP Committee Majority staff interviews with JF (Aug. 17, 2023), JP (Nov. 1, 2023), JT (Oct. 20, 2023), AW (Oct. 24 & 27, 2023), AW (Nov. 22, 2023), JC (Nov. 7, 2023), Roger Hooks (Nov. 8, 2023), J Lopez (Nov. 8, 2023), Maji Vallot (Oct. 25, 2023), and JA (Nov. 17, 2023).

<sup>71</sup> Jordyn Holman, *You Want That Gift to Arrive Today? This Is What It Takes*, *supra* note 21.

<sup>72</sup> Annie Palmer, *New York Lawmakers Pass Bill Limiting Amazon’s Use of Worker Productivity Quotas in Warehouses*, CNBC (June 3, 2022), <https://www.cnbc.com/2022/06/03/new-york-passes-bill-targeting-amazon-warehouse-productivity-quotas.html>; *see also* Dave Jamieson, *New York Enacts Warehouse Worker Protections Targeting Amazon*, HUFFPOST (Dec. 21, 2022), <https://sg.news.yahoo.com/york-enacts-warehouse-worker-protections-195950680.html> (“Kelly Nantel, an Amazon spokesperson, said in a statement . . . ‘Amazon does not have fixed quotas at our facilities.’”).

<sup>73</sup> Daniel Wiessner, *Amazon Beats Claim that Warehouse Quotas are Biased Against Older Workers*, REUTERS (Jan. 27, 2023), <https://www.reuters.com/legal/amazon-beats-claim-that-warehouse-quotas-biased-against-older-workers-2023-01-27>.

<sup>74</sup> Noam Scheiber, *Amazon Is Fined Nearly \$6 Million Over Warehouse Work Quotas*, N.Y. TIMES (June 18, 2024), <https://www.nytimes.com/2024/06/18/business/economy/amazon-california-productivity-quota.html>.

<sup>75</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (Sept. 24, 2024).



But Amazon’s statements are semantic, not substantive: the company is trying to hide the fact that it imposes speed and productivity requirements on its workers by objecting to the language used by its critics. But just because Amazon may not use specific terms for the requirements it imposes on workers, does not mean the company does not impose those requirements. For example, in a January 2020 letter to members of Congress, Amazon stated that it “does not utilize quota requirements” but described, in detail, its “target performance expectations”—simply a different, company-created phrase with the same meaning.<sup>76</sup>

And although it may be true that Amazon does not have “fixed quotas” in its facilities as the company claimed in June 2024—given the variation across Amazon’s fulfillment network, very little is “fixed.” For example, the company’s documents discuss how differences in “the age and size” of a warehouse, “seasonal patterns,” the number of available workers, the number of packages, and other factors can contribute to “the flow of work and the stock of labor” in a warehouse.<sup>77</sup> These variations mean that there can be no one speed or productivity requirement that applies to all warehouse workers. Indeed, there can be no one speed or productivity requirement that applies to all warehouse workers in fulfillment centers, or even that applies to all warehouse workers in a specific role across fulfillment centers. In practice, these requirements do not even stay the same for a single position in a single facility.

But Amazon’s attempts to obscure the company’s speed and productivity requirements do not change the fact of their existence. Hundreds of workers across the country have confirmed in submissions to the Committee, in interviews with staff, and in supporting documentation, that they are expected to meet certain speed and productivity requirements and are disciplined when they are unable to do so. Those workers have provided overwhelming evidence to the Committee that Amazon is playing word games when it claims it does not impose speed and productivity requirements on workers.

In short, Amazon’s claim that it “do[es] not require employees to meet specific productivity speeds or targets”—made publicly in 2023 and repeated to the Committee shortly before the publication of this report—is demonstrably false.<sup>78</sup>

## **B. Amazon imposes speed and productivity requirements on warehouse workers across its fulfillment network**

For workers who have computers at their workstations, Amazon imposes speed and productivity requirements by measuring workers’ “rate,” “takt time,” and “unknown idle time” or “time off task.” These requirements relate to the number of tasks workers complete per hour, the time it

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<sup>76</sup> Letter from Brian Huseman, Vice President, Public Policy, Amazon.com, Inc., to U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and U.S. Representative Joseph Kennedy III at 6 (Jan. 6, 2020), <https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf>.

<sup>77</sup> AMAZON\_00004166.

<sup>78</sup> Daniel Wiessner, *Amazon Beats Claim that Warehouse Quotas are Biased Against Older Workers*, *supra* note 73; Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (Sept. 24, 2024).

takes workers to complete each task, and the time workers have been inactive at their workstations, respectively.

1. Amazon requires workers to complete tasks a certain number of times each hour (“rate”)

*“It is just speed and profit, and workers are in the middle dealing with it.”*  
—Amazon worker at a warehouse in Missouri<sup>79</sup>

One common requirement that Amazon imposes on warehouse workers is that they complete tasks a certain number of times each hour. Amazon refers to this requirement as a “rate” or “rate-goal.”<sup>80</sup> Although rates vary based on facility and position, nearly all of them require workers to perform repetitive movements extremely quickly. For example, workers in robotics facilities told the Committee that they had to meet the following rates:

- **Stowing:** Workers are expected to take items out of a bin, turn, and place those items in a robotized standing container up to **350 times per hour**.<sup>81</sup>
- **Picking:** Workers are expected to select items out of those robotized standing containers, turn, and place them in a different bin up to **450 times per hour**.<sup>82</sup>
- **Packing:** Workers are expected to pull items out of bins that come off a conveyor belt, drop those items into packages, and then seal the packages shut. The number of expected packages per hour varies based on the number of items in each package:
  - Workers told the Committee about rates of **200 packages per hour** when packing multiple items.<sup>83</sup>
  - Workers in “SmartPac,” where workers load small packages into a heat-sealing machine and then press a button to seal the package, have significantly higher quotas than other packing positions. Workers in SmartPac reported that they were expected to complete this task **600 times per hour**.<sup>84</sup>

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<sup>79</sup> HELP Committee Majority Staff interview with WT (Nov. 7, 2023).

<sup>80</sup> AMAZON\_00004089; AMAZON\_00004092; AMAZON\_00004105. In this report, for clarity, the Committee distinguishes between workers’ “expected rate” (the target number of repetitions) and “actual rate” (the number of repetitions completed). Workers and Amazon documents generally do not differentiate and refer to both numbers as “rate.”

<sup>81</sup> HELP Committee Majority staff interviews with Jessica Salerno (Oct. 18, 2023) (expected rate: 350), KA (Nov. 2, 2023) (expected rate: 330), NB (Oct. 19, 2023) (expected rate: 300), AW (Nov. 22, 2023) (expected rate: 300), JF (Aug. 17, 2023) (expected rate: 300), AP (Nov. 1, 2023) (expected rate: 250), and TF (Oct. 6, 2023) (expected rate: 220).

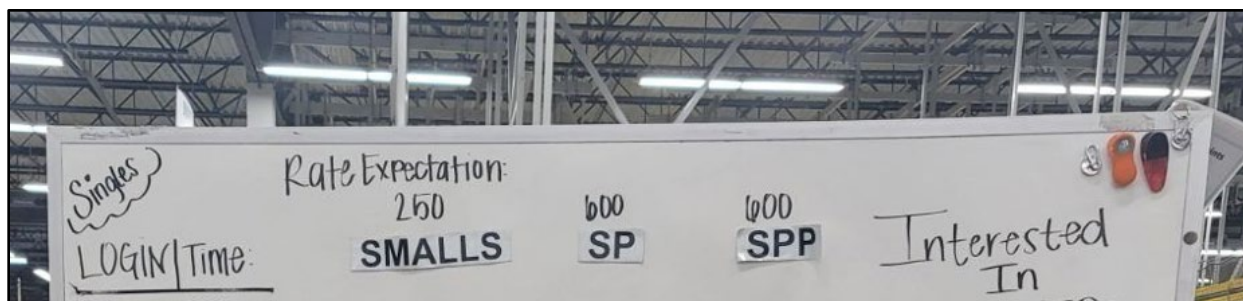
<sup>82</sup> HELP Committee Majority staff interviews with DP (Dec. 19, 2023) (expected rate: 450), RB (Aug. 21, 2023) (expected rate: 350), TF (Oct. 6, 2023) (expected rate: 350), and WT (Nov. 7, 2023) (expected rate: 350).

<sup>83</sup> HELP Committee Majority staff interviews with SJ (expected rate: 200), Tommy Simril (expected rate: 80), and Chiffon Wilson (expected rates: 250 in smalls, 175 in AFE, 80 in singles).

<sup>84</sup> HELP Committee Majority staff interviews with MS (Nov. 8, 2023) (expected rate: 600), EM (Oct. 23, 2023) (expected rate: 600), WT (Nov. 7, 2023) (expected rate: 600), LQ (Nov. 13, 2023) (expected rate: 500).

Workers are expected to meet these rates for the entirety of their shift, amounting to an extremely high number of repetitions of the exact same movement every day. For example, for workers in SmartPac, a rate of 600 means that workers must complete the same set of tasks every six seconds for the entire length of a ten-hour shift—a total of **5,400 times per day** (accounting for a one-hour break).<sup>85</sup>

Workers are told their rates in a number of different ways: sometimes it is viewable at the station where workers scan their badges to start their shift; sometimes it is posted publicly in the warehouse; sometimes their manager communicates it to them directly, either at a start-of-shift meeting or throughout their shift; and sometimes it is sent to them on their handheld scanner.<sup>86</sup> One of the workers interviewed as part of the investigation provided the below photograph to the Committee. The photograph shows the rates for workers packing small boxes (“smalls,” with an expected rate of 250 units per hour) and for workers using the SmartPac machine to heat-seal envelopes (listed as “SP” and “SPP,” both with expected rates of 600 units per hour) at this worker’s facility.



A photograph, provided by a worker to the Committee, of a white board in an Amazon warehouse showing workers their expected rates for packing single small boxes (“smalls”), SmartPac (“SP”), and SmartPac Poly (“SPP”).<sup>87</sup>

When Committee staff toured the fulfillment center in Sparrows Point, Maryland, a similar whiteboard with the rates for specific positions was clearly visible, though Committee staff were not allowed to take photographs during the tour.

Some workers are able to view their actual rate—the number of tasks they have completed per hour—in real time to determine if they are meeting their expected rate. For example, one worker, who was tasked with grabbing items from bins, scanning them, and placing them in tall robotized containers, told the Committee that the screen at his workstation showed his expected rate and actual rate during his entire shift.<sup>88</sup> The screen also showed the time it took him in between scanning products and the total number of items he had scanned so far.<sup>89</sup>

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<sup>85</sup> HELP Committee Majority staff interviews with MS (Nov. 8, 2023), EM (Oct. 23, 2023).

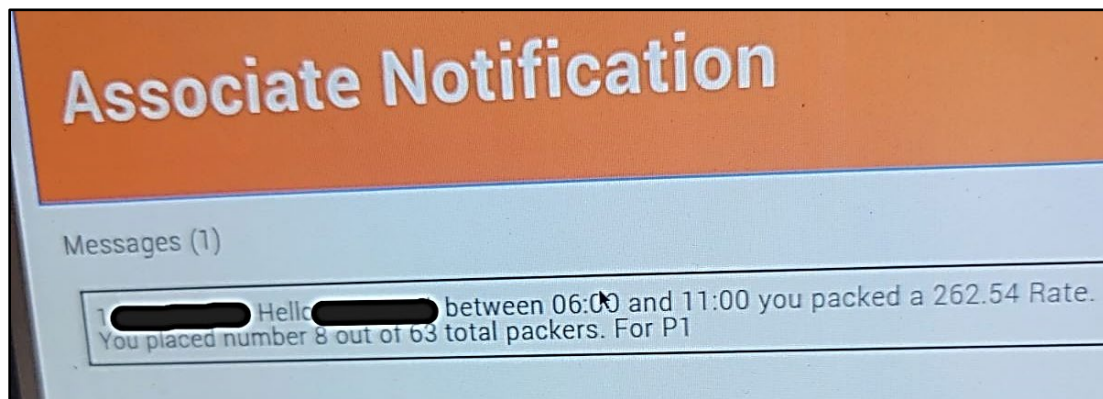
<sup>86</sup> HELP Committee Majority staff interviews with JP (Nov. 1, 2023), LQ (Nov. 13, 2023), JC (Nov. 7, 2023), RN (Oct. 31, 2023), and KA (Nov. 2, 2023).

<sup>87</sup> Worker Document 1.

<sup>88</sup> HELP Committee Majority staff interview with AP (Nov. 1, 2023) (working in a Stow position).

<sup>89</sup> *Id.*

Workers are also told how their actual rate compares to other workers' actual rates.<sup>90</sup> In some facilities, managers post workers' actual rates in common areas, ranking workers against each other.<sup>91</sup> In other facilities, managers send workers messages on their computer screens or handheld devices telling them their actual rate and how they compare to other employees.<sup>92</sup> As one example, the photograph below shows a message from a manager to a worker that identifies the worker's actual rate as 262.54 boxes packed per hour between 6:00 A.M. and 11:00 A.M.<sup>93</sup> The message also informs the worker that she is 8th out of 63 people in packing roles during that same period—showing how closely Amazon monitors workers during the course of their shift.



A photograph, provided by a worker to the Committee, of a message a manager sent to the computer screen of a worker. Redacted by the Committee.<sup>94</sup>

Some facilities have “performance awareness kiosks” where workers can check their productivity metrics for the week (including total units processed and units per hour), and see how they rank compared to their coworkers.<sup>95</sup> An example of what workers can view at these performance awareness kiosks is embedded below. The image shows the worker's actual rate—measured in “units per hour” per shift. It also notes that workers can compare themselves to their coworkers on Thursdays, when the “percentile ranking compared to peers” is calculated and displayed.

<sup>90</sup> HELP Committee Majority staff interviews with JF (Aug. 17, 2023), MT (Nov. 8, 2023).

<sup>91</sup> HELP Committee Majority staff interviews with LY (Nov. 3, 2023), NB (Oct. 19, 2023), FE (Oct. 25, 2023), JG (Oct. 27, 2023), KY (Nov. 8, 2023), and MS (Nov. 8, 2023).

<sup>92</sup> HELP Committee Majority staff interviews with WT (Nov. 7, 2023), AP (Nov. 1, 2023), and JC (Nov. 7, 2023).

<sup>93</sup> HELP Committee Majority staff interview with WT (Nov. 7, 2023).

<sup>94</sup> Worker Document 2.

<sup>95</sup> Worker Document 3; Chris Marr, *Amazon Fights States on Defining Quotas in Warehouse Safety Laws*, BLOOMBERG LAW (July 24, 2024), <https://news.bloomberglaw.com/daily-labor-report/amazon-fights-states-on-defining-quotas-in-warehouse-safety-laws>.

Week Start:

023-07-12

Performance Awareness Kiosk

Week Summary - JAX2

Percentile Ranking Compared to Peers will be displayed here on the Thursday following the

Pack

Work Item	Metric	Wed 07/12	Thu 6 07/13	Fri 07/14
Chuting / Scan Verify AFE 2 / ItemPacked / EACH / Total / Level 5	Units per Hour	139.54		

A photograph, provided by a worker, of a “performance awareness kiosk” displaying a worker’s actual rate in units per hour.<sup>96</sup>

One worker told the Committee that he can see his actual rate in Amazon’s internal app, called “AtoZ,” at any time.<sup>97</sup> And even in other warehouses, where workers are **not** able to see their actual rate while they work, managers will tell them if they fell behind—sometimes on the same day, but sometimes days or weeks later.<sup>98</sup> As one worker told the Committee, “There’s an existential dread about rate when you don’t know what it is. It’s a push game where [managers] see how much they can get from people.”<sup>99</sup>

The pressure to meet required rates is intense. But even when workers do meet these rates, Amazon just pushes them to work faster. “They are never satisfied with any number,” one worker shared. “If you hit what you’re supposed to, they push you to beat your best number.”<sup>100</sup> There are no benefits to working faster and hitting higher rates, either. Employees are not rewarded with bonuses or opportunities for promotion—they are simply expected to keep going at that rate or move even faster.

## 2. Amazon requires workers to complete each task within a certain timeframe (“takt time”)

Another requirement that Amazon imposes on workers is that they complete each task within a certain number of seconds. This requirement typically applies to workers who scan items and measures how long workers take between scanning each item they process. Amazon limits these workers to mere seconds between scans.<sup>101</sup> Amazon refers to this period of time—the time

<sup>96</sup> Worker Document 3.

<sup>97</sup> HELP Committee Majority staff interview with LQ (Nov. 13, 2023).

<sup>98</sup> HELP Committee Majority staff interviews with JP (Nov. 1, 2023), Tommy Simril (Nov. 7, 2023), KV (Oct. 9, 2023), Sonnica Jones (Dec. 15, 2023), and MC (Sept. 29, 2023).

<sup>99</sup> HELP Committee Majority staff interview with Drew Duzinkas (Oct. 27, 2023).

<sup>100</sup> HELP Committee Majority staff interviews with RS (Sept. 8 & Nov. 8, 2023).

<sup>101</sup> HELP Committee Majority staff interviews with AP (Nov. 1, 2023), KA (Nov. 2, 2023), JC (Nov. 7, 2023), Denise Eitniear (Nov. 7, 2023), Roger Hooks (Nov. 8, 2023), J Lopez (Nov. 8, 2023), WT (Nov. 7, 2023), MC (Sept. 29, 2023), AB (Nov. 2 & 7, 2023), and Tiffany Skinner (Oct. 13, 2023).



between scans—as “takt time,” which is a term that is broadly used in the manufacturing industry to refer to the pace of production required to meet customer demand.

During the Committee staff’s tour of the fulfillment center, staff observed workstations with timers counting the seconds since the workers last scanned an item and resetting every time workers scanned a new item.



Photograph from an Amazon worker, posted on Reddit, showing live statistics including Takt Time, Total Units, and Total Time on the screen at the worker’s workstation.<sup>102</sup>

Workers described this same setup at other facilities. For example, a worker told the Committee that his workstation has a timer that starts at zero every time he scans an item and counts the seconds until he scans another item—the same as the timers that Committee staff observed during their tour.<sup>103</sup> He is expected to keep an average of 13 seconds or less between scans across his entire shift, including periods where he pauses to stretch, uses the restroom, addresses a machine malfunction, or speaks to a colleague—meaning that all of those actions count against his average. Another worker told the Committee that she is expected to move even faster and average only seven seconds between scans.<sup>104</sup>

In at least one warehouse, Amazon breaks down the required takt time by each step in the job process. JC, a former Amazon worker, told the Committee that when she worked at a fulfillment center outside of St. Louis, Missouri, she was given a card that broke out every component of her job and told her, in seconds, how much time she had to complete it. The card is pictured to the right.<sup>105</sup> As JC explained:

An order pops up on the screen, I have to grab the box I need for the order and tape it closed. I find the chute I need, get the order, get it back to my station, scan every item, put it in the box, and put [bubble wrap] in the box. Then I close, tape, and label the box. I put the box on the line. And I do all that in 37 seconds. A box could be one item, it could be 20–30 items, but they still want it done in 37 seconds.<sup>106</sup>

AFC CHITTING TAKT TIME BREAKDOWN	
TASK	TIME (APPROXIMATE)
Grab & find box	10 SEC
Identify & move	4 SEC
Grab item and place items in the box	14 SEC
Pull dunnage in to the box	3 SEC
Scan sp00 and close box	4 SEC
Place box on line	2 SEC
NO MORE THAN 37 SECONDS	

A card with time expectations for each part of JC’s job.

<sup>102</sup> u/Maroon\_Blanket, *Thought I’d Share My Average Pick Rate the Other Night 6.61 Takt Time Who is Faster?*, Reddit: r/AmazonFC (July 2022), [https://www.reddit.com/r/AmazonFC/comments/w53pe2/thought\\_id\\_share\\_my\\_average\\_pick\\_rate\\_the\\_other/](https://www.reddit.com/r/AmazonFC/comments/w53pe2/thought_id_share_my_average_pick_rate_the_other/).

<sup>103</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

<sup>104</sup> HELP Committee Majority staff interview with WT (Nov. 7, 2023).

<sup>105</sup> Worker Document 4.

<sup>106</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

These requirements forced JC to move from one step of her task to the next at a rapid pace and to repeat the same tasks hundreds of times each shift. In total, JC was expected to pack boxes 80 times an hour for nine hours—or **720 times every day**.

3. Amazon requires workers to limit the time they are not actively completing a task (“unknown idle time” or “time off task”)

Another requirement that Amazon imposes on workers is that they limit the time they are not actively completing a task. Amazon calls this “unknown idle time” or “time off task.”

Though they are similar, Amazon measures these two metrics differently. Amazon defines the first metric, “unknown idle time,” as time that accrues “[w]hen [a worker] is not logged on to their workstation software for at least 30 minutes of cumulative time” without a “valid reason,” or when a worker is logged on to their workstation but is inactive.<sup>107</sup> Amazon defines the second metric, “time off task,” as time that is “logged for [workers] who have more than one cumulative hour of unknown idle time during their shift.”<sup>108</sup> Based on these definitions, which Amazon provided to the Committee as part of its investigation, “time off task” accrues only when there is at least one hour of “unknown idle time.”

Managers are able to access data on unknown idle time and time off task and use it to monitor workers throughout their shifts.<sup>109</sup> As one worker shared: “They’re watching you, every minute. They’re hounding you, they’re coming up asking you questions: ‘where were you from this to this time?’ They don’t want you to take a break, they want you to stay put and do your work.”<sup>110</sup>

4. Amazon meticulously tracks workers daily using these metrics

Evidence obtained by the Committee shows how Amazon monitors key productivity metrics for each facility and for each worker. A spreadsheet shared by a worker, identified as “Worker Document 5” in Appendix D, provides insight into how closely the company monitors these metrics. This spreadsheet contains detailed data collected on a single day.<sup>111</sup> And although the

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<sup>107</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 1 (Apr. 5, 2024); Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 1 (June 14, 2024).

<sup>108</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (June 14, 2024). Amazon has changed its policy for this requirement: it previously defined “time off task” as time that accrued “once five minutes or more of unplanned time elapses” between workers scanning items. Letter from Brian Huseman, Vice President, Public Policy, Amazon.com, Inc., to U.S. Senator Elizabeth Warren, U.S. Senator Edward J. Markey, and U.S. Representative Joseph Kennedy III at 4 (Nov. 1, 2020), <https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20-%20Sen.%20Warren%20Sen.%20Markey%20Rep.%20Kennedy%20-%202011.1.2020.pdf>.

<sup>109</sup> HELP Committee Majority Staff interviews with WT (Nov. 7, 2023) (“There is a bar for each person on the managers’ screen that shows time off task throughout the day—it’ll be gray while you’re working at a normal rate and then blue when you’re [time off task]”), JF (Aug. 17, 2023), and KY (Nov. 8, 2023).

<sup>110</sup> HELP Committee Majority staff interview with Chiffon Wilson (Nov. 7, 2023).

<sup>111</sup> Worker Document 5.

Committee’s version has data for just one facility, the spreadsheet includes internal references indicating it is used by managers at more than 60 facilities across the country.<sup>112</sup>

The spreadsheet’s tabs outline expected productivity goals for various roles, such as Pick and Pack, as well as takt time and other internal speed metrics. Thousands of data points from the single day for which the report was run document whether these goals were met, exceeded, or missed. Three tabs track the location within the warehouse of each item and calculate the packages’ “idle time” down to the minute.<sup>113</sup>

Another set of tabs reveal that the company tracks workers just as closely. Separate tabs in the spreadsheet calculate each worker’s productivity by measuring the number of units handled per hour during their shift.<sup>114</sup> Another tab tracks workers’ “time on task” and “percent time on task,” the inverse of the “time off task” metric previously discussed.<sup>115</sup>

All of that data is aggregated into a dashboard that allows managers to compare actual performance against goals established by Amazon’s corporate systems.<sup>116</sup> This dashboard provides a comprehensive “site summary” for the facility, including comparisons of workers’ average rates and actual takt time to company-set benchmarks, as well as the volume of items processed in each part of the warehouse.<sup>117</sup>

This meticulous tracking and analyzing of worker performance is proof that Amazon imposes speed and productivity requirements on its workers and tracks whether they are meeting those requirements. That data allows the company to carefully evaluate each worker’s performance and to employ strategies to motivate them to work faster.

### **C. Amazon uses a number of methods to pressure workers to move as fast as possible**

Amazon uses a variety of methods to push workers to prioritize speed above all else, often at the expense of workers’ physical and mental well-being. Amazon uses games and contests to incentivize workers and creates pressure through constant monitoring, regular auditing, and threats of discipline. The result is a workplace culture where workers are pushed to move faster than is safe and where productivity metrics are prioritized over worker health and safety.

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<sup>112</sup> *Id.* at Site Information (on file with Committee).

<sup>113</sup> *Id.* at Raw, Inbound, and Outbound (on file with Committee).

<sup>114</sup> *Id.* at ICQA, PPRNikeStow, PPRVNA, Pack, and Pick.

<sup>115</sup> *Id.* at TOT; *see supra* subsection 3.

<sup>116</sup> Worker Document 5 at Wash. Many of the daily goals set for the warehouse are derived from internal websites that the Committee cannot access. Those websites, which are listed on a spreadsheet page entitled “Metric Sources & Formulas,” appear to be from centralized internal databases—with many of the websites residing at “corp.amazon.com” website domains. *Id.* at Metric Sources & Formulas.

<sup>117</sup> *Id.* at Wash.



# 1. Amazon makes speed a game to push workers

Amazon uses games and contests to pressure workers to move faster. Although these tactics vary across Amazon’s fulfillment network, they are consistent in the harm they do to workers’ physical and mental health.

Many Amazon warehouses have computer games installed in employees’ workstations. The games are based on employees’ speeds: the faster they complete tasks at their workstation, the faster they progress in the games. The games also encourage workers to compete with each other and show workers how they compare to other Amazon employees on the same floor, in the same building, and in other facilities around the country.<sup>118</sup>



A photograph, provided by a worker to the Committee, of a workstation screen showing one of the games Amazon encourages workers to play, with the leaderboard along the right side of the screen. Redactions by the Committee.<sup>119</sup>

As a current low-level manager told the Committee, “games are meant to drive rate.”<sup>120</sup> This low-level manager showed Committee staff an internal auditing system that Amazon requires her to use to monitor and review workers’ performance. That auditing system requires her to check that the games screen is turned on and not frozen, and explicitly states that workers “that use [the games] see a 20% increase in productivity over time compared to [workers] that do not use [the games].”<sup>121</sup>

The purpose of these games is no secret to workers. One worker told the Committee that his manager encouraged him to play games against other workers in the same position “to compete

<sup>118</sup> HELP Committee Majority staff interviews with NH (Sept. 5, 2023), MT (Nov. 8, 2023), KA (Nov. 2, 2023), JC (Nov. 7, 2023), Roger Hooks (Nov. 8, 2023), J Lopez (Nov. 8, 2023), Tiffany Skinner (Oct. 13, 2023), and AB (Nov. 2 & 7, 2023).

<sup>119</sup> Worker Document 6.

<sup>120</sup> HELP Committee Majority staff interviews with AB (Nov. 2 & 7, 2023).

<sup>121</sup> *Id.*

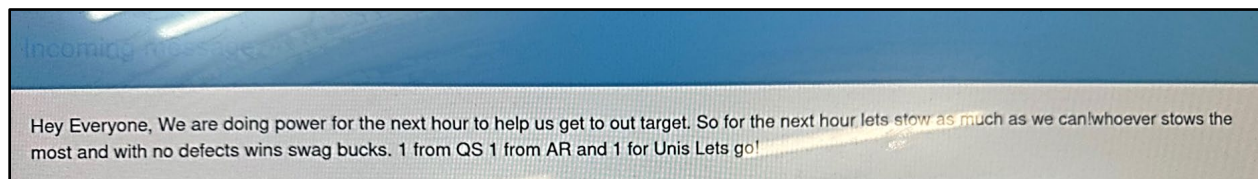
for who could go faster.”<sup>122</sup> Another worker told the Committee: “We know why they put [the games] there—to encourage you to work fast.”<sup>123</sup>

Warehouses also hold contests to incentivize workers to move more quickly. As an example, one warehouse held a contest where teams of workers competed to reach productivity goals; the prize was extra unpaid time off.<sup>124</sup> Another warehouse held a contest where workers could win vending machine coins based on how fast they worked.<sup>125</sup> Other workers told the Committee about competing for prizes like “vendor bucks,” which could be exchanged for products or snacks.<sup>126</sup> One worker, employed when Jeff Bezos was CEO, described contests where the fastest workers won “Bezos Bucks”—fake money with Jeff Bezos’s face on it.<sup>127</sup>

Some Amazon facilities, as noted in one of the images below, also hold “power hours” where workers are pushed to work extra hard for 60 minutes for the chance to win prizes.<sup>128</sup>



A photograph from Amazon worker, posted on Reddit, of a notification from a manager announcing an incentive-based contest in April 2024.<sup>129</sup>



<sup>122</sup> HELP Committee Majority staff interview with MT (Nov. 8, 2023).

<sup>123</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

<sup>124</sup> HELP Committee Majority staff interview with RB (Aug. 21, 2023).

<sup>125</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

<sup>126</sup> HELP Committee Majority staff interviews with MS (Nov. 8, 2023), Edward Murphy (Oct. 31, 2023).

<sup>127</sup> HELP Committee Majority staff interview with JG (Oct. 27, 2023).

<sup>128</sup> E.g., Isobel Asher Hamilton & Áine Cain, *Amazon Warehouse Employees Speak Out About the 'Brutal' Reality of Working during the Holidays, When 60-Hour Weeks Are Mandatory and Ambulance Calls are Common*, BUSINESS INSIDER (Feb. 19, 2019), <https://www.businessinsider.com/amazon-employees-describe-peak-2019-2>; Mikael Thalen, *Amazon Warehouse Runs Productivity Contest at Warehouse Despite Record-breaking Heatwave*, DAILY DOT (June 28, 2021), <https://www.dailydot.com/debug/amazon-productivity-contests-seattle-heat-wave/>; u/Acrobatic\_Let\_8300, *Stowed at a 426 Rate during Power Hour to Win This, Should I Feel Satisfied?*, Reddit: r/AmazonFC (Dec. 2023),

[https://www.reddit.com/r/AmazonFC/comments/18l3dl0/stowed\\_at\\_a\\_426\\_rate\\_during\\_power\\_hour\\_to\\_win/](https://www.reddit.com/r/AmazonFC/comments/18l3dl0/stowed_at_a_426_rate_during_power_hour_to_win/).

<sup>129</sup> u/thereallyquiet, *Yeah, No. This Is Not Fun for Me*, Reddit: r/AmazonFC (Apr. 2024),

[https://www.reddit.com/r/AmazonFC/comments/1bzlczi/yeah\\_no\\_this\\_is\\_not\\_fun\\_for\\_melet\\_alone\\_a\\_fvcking/?rdt=56496](https://www.reddit.com/r/AmazonFC/comments/1bzlczi/yeah_no_this_is_not_fun_for_melet_alone_a_fvcking/?rdt=56496).

A photograph from Amazon worker, posted on Reddit, of a notification from a manager announcing a “power hour” from June 2024.<sup>130</sup>

Unsurprisingly, these contests violate company policy.<sup>131</sup> Amazon’s policy on “Employee Gifts and Rewards” prohibits gifts based on “hours worked, units produced, production efficiency, accuracy, or the quality of work.”<sup>132</sup> The policy explicitly forbids prizes “to encourage an employee to work more steadily, rapidly or efficiently.”<sup>133</sup> But in at least some warehouses, speed trumps policy.

### 3.2 Prohibited Non-discretionary Gift examples:

- Given as an incentive reward – to encourage an employee to work more steadily, rapidly or efficiently, or to remain with the facility (e.g. promised ongoing meals or Gifts).
- Given as a result of an action such as achieving a predefined goal (employee does X so they get Y).

Section of Amazon’s “Employee Gifts and Rewards” policy. Highlighting by Committee.<sup>134</sup>

In addition to violating company policy, these games and contests are physically and mentally harmful and reflect a broader culture that prioritizes speed over safety. As one worker told the Committee: “It plays a big role in people getting injured and hurt, the way that they entice you to go faster—the little trophies they give you for working beyond a safe pace.”<sup>135</sup> Even workers who did not dislike the games recognized that they contributed to injuries: the Committee spoke with one worker who said although she thought the games could break up the monotony of the work, she also thought they had taken a serious toll on her body.<sup>136</sup>

## 2. Amazon requires low-level managers to audit warehouse workers

Another way that Amazon pressures workers to move faster is through audits. Unfortunately, because Amazon has provided the Committee very little information on its quotas and how

<sup>130</sup> u/MaxiWatermelon, *Power Hour!*, Reddit: r/AmazonFC (June 2024), [https://www.reddit.com/r/AmazonFC/comments/1dc7yga/power\\_hour/](https://www.reddit.com/r/AmazonFC/comments/1dc7yga/power_hour/).

<sup>131</sup> One worker told the Committee that their facility stopped holding incentive-based competitions, and other workers have shared publicly that Amazon has disallowed incentive-based competitions and “power hours” at their warehouses. HELP Committee Majority staff interview with RB (Aug. 21, 2023); see also u/gganbu456, *My Friend’s Theory on Amazon Power Hours.*, Reddit: r/AmazonFC (Oct. 2022), [https://www.reddit.com/r/AmazonFC/comments/xuluw5/my\\_friends\\_theory\\_on\\_amazon\\_power\\_hours/](https://www.reddit.com/r/AmazonFC/comments/xuluw5/my_friends_theory_on_amazon_power_hours/). The Committee notes, however, that the images referring to incentive-based competitions and “power hours” accompanying notes 129 and 130 are recent, indicating that the practice appears to continue in at least some warehouses.

<sup>132</sup> AMAZON\_00001679.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

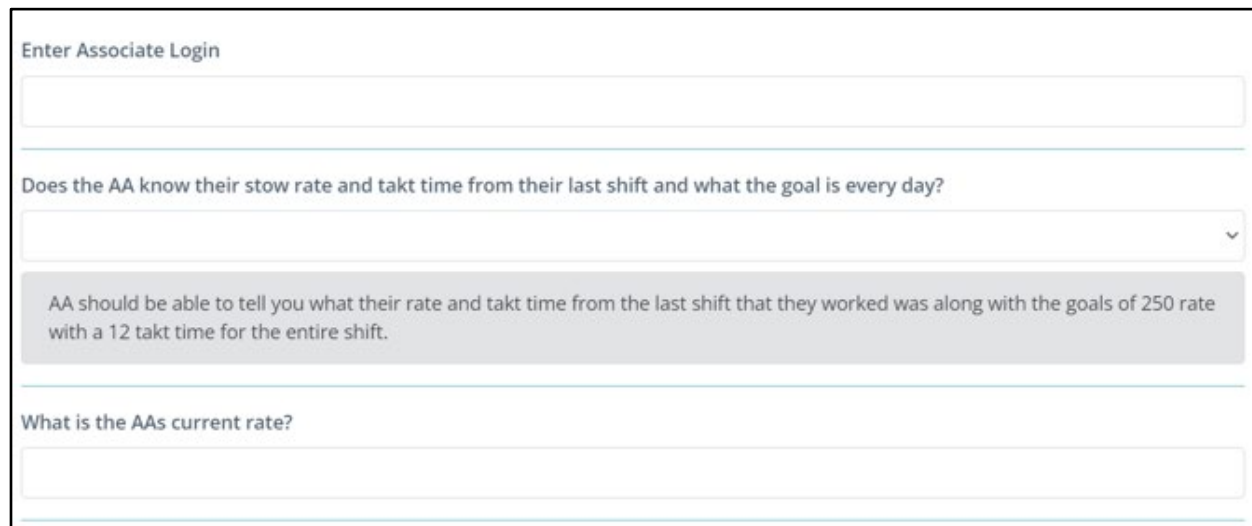
<sup>136</sup> HELP Committee Majority staff interview with MS (Nov. 8, 2023).

managers enforce them, the Committee does not know how widespread the auditing process is across Amazon’s fulfillment network or how it varies from facility to facility.

What the Committee does know is that in at least several facilities, low-level managers are required to audit their subordinates, which entails monitoring workers’ performance and engaging in discussions with the slowest workers. These audits are supposed to be done “a certain number of times per day on the bottom performers.”<sup>137</sup> As one low-level manager explained: “Amazon asks us to identify ‘bottom performers’ and coach them. We don’t use the word ‘rate,’ but it’s the people with the lowest rate.”<sup>138</sup>

In conducting these audits, low-level managers use internal software programs. One of those programs, Apollo, has a dashboard that shows managers the audits they need to complete for the day. Screenshots of the Apollo program, obtained from a low-level manager who conducts these audits, provide insight into what this process looks like and the emphasis the company places on speed and productivity requirements. As the image below shows, low-level managers are instructed to ask the worker for their “rate and takt time from their last shift.”<sup>139</sup> They also ask the worker for “the goal”—expected rate—for the day and the worker’s current rate.<sup>140</sup>

For this worker’s role—Stow—Amazon expected them to be able to name the rate as 250 units per hour and the takt time as 12 seconds.<sup>141</sup> The software also asks the low-level manager to enter the current rate of the Amazon worker (“AA” for Amazon associate) being audited.



Screenshot of a productivity audit in Apollo.<sup>142</sup>

<sup>137</sup> HELP Committee Majority staff interviews with AB (Nov. 2 & 7, 2023).

<sup>138</sup> *Id.*

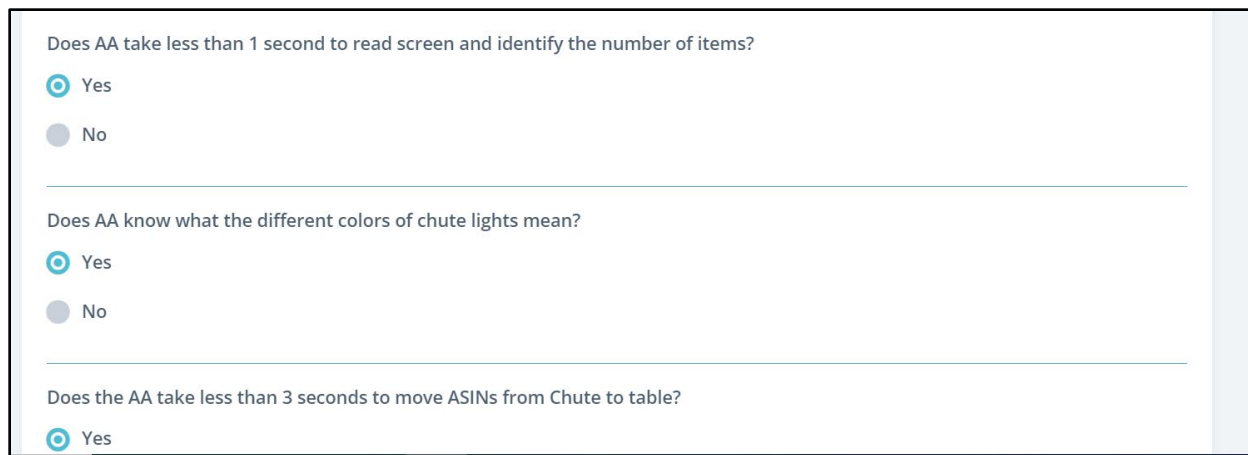
<sup>139</sup> Worker Document 7.

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

An audit for a different position asks low-level managers to monitor the workers as they complete a task and to count exactly how long the worker takes to finish each step. Specifically, the audit directs the low-level manager to answer the question: “Does [the worker] take less than 1 second to read screen and identify the number of items?”<sup>143</sup>



Does AA take less than 1 second to read screen and identify the number of items?

☒ Yes

☐ No

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Does AA know what the different colors of chute lights mean?

☒ Yes

☐ No

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Does the AA take less than 3 seconds to move ASINs from Chute to table?

☒ Yes

Screenshot of a productivity audit in Apollo.<sup>144</sup>

The Committee’s interviews with workers confirm that these audits are focused on speed, not safety. Workers report being approached by managers and told “you are in the bottom two percent of scanners” or “out of 60 people, you are at 58.”<sup>145</sup> “[The managers] come around and lecture you and give you verbal warnings that you need to work faster,” one worker told the Committee.<sup>146</sup> Any feedback workers receive is on how to move faster, not how to move safer. As one worker explained, “They’ll say, ‘here’s some pointers about how to pack faster’ . . . no one ever comes to talk about how to work safer.”<sup>147</sup> Another shared, “Managers aren’t really looking out for people doing the job incorrectly, they’re more concerned with who is making rate.”<sup>148</sup> As another worker told the Committee: “They’ll find you . . . and let you know you’re not hitting production—it doesn’t matter if you’re doing it safely or if you have a lot of errors, they just care about numbers.”<sup>149</sup>

Low-level managers are required to conduct these audits every shift. One low-level manager reported that she would be pressured to go talk to the lowest performers on every shift and “find out why they’re not performing.”<sup>150</sup> As she told the Committee, the audits were “part of our non-negotiables every day—we had to impact our bottom performers.”<sup>151</sup> She described being

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<sup>143</sup> Worker Document 8.

<sup>144</sup> *Id.*

<sup>145</sup> HELP Committee Majority staff interviews with KV (Oct. 9, 2023), Tommy Simril (Nov. 7, 2023).

<sup>146</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

<sup>147</sup> HELP Committee Majority staff interview with Chiffon Wilson (Nov. 7, 2023).

<sup>148</sup> HELP Committee Majority staff interview with SC (Oct. 17, 2023).

<sup>149</sup> HELP Committee Majority staff interview with JW (Sept. 20, 2023).

<sup>150</sup> HELP Committee Majority staff interview with GA (Oct. 27, 2023).

<sup>151</sup> *Id.*

confronted by her own managers if she did not conduct the audits.<sup>152</sup> Another low-level manager told the Committee that the audits were a crucial part of how her managers judged her performance: “the ultimate goal, what makes [upper-level management] happy, is results . . . if your results are not there, they’re going to say ‘if you had done your audits, your results would be higher.’”<sup>153</sup> She went on to describe her discomfort with the auditing process: “It seems like you’re basically forcing someone to work harder. What if that person’s having a bad day? But they’re telling me my job is to go make sure this person works harder.”<sup>154</sup>

In the same way that workers are tracked and pressured to meet certain speed and productivity requirements, the low-level managers responsible for auditing them are also tracked and pressured to meet certain quotas. Worker Document 5, discussed in more detail above, shows how the company tracks the number of packages that move through the facility each day and the “cost per unit” of moving them.<sup>155</sup> The spreadsheet also includes daily goals that the manager’s warehouse was expected to meet. When productivity numbers for a facility do not meet the expected goals on any given day, managers must explain that failure to site and regional leadership.<sup>156</sup>

### 3. Amazon disciplines workers for moving too slowly, creating a culture of fear

*“People are disciplined when they don’t move fast enough.”*  
—Amazon worker<sup>157</sup>

In addition to Amazon’s perverse use of games and contests to encourage speed, and its close monitoring of workers to ensure that they are meeting requirements, Amazon uses discipline to push workers to move faster. Workers are subject to discipline in multiple ways. They can be disciplined for moving too slowly, for making mistakes, or for taking too much time away from their work.<sup>158</sup> Workers feel pressure to meet Amazon’s quotas because not doing so results in progressive discipline that can lead to termination.<sup>159</sup>

Workers are always subject to potential discipline based on their actual rate. Amazon’s speed-related discipline process “compare[s] each eligible [worker’s] performance in a given week to

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<sup>152</sup> *Id.*

<sup>153</sup> HELP Committee Majority staff interviews with AB (Nov. 2 & 7, 2023).

<sup>154</sup> *Id.*

<sup>155</sup> See *supra* text accompanying notes 111–117.

<sup>156</sup> HELP Committee Majority staff interviews with AB (Nov. 2 & 7, 2023).

<sup>157</sup> HELP Committee Majority staff interview with Tiffany Skinner (Oct. 13, 2023).

<sup>158</sup> Amazon calls speed-related discipline “Structured Productivity Performance Review,” or SPPR. It calls quality-related discipline “Structured Quality Performance Review,” or SQPR. Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff, at 2 (Sept. 24, 2024); AMAZON\_00004109.

<sup>159</sup> HELP Committee Majority staff interviews with AP (Nov. 1, 2023), LG (Nov. 14, 2023), J Lopez (Nov. 8, 2023), and Drew Duzinkas (Oct. 27, 2023).



the performance of other employees doing the same work at the same facility.”<sup>160</sup> The slowest five percent of workers may be disciplined; repeated discipline results in termination, although Amazon claims “the rate of termination is very low.”<sup>161</sup>

Workers face a similar disciplinary system for quality errors.<sup>162</sup> Amazon tracks how many quality errors workers make, like scanning an incorrect item. Workers can be disciplined based on the number of errors they make.<sup>163</sup> In at least one facility, management shamed the workers with the highest rate of mistakes. At that facility, managers projected workers’ names on a giant screen with their rate of mistakes and estimated how much money those mistakes cost the company.<sup>164</sup> “When they get really mad at you they bring you in and say, ‘look at how much money you cost the company, you don’t deserve a raise, you don’t deserve anything,’” a worker told the Committee.<sup>165</sup>

Amazon also disciplines workers based on their unknown idle time and time off task. As part of the Committee’s investigation, Amazon provided internal documents that show how closely the company tracks these metrics and uses this information to discipline workers. One of these documents is a spreadsheet that lists disciplinary actions taken based on workers’ unknown idle time—which is tracked, in some instances, down to the second.<sup>166</sup> As one example, the spreadsheet documents a written warning given to an employee for time he spent using the restroom. According to the spreadsheet, the employee explained to their manager that their 48 minutes of unknown idle time accumulated from multiple trips to the restroom.<sup>167</sup> The employee’s manager exempted only 14 minutes for bathroom trips—including the time it took the employee to walk back and forth from their workstation to the restroom in the **one million square foot** warehouse—leaving the employee with 34 minutes unaccounted for resulting in a written warning for violating Amazon’s “Standards of Conduct.”<sup>168</sup>

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<sup>160</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff, at 2 (Sept. 24, 2024).

<sup>161</sup> *Id.* As of 2020, this system identified for potential discipline the five percent of “bottom perform[ing]” workers whose actual rate was 50 percent or less of the expected rate. The Committee has no information whether that 50 percent threshold is still Amazon policy. AMAZON\_00004092.

<sup>162</sup> AMAZON\_00004109.

<sup>163</sup> *Id.*

<sup>164</sup> HELP Committee Majority staff interview with TM (Oct. 16, 2023).

<sup>165</sup> *Id.* See also Worker Document 5 at AtlasPS (tracking the number and rate of “defects,” or errors, for individual workers and for each role in the facility) (on file with Committee).

<sup>166</sup> AMAZON\_00004054 (“On 12/20/2023, you had a total of 97.68 minutes of unknown idle time.”).

<sup>167</sup> *Id.*; Press Release, Amazon.com, Inc., Amazon to Open Fulfillment Center in DuPont Creating Hundreds of Jobs (Dec. 14, 2012), <https://press.aboutamazon.com/2012/12/amazon-to-open-fulfillment-center-in-dupont-creating-hundreds-of-jobs> (“Amazon . . . today announced plans to open a 1 million-square-foot fulfillment center in DuPont, Washington.”). The DuPont, Washington warehouse’s internal identifying code is BFI9.

<sup>168</sup> AMAZON\_00004054 (“On 12/22/2023, you had a total of 48 minutes of unknown idle time from 07:30 to 12:10. On 12/22/2023, a manager held a seek to understand conversation with you to follow up on the reason(s) for this time. You identified no process related barriers and you mentioned that you needed to use restroom multiple times. Based on your explanation, the manager exempted 14 minutes of your idle times (your travel time from station to bathroom and coming back), that leaves 34 minutes remaining of idle time. The manager validated that during this time, the restroom was open and you were not actively engaged in a work process for reasons within your control. This behavior violates Amazon’s Standards of Conduct, and therefore you are receiving this first written warning feedback.”).

Written warnings can lead to serious consequences: a written warning can quickly progress to a final warning, and then the worker faces termination.<sup>169</sup> One worker told the Committee that at her facility, workers receive a written warning if they accrue more than thirty minutes of time off task in one ten-hour shift.<sup>170</sup> The worker then explained how easy it is to accrue thirty minutes of time off task in a ten-hour shift:

A lot happens in ten hours. For example, we have managers come up to us and talk to us throughout the day. Things go wrong on the pallet that we need help fixing. Our conveyor belts break down all the time. . . . So there are a lot of things that go on that make us have that [time off task]. Restroom breaks are counted as [time off task]. Our time is always counting against us.<sup>171</sup>

Although managers sometimes approach workers about unknown idle time or time off task the day that it accrues, these conversations and the eventual disciplinary action can happen days and even weeks later—making it difficult for workers to defend themselves and increasing the likelihood that they are wrongly disciplined.<sup>172</sup> Some workers told the Committee that they have implemented their own tracking systems to protect themselves. “I keep a timer on my watch to keep track of everything,” one worker told the Committee.<sup>173</sup> Another worker reported carrying a notebook to track their time in case it is questioned.<sup>174</sup>

Not surprisingly, the threat of discipline based on time off task or unknown idle time makes workers afraid to use the restroom.<sup>175</sup> As one worker told the Committee, “If you have to stop and go to the bathroom, that’s an issue. It takes you so long to walk to the bathroom. If you’re gone for 10 minutes, that 10 minutes . . . already puts you behind. And if you fall behind, they threaten to write you up.”<sup>176</sup> At least one worker also described feeling embarrassed and demoralized by having to explain medical conditions that require frequent restroom use to superiors, and by managers who tell them to wait until scheduled breaks to use the restroom: “I was like, my pee does not have a schedule.”<sup>177</sup>

The threat of potential discipline hangs over all workers—including those who are brand new or injured. Amazon told the Committee that workers are subject to speed-related discipline after

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<sup>169</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023).

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> HELP Committee Majority staff interview with CJ (Nov. 8, 2023); AMAZON\_00004054 (showing two instances of periods longer than ten days between the date of a worker’s alleged time infraction and the date a manager delivered information regarding disciplinary consequences to that worker).

<sup>173</sup> HELP Committee Majority staff interview with CJ (Nov. 8, 2023).

<sup>174</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023).

<sup>175</sup> HELP Committee Majority Staff interviews with DC (Oct. 17, 2023), TF (Oct. 6, 2023), PO (Oct. 23, 2023), JA (Nov. 9, 2023), Drew Duzinkas (Oct. 27, 2023), AP (Nov. 1, 2023), JC (Nov. 7, 2023), Rochelle Cronan (Nov. 8, 2023), and CJ (Nov. 8, 2023).

<sup>176</sup> HELP Committee Majority staff interview with Rochelle Cronan (Nov. 8, 2023).

<sup>177</sup> HELP Committee Majority staff interview with CJ (Nov. 8, 2023).



working for 160 hours,<sup>178</sup> the equivalent of 16 shifts for a typical Amazon worker. Amazon employees learn quickly that no one is safe from potential punishment: even workers who are moving slower because of an injury, disability, or other need for accommodations are disciplined for not making rate.<sup>179</sup>

*“[After a work-related injury] I went back to full duty right at peak. I was nowhere near making rate at all. I had pain. I was taking probably 1300 milligrams [of painkillers] at a time every few hours . . . And I got talked to several times about not making rate.”*  
—Amazon worker at warehouse outside of St. Louis, Missouri<sup>180</sup>

The result of this pervasive emphasis on speed—the constant monitoring, the auditing, and the ever-present threat of discipline—is a culture of fear. Workers feel like they have to push themselves past their physical limits because they know “there’s consequences for not performing.”<sup>181</sup> As one worker recalled, “Amazon had multiple managers come up to me and say there would be disciplinary action if I didn’t get my rate up. Basically, every hour they were saying I needed to get my rate up.”<sup>182</sup>

Amazon is aware that workers’ fear is a byproduct of these disciplinary practices. An internal Amazon report from October 2020 noted a connection between speed- and quality-related discipline and workers’ “stress and fear of being terminated.”<sup>183</sup>

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<sup>178</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (Sept. 24, 2024) (“[Speed-related discipline] applies to only a minority of Amazon [workers] who work at fulfillment centers, specifically Tier 1 (entry level) [workers] who have worked in an eligible process path for at least five hours in a given week and for at least 160 hours over the course of the [worker’s] tenure.”).

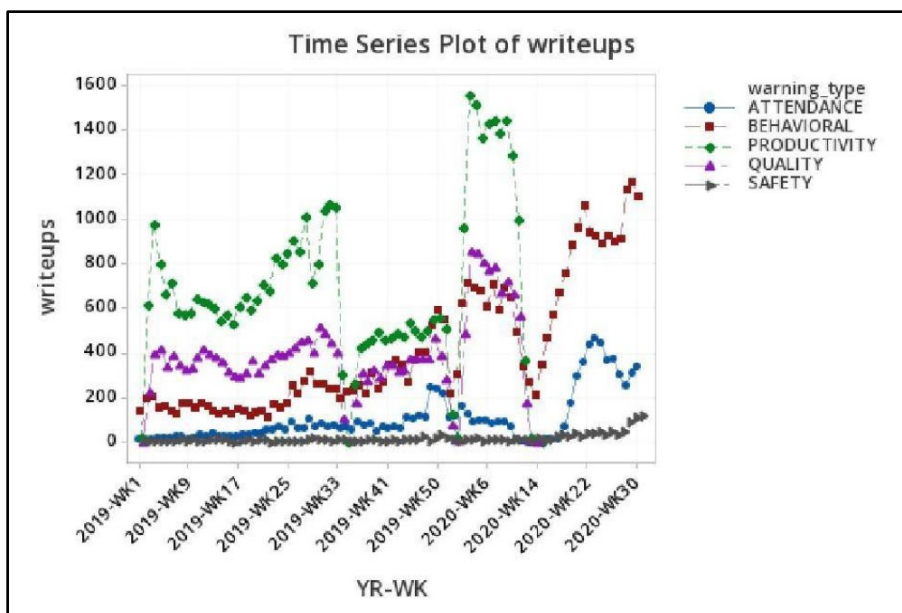
<sup>179</sup> HELP Committee Majority staff interviews with SC (Oct. 17, 2023), LQ (Nov. 13, 2023), and WT (Nov. 7, 2023).

<sup>180</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

<sup>181</sup> HELP Committee Majority staff interview with AB (Nov. 2 & 7, 2023).

<sup>182</sup> HELP Committee Majority staff interview with KW (Jan. 19, 2024).

<sup>183</sup> AMAZON\_00004103.



A chart from an August 2020 internal Amazon report showing disciplinary writeups from the first week of 2019 through the 30<sup>th</sup> week of 2020. The chart shows that speed-related writeups (in green, labeled “productivity”) are by far the most common form of discipline. The chart shows productivity and quality (in purple) writeups stopping at the beginning of the COVID-19 pandemic in March 2020, when Amazon temporarily paused speed- and quality-related discipline.<sup>184</sup>

As discussed further in Section VII, Amazon temporarily paused speed- and quality-related discipline at the onset of the COVID-19 pandemic. An Amazon team investigating the impacts of this change noticed a trend: when speed-related writeups were paused, warehouse managers increased their use of other types of writeups—behavioral, attendance, and safety writeups—to discipline workers.<sup>185</sup> This suggests a focus on discipline in Amazon warehouses that creates stress for workers who may constantly feel concerned about losing their jobs.

<sup>184</sup> AMAZON\_00004092.

<sup>185</sup> *Id.*

## **VI. AMAZON’S OBSESSION WITH PRODUCTIVITY AND FAILURE TO PROVIDE A SAFE ENVIRONMENT CAUSE WORKERS TO BE INJURED AT EXTREMELY HIGH RATES**

*“My first day was the day [the facility] opened. People of all ages were there. Most were like me, though—young and healthy. Within weeks everyone is developing knee and back pain.”*  
—Former Amazon worker<sup>186</sup>

Amazon’s relentless efforts to push workers to move faster and its failure to provide a safe environment result in workers getting injured at extremely high rates. Most workers who spoke to the Committee had experienced **at least** one injury during their time at the company; those injuries ranged from herniated disks<sup>187</sup> and torn rotator cuffs<sup>188</sup> to sprained ankles<sup>189</sup> and sharp, shooting muscle pains.<sup>190</sup> Workers also reported torn meniscuses,<sup>191</sup> concussions,<sup>192</sup> back injuries,<sup>193</sup> and other serious conditions.

A closer look at an individual facility provides helpful detail. The Committee reviewed information about injuries at a warehouse outside of St. Louis, Missouri in 2023. The information reveals a concerning pattern: the majority of workers’ injuries are back, knee, shoulder, and wrist injuries attributed to lifting and handling packages and performing other required tasks—indicating that the basic movements workers are required to do are the problem.<sup>194</sup> Snapshots of those injuries, from reports Amazon provides to OSHA, are below.

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<sup>186</sup> HELP Committee Majority staff interview with JF (Aug. 17, 2023).

<sup>187</sup> HELP Committee Majority staff interviews with KA (Nov. 2, 2023), DL (Oct. 24, 2023), TA (Nov. 9, 2023), Dan Vallot (Oct. 25, 2023), KW (Nov. 9, 2023), and FA (Nov. 28, 2023).

<sup>188</sup> HELP Committee Majority staff interviews with FE (Oct. 25, 2023), SC (Oct. 17, 2023), JT (Oct. 20, 2023), and CJ (Nov. 8, 2023).

<sup>189</sup> HELP Committee Majority staff interviews with CP (Nov. 2, 2023), WT (Nov. 7, 2023), TF (Oct. 6, 2023), TM (Oct. 16, 2023), Jessica Salerno (Oct. 18, 2023), and AP (Nov. 1, 2023).

<sup>190</sup> HELP Committee Majority staff interviews with DL (Oct. 24, 2023), RN (Oct. 31, 2023), WT (Nov. 7, 2023), Amy Courtney (Feb. 29, 2024), JF (Aug. 17, 2023), RS (Sept. 8 and Nov. 8, 2023), AS (Sept. 29, 2023), NB (Oct. 19, 2023), MB (Oct. 23, 2023), Connell Crooms (Oct. 10, 2023), DH (Oct. 23, 2023), SJ (Oct. 25, 2023), Christine Manno (Oct. 10 & Nov. 8, 2023), BN (Oct. 12, 2023), GP (Oct. 16, 2023), and KV (Oct. 9, 2023).

<sup>191</sup> HELP Committee Majority staff interviews with AS (Sept. 29, 2023), NH (Sept. 5, 2023).

<sup>192</sup> HELP Committee Majority staff interview with MS (Nov. 8, 2023).

<sup>193</sup> HELP Committee Majority staff interviews with JF (Aug. 17, 2023), NB (Oct. 19, 2023), James Enright (Oct. 19, 2023), DH (Oct. 23, 2024), Nannette Plascencia (Oct. 13, 2023), Tiffany Skinner (Oct. 13, 2023), TA (Nov. 9, 2023), LG (Nov. 14, 2023), RN (Oct. 31, 2023), LQ (Nov. 13, 2023), AP (Nov. 1, 2023), and AW (Oct. 24 & 27, 2023).

<sup>194</sup> OSHA Form 300: Log of Work-Related Injuries and Illnesses for Amazon Fulfillment Center STL8, 2023 (on file with Committee).

Thoracic back strain from lifting heavy boxes	Acute post traumatic headache from fan falling on head
Lumbar Strain from lifting boxes	Muscle Strain left scapular region from lifting a box of paper
Left foot strain from being struck by own pallet jack	Right Ankle strain from stepping off ladder
Lumbar strain from moving heavy containers	Back strain due to pulling pallet jack
Right shoulder strain from putting down bottoms of go-carts	Right Knee strain while pulling box off of conveyance line.
Cervical/Lumbar/Thoracic strain from being struck by box	Lumbar strain as a result of lifting heavy totes in Stow Process Path.
Right knee strain caused when AA picked out an item from the container	Left shoulder strain from lifting kitty litter
Bi-lateral shoulder strain from moving boxes in decant	Left Wrist/Elbow strain from decanting
Lumbosacral strain from reaching down to pick up box	Right knee strain from twisting knee coming down ladder
Right/Knee Should strain from tripping on item	Lumbar/Hip Strain from pulling pallet jack

Descriptions of injuries from the OSHA Form 300 for 2023 for Amazon's warehouse outside of St. Louis, Missouri.<sup>195</sup>

This section looks at the types of injuries—particularly musculoskeletal disorders—that result from Amazon's obsession with productivity and from its failure to provide a safe environment for workers, and focuses on the human cost of those injuries. Amazon requires workers to repeat the same movements hundreds or thousands of times each shift and to move in unsafe ways, resulting in extremely high injury rates. And although the company has safety policies that instruct workers to move safely, these policies are difficult to follow because Amazon requires workers to move so quickly. Amazon's speed and productivity requirements also exacerbate the risks to workers that stem from physical hazards in its warehouses.

**A. Amazon forces workers to move in unsafe ways and to repeat the same movements hundreds and thousands of times each shift, resulting in extremely high rates of musculoskeletal disorders**

Musculoskeletal disorders, commonly called "MSDs," are "disorders of the muscles, nerves, tendons, ligaments, joints, cartilage, or spinal discs" that are "caused by sudden or sustained

<sup>195</sup> *Id.*

force, vibration, repetitive motion, or awkward postures.”<sup>196</sup> MSDs are serious and can cause long-term consequences, including restrictions on the ability to work, limited mobility, and diminished quality of life. Common MSDs include muscle strains and sprains, lower back injuries, rotator cuff injuries, ruptured discs, and carpal tunnel syndrome.<sup>197</sup> The likelihood of a worker developing an MSD is based on aspects of their job that include the posture workers are required to adopt, the amount of force they are required to exert, the number of repeated movements they are required to complete, and the duration of time they are required to work.<sup>198</sup>

Just as warehouses do not have to be dangerous places to work, MSDs do not have to be common workplace injuries. As OSHA has observed, “the number and severity of MSDs resulting from physical overexertion, and their associated costs, can be substantially reduced by applying ergonomic principles.”<sup>199</sup> OSHA has provided detailed guidance for employers on reducing risk factors that cause MSDs for at least 17 years, and general guidance on ergonomics for more than two decades.<sup>200</sup> But despite this long-standing guidance, many Amazon jobs require workers to move in ways that put them at serious risk for developing MSDs.

1. Amazon workers’ jobs require excessive repetition of the same movements, putting them at risk of injury

*“Risk factors at work [include] lifting heavy items, bending, reaching overhead, pushing and pulling heavy loads, working in awkward body postures and performing the same or similar tasks repetitively.”*  
—OSHA Ergonomics Overview<sup>201</sup>

Many Amazon workers perform a single task hundreds and thousands of times each shift, requiring repetitive bending, lifting, and twisting under pressure.<sup>202</sup> The company’s intense speed requirements force workers to make those repetitive motions quickly and for long periods of time—putting them at higher risk for MSDs. An Amazon Warehouse Safety Specialist, whose

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<sup>196</sup> Nat’l Inst. for Occupational Safety and Health (NIOSH), Ctrs. for Disease Control and Prevention (CDC), *About Ergonomics and Work-Related Musculoskeletal Disorders*, <https://www.cdc.gov/niosh/ergonomics/about/index.html> (last visited Dec. 11, 2024).

<sup>197</sup> OSHA, DOL, *Ergonomics*, <https://www.osha.gov/ergonomics> (last visited Dec. 11, 2024); AMAZON\_00000140.

<sup>198</sup> AMAZON\_00003664.

<sup>199</sup> OSHA, DOL, *Ergonomics*, *supra* note 197.

<sup>200</sup> See, e.g., OSHA, DOL, *Materials Handling and Storage*, OSHA 2236 (2002), <https://www.osha.gov/sites/default/files/publications/osha2236.pdf>; NIOSH & Cal. Div. of Occupational Safety and Health (Cal/OSHA), *Ergonomic Guidelines for Manual Material Handling*, DHHS (NIOSH) Publ’n No. 2007-131 (2007), [https://www.cdc.gov/niosh/media/pdfs/Ergonomic-Guidelines-for-Manual-Material-Handling\\_2007-131.pdf](https://www.cdc.gov/niosh/media/pdfs/Ergonomic-Guidelines-for-Manual-Material-Handling_2007-131.pdf); OSHA, DOL, *Ergonomics: Training and Assistance*, <https://www.osha.gov/ergonomics/training> (last visited Dec. 11, 2024).

<sup>201</sup> OSHA, DOL, *Ergonomics*, *supra* note 197.

<sup>202</sup> See e.g., AMAZON\_00004132.

job involves conducting risk assessments for different positions, told the Committee that he saw “many injuries where repetitive motions and the rate required to work were directly correlated.”<sup>203</sup>

Workers repeatedly told the Committee that having to make the same movements hundreds or thousands of times each shift put them at risk for developing MSDs.<sup>204</sup> One worker explained how his position requires “bending low or climbing high every seven seconds.”<sup>205</sup> Another worker described how he has to turn his neck over and over again—“I’m doing it 1,600–2,000 times a day”—and how it has resulted in persistent neck pain.<sup>206</sup> Other workers highlighted how the repetitive nature of their jobs broke them down. One worker described her job as “ten hours of pulling boxes of five to eighty pounds off the [conveyor belt]—pretty much wearing that body part out.”<sup>207</sup> Another worker expressed a similar experience in her role: “I think because it was just so repetitive, it took a toll on my body.”<sup>208</sup>

*“The totes can weigh up to 30 pounds. When you have to pull 60 to 100 totes in an hour, you’re constantly pulling your shoulder, which has an effect throughout the rest of your body because you’re overcompensating. There is not a safe way to make rate without being injured. There is not a single person I worked with while I was at Amazon that didn’t have an injury.”*  
—Amazon worker<sup>209</sup>

Workers also told the Committee how these problems exist across positions. For example, a worker at a delivery station in New York described the repetitive motion risks for different roles in the facility:

- **Induct position** (where workers scan and place labels on items arriving at the facility): “You are probably pulling [a scanner] trigger 1,000 to 3,000 times per hour. It gave people elbow pain, shoulder pain, wrist pain, finger pain. Doing that every day causes repetitive injuries.”<sup>210</sup>

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<sup>203</sup> HELP Committee Majority staff interview with SF (Aug. 14, 2023).

<sup>204</sup> HELP Committee Majority staff interviews with JF (Aug. 17, 2023), NH (Sept. 5, 2023), LQ (Nov. 13, 2023), DR (Nov. 17, 2023), AW (Nov. 22, 2023), KA (Nov. 2, 2023), Carla Caldwell (Nov. 7, 2023), JC (Nov. 7, 2023), Roger Hooks (Nov. 8, 2023), J Lopez (Nov. 8, 2023), Tommy Simril (Nov. 7, 2023), Chiffon Wilson (Nov. 7, 2023), PO (Oct. 23, 2023), Jessica Salerno (Oct. 18, 2023), Tiffany Skinner (Oct. 13, 2023), JA (Nov. 9, 2023), MC (Sept. 29, 2023), NB (Oct. 19, 2023), AB (Nov. 2 & 7, 2023), SJ (Oct. 25, 2023), HK (Oct. 11, 2023), and JG (Oct. 27, 2023).

<sup>205</sup> HELP Committee Majority staff interview with NH (Sept. 5, 2023).

<sup>206</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

<sup>207</sup> HELP Committee Majority staff interview with Jessica Salerno (Oct. 18, 2023) (working in a Decant position).

<sup>208</sup> HELP Committee Majority staff interview with LY (Nov. 3, 2023) (working in a Cross Dock role).

<sup>209</sup> HELP Committee Majority staff interview with RN (Oct. 31, 2023).

<sup>210</sup> HELP Committee Majority staff interview with JF (Aug. 17, 2023).

- **Pick position:** “The demands are so bad, they are impossible to fulfill if you follow the instructions from the training. You can’t bend carefully and pick up 300 packages a minute.”<sup>211</sup>
- **Stow position:** “You scan a package and it lights up to tell you where to put it: level one, two, three, or four. One is on the floor, and four is high. At the beginning it is easy. As soon as the bags get full it is like a game of Tetris. It is really hard to fit items in, so you bend down, crane your arms, wriggle things around in a bag. And that causes knee and back injuries because of the speed.”<sup>212</sup>

Amazon is fully aware of the consequences of making workers repeat movements hundreds and thousands of times each shift. Indeed, Amazon’s Workplace Health and Safety Ergonomics Procedure policy includes a chart assessing the likelihood that repetitive movements will lead to injuries.<sup>213</sup> The chart looks at both how frequently a movement is repeated (“repetition”) and the amount of time the movement is repeated in a shift (“duration”) and shows, not surprisingly, that the greater the repetition and the longer the duration the more likely an injury will occur. When an activity is performed both frequently and for a significant percentage of a worker’s shift, MSDs become “very likely.”<sup>214</sup> The jobs Amazon workers told the Committee they perform fall within the “very likely” categories.<sup>215</sup>

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<sup>211</sup> *Id.*

<sup>212</sup> *Id.*

<sup>213</sup> AMAZON\_00000290.

<sup>214</sup> *Id.*

<sup>215</sup> See, e.g., HELP Committee Majority staff interviews with JF (Aug. 17, 2023), AW (Nov. 22, 2023), and Roger Hooks (Nov. 8, 2023).

			DURATION				
			Activity performed for less than 20% of total shift	Activity performed for 20–40% of total shift	Activity performed for 40–60% of total shift	Activity performed for 60–80% of total shift	Activity performed for 80–100% of total shift
			1	2	3	4	5
REPETITION	Activity performed <i>infrequently</i> .	1	1 (Highly Unlikely)	1 (Highly Unlikely)	2 (Unlikely)	2 (Unlikely)	3 (Possible)
	Activity performed <i>occasionally</i> , repeating similar movements	2	1 (Highly Unlikely)	2 (Unlikely)	2 (Unlikely)	3 (Possible)	4 (Likely)
	Activity performed <i>often</i> , repeating similar movements	3	2 (Unlikely)	2 (Unlikely)	3 (Possible)	4 (Likely)	5 (Very Likely)
	Activity performed <i>frequently</i> , repeating	4	2 (Unlikely)	3 (Possible)	4 (Likely)	5 (Very Likely)	5 (Very Likely)
	Activity performed <i>very frequently</i> , repeating identical movements.	5	3 (Possible)	4 (Likely)	5 (Very Likely)	5 (Very Likely)	5 (Very Likely)

A chart of MSD risk based on repetition and duration of a particular activity.<sup>216</sup>

Although Amazon knows that the way it forces workers to repeat motions hundreds and thousands of times over a single shift makes it very likely workers will develop MSDs, the company continues to make them work at an unsustainable pace.

The risk caused by repetition over long durations can be partially mitigated by job rotation, which helps avoid repetitive motion injuries by allowing workers to use different parts of their body. Although some facilities have recently implemented job rotation programs where workers can alternate between positions to reduce muscle fatigue,<sup>217</sup> some workers say these programs are not followed consistently and that, when they are implemented, they often result in rotation only between the positions with the highest rates of MSDs.<sup>218</sup> Moreover, in many facilities across Amazon’s fulfillment network, workers stay in the same or similar role every shift, every week, every month, every year—compounding the harmful impact of the repeated movements on their bodies.<sup>219</sup>

<sup>216</sup> AMAZON\_00000290.

<sup>217</sup> Amazon, *An Update on Safety at Amazon*, About Amazon.com (July 26, 2023), <https://www.aboutamazon.com/news/workplace/amazon-safety>.

<sup>218</sup> HELP Committee Majority staff interviews with AW (Nov. 22, 2023), Jessica Salerno (Oct. 18, 2023), Tommy Simril (Nov. 7, 2023), JA (Nov. 9, 2023), and KA (Nov. 2, 2023). One worker noted that, within a year after their interview, managers had begun strictly enforcing the job rotation program. HELP Committee Majority staff interview with AW (Nov. 22, 2023).

<sup>219</sup> HELP Committee Majority staff interviews with JM (Nov. 7, 2023), Connell Crooms (Oct. 10, 2023), and LQ (Nov. 13, 2023).



2. Amazon workers' workstations are not ergonomically designed, forcing them to repeat awkward, unsafe movements

Amazon workers are often required to perform these frequent, repeated tasks at workstations that require awkward movements, or which were not built to be safe for people with different body sizes. Evidence from workers, Amazon's internal documents, and OSHA citations indicate that the company's workstations rarely account for workers' needs.

The science of designing workplaces to fit workers is known as "ergonomics." Ergonomics is "based on the principle that the job should be adapted to fit the person rather than forcing the person to fit the job."<sup>220</sup> As the National Institute for Occupational Safety and Health has explained, "workers' abilities to perform work tasks may vary because of differences in age, physical condition, strength, gender, stature, and other factors" and a workplace can "directly benefit from improving the fit between the demands of work tasks and the capabilities of [its] workers."<sup>221</sup> To take just one of these factors as an example, this means that a person who is 5'3" should not be forced to work in a way that is only safe for a person who is 6'3"—instead, the job should be adjusted so that the person who is 5'3" can do it safely.

But Amazon's approach to workplace safety, as one worker described it, is to "plug and play people"—arbitrarily assigning people to roles, whether the position fits them or not, based on business needs.<sup>222</sup> Many workstations are not adapted to account for people having different body types, creating increased risk of injuries for workers.<sup>223</sup> And although Amazon has made some improvements to its workstations, these changes are often limited to specific positions or types of warehouses and come only after a significant number of injuries.

For instance, in 2022, the company redesigned the workstations for one position in some of its warehouses.<sup>224</sup> These updated workstations allowed employees to work in safer postures. When the company made this change, it expected the new workstations to reduce risk factors for back injuries by up to 53 percent.<sup>225</sup> But the workstations were redesigned years after these warehouses were opened—indicating that Amazon did not take ergonomics into account in designing and building the original workstations and put workers at risk in the intervening years.<sup>226</sup> Indeed, a 2022 Amazon report describing the updated workstations states that the job

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<sup>220</sup> OSHA, DOL, *Materials Handling and Storage* 16 (2002), *supra* note 200. *See also* AMAZON\_00000282; AMAZON\_00003664; OSHA, DOL, *Ergonomics*, *supra* note 197.

<sup>221</sup> NIOSH & Cal/OSHA, *Ergonomic Guidelines for Manual Material Handling*, *supra* note 200.

<sup>222</sup> HELP Committee Majority staff interview with AP (Oct. 10, 2023 & Aug. 23, 2024).

<sup>223</sup> HELP Committee Majority staff interviews with LQ (Nov. 13, 2023), SC (Oct. 17, 2023); *see* AMAZON\_00003918.

<sup>224</sup> AMAZON\_00003554.

<sup>225</sup> *Id.*

<sup>226</sup> Amazon has had a World Wide Design and Engineering team since 2017; that team is responsible for future building design. As of 2023, that team had six ergonomists. Amazon did not provide the Committee with information about when that team first hired ergonomists. AMAZON\_00003334–35.

position receiving the workstations accounted for more than 17 percent of recordable MSDs from 2018–2022.<sup>227</sup>

*“The [robotics facility] workstation does not really work for the [worker]. Ergonomically, you’re supposed to be building the workstation around the body. There haven’t been improvements since I was [an entry-level employee]—the only improvements have been to [systems that impact] productivity with no improvements to the ergonomics of the workstation.”*  
*—Former Amazon Environmental Health & Safety Specialist, who was with Amazon for more than eight years<sup>228</sup>*

Amazon also instructs workers to ensure that they move safely by operating in their “power zone”—the area “between mid-thigh and mid-chest”—to “minimize excessive bending or reaching (i.e., over-shoulder or overhead).”<sup>229</sup> But Amazon’s facilities make minimizing “excessive bending or reaching” impossible for many workers based on workstation design and standard job duties for certain positions.

Many of the movements workers are required to do as basic parts of their jobs make it impossible to work in their power zone.<sup>230</sup> Amazon provided the Committee with an internal analysis studying the impact of bending over to reach a shelf that was just nine inches off the ground.<sup>231</sup> That shelf, which is set at that height because of how Amazon designed the workstation, is outside any worker’s power zone. Predictably, the analysis found that bending down to pick up packages from that height resulted in unsafe strain on the lower back when a worker was picking up packages exceeding 30 pounds.<sup>232</sup> Committee staff observed multiple workstations with packages on shelves below workers’ knees during tours of two Amazon facilities.

Similarly, Committee staff observed, and workers described, workstations designed such that workers must reach above their shoulders. One long-time Amazon worker told the Committee that she injured her shoulder grabbing boxes that were stacked high on a pallet more than five years ago.<sup>233</sup> She dealt with pain for multiple months before she could fully return to work, and she still has pain and limited movement in that shoulder.<sup>234</sup>

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<sup>227</sup> AMAZON\_00003554.

<sup>228</sup> HELP Committee Majority staff interview with AD (Nov. 13, 2023).

<sup>229</sup> AMAZON\_00000299.

<sup>230</sup> HELP Committee Majority staff interviews with SC (Oct. 17, 2023) (job requires lifting items above her head and down by her feet), Christine Manno (Oct. 10 & Nov. 8, 2023) (“They do periodic videos they bring around every 6 months... about working in your power zone, which is impossible when you’re working on your order picker truck.”).

<sup>231</sup> AMAZON\_00004013.

<sup>232</sup> *Id.*

<sup>233</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023).

<sup>234</sup> *Id.*

Not surprisingly, OSHA has repeatedly found ergonomic hazards in the company’s warehouses.<sup>235</sup> For example, in Coraopolis, Pennsylvania, OSHA found that in one role “employees were required to reach, twist, and bend while repeatedly lifting packages from the bottom and the top of [carts and pallets] to the [conveyor] belts at a high frequency, placing them at risk for low back injuries.”<sup>236</sup> In another role, “the high frequency of lifts and height of stow shelves placed employees at risk for low back and shoulder injuries.”<sup>237</sup> In Woodside, New York, OSHA found that one warehouse position “exposed employees to repeated lifts, pulls, twists, and bends which increased their risk of low back and shoulder MSDs” and that “[e]mployees were required to bend down in order to pull out large totes or oversize boxes weighing up to 50 lbs. from floor level, pull them down the aisle and lift the totes onto [carts] above shoulder height.”<sup>238</sup> OSHA has found similar hazards in more than a dozen other Amazon warehouses.<sup>239</sup>

### 3. Amazon has extremely high rates of MSDs

MSDs make up a significant portion of the workplace injuries that Amazon has recorded and disclosed to OSHA. In 2021, 45 percent of Amazon’s recordable injuries were MSDs.<sup>240</sup> That number keeps rising, suggesting that the problem is getting worse as Amazon promises increasingly shorter delivery times: MSDs made up 55 percent of recordable injuries in 2022<sup>241</sup> and 57 percent of recordable injuries in 2023.<sup>242</sup>

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<sup>235</sup> See, e.g., DOL, OSHA Citation—ALB1, Inspection No. 1610874 (Feb. 1, 2023), [https://www.osha.gov/ords/imis/establishment.violation\\_detail?id=1648554.015&citation\\_id=01001](https://www.osha.gov/ords/imis/establishment.violation_detail?id=1648554.015&citation_id=01001); OSHA also issued citations at Amazon facilities DEN5 (Inspection No. 1611567), DCS3 (Inspection No. 1615182), MCO2 (Inspection No. 1608788), BOI2 (Inspection No. 1611861), MDW8 (Inspection No. 1608898), DNK5 (Inspection No. 1647734), TEB3 (Inspection No. 1646340), DYO1 (Inspection No. 1607234), and DPP7 (Inspection No. 1648554). OSHA issued hazard alert letters to DEN5 (Inspection No. 1611567), MCO2 (Inspection No. 1608788), BOI2 (Inspection No. 1611861), MDW8 (Inspection No. 1608898), STL8 (Inspection No.

1686123), TEB3 (Inspection No. 1646340), DJZ4 (Inspection No. 1682755), DYO1 (Inspection No. 1607234), ALB1 (Inspection No. 1610874), DBK1 (Inspection No. 1689644), DPP7 (Inspection No. 1648554), ELP1 (Inspection No. 1646413) (hereinafter, collectively, “Ergonomic Citations and Hazard Alert Letters”).

<sup>236</sup> DOL, OSHA, Inspection No. 1648554 (Aug. 2, 2023), [https://www.osha.gov/ords/imis/establishment.violation\\_detail?id=1648554.015&citation\\_id=01001](https://www.osha.gov/ords/imis/establishment.violation_detail?id=1648554.015&citation_id=01001).

<sup>237</sup> *Id.*

<sup>238</sup> Letter from OSHA to Amazon.com Services LLC – DBK1, Inspection No. 1689644 T 3 (Feb. 2, 2024) (on file with Committee).

<sup>239</sup> Ergonomic Citations and Hazard Alert Letters, *supra* note 235. As just one example, at an inspection of a warehouse in Deltona, Florida, OSHA conducted a risk evaluation for MSDs for four roles at the facility. In each role, OSHA found “a high risk for [MSDs]” for workers’ backs, arms, and hands. See Letter from David Tisdale, Area Dir., Jacksonville Area Off., OSHA, DOL, to Stephen Waller, Site Manager, Amazon.com Services, LLC-MCO2 (Jan. 17, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/01/OSHA20230063b.pdf>.

<sup>240</sup> Amazon, 2021 Safety, Health, and Well-Being Report, *supra* note 37 at 14.

<sup>241</sup> Amazon, 2022 Safety, Health, and Well-Being Report, *supra* note 37 at 8.

<sup>242</sup> Rhoads, *Amazon’s Safety Performance Continues to Improve Year over Year*, *supra* note 37.

Amazon data show a high number of MSDs both in recordable injuries and total injuries.<sup>243</sup> The Committee reviewed an Amazon report that included information on the number of MSDs at one type of facility.<sup>244</sup> The report states that from 2018–2020, Amazon documented more than 18,000 total MSDs and 5,775 recordable MSDs among workers at “Traditional Non Sort” facilities, a category of non-robotics facilities in the company’s fulfillment network.<sup>245</sup>

Although the Committee has repeatedly requested that Amazon provide the total number of MSDs across all types of facilities for 2023, Amazon has refused to do so. Nonetheless, the Committee’s own analysis suggests Amazon workers sustained more than 16,600 recordable MSDs in all types of facilities in 2023 alone.<sup>246</sup> Given the disparity between Amazon’s “total MSDs” and “recordable MSDs” in the report mentioned above, combined with evidence of Amazon’s underrecording of injuries, the true total is likely higher.<sup>247</sup>

Viewed together, Amazon’s data and documents indicate that there is a staggering number of workers who have experienced MSDs across Amazon facilities.

4. Amazon is aware of the prevalence of MSDs in its warehouses, but continues to tolerate a high level of risk to workers

Amazon knows that MSDs are common in its warehouses. In addition to its own data, Amazon has repeatedly received citations and hazard alert letters from OSHA identifying ergonomic hazards in its warehouses that the company has failed to address.<sup>248</sup> Even with all of that information, the Committee’s investigation found that Amazon often takes years to address well-known risks and hazards.

One Amazon report documented the slow pace of the company’s efforts to implement changes to a role that had been “one of the top five MSD Recordable Incident (RI) contributors” from 2018 to 2021.<sup>249</sup> That report was focused on the Pack position—where workers package items to be shipped to customers—which is a common position in facilities across Amazon’s fulfillment network. Amazon’s internal data showed that more than 600 workers in that role experienced injuries that had to be recorded and disclosed to OSHA in just a 21-month span in 2020 and 2021.<sup>250</sup>

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<sup>243</sup> For more information about the differences between recordable and total injuries, *see* Section VIII(C)(2).

<sup>244</sup> AMAZON\_00003559.

<sup>245</sup> *Id.*

<sup>246</sup> OSHA ITA data for 2023 show Amazon recorded 29,168 injuries to OSHA in 2023. HELP Committee analysis of OSHA ITA data for 2023. *See* OSHA, DOL, *ITA Data*, *supra* note 17. The company reported that MSDs constituted 57 percent of the company’s 2023 injuries. Sarah Rhoads, Amazon VP Global Workplace Health & Safety, *Amazon’s Safety Performance Continues to Improve Year over Year*, AboutAmazon.com (Mar. 8, 2024) <https://www.aboutamazon.com/news/workplace/amazon-workplace-safety-post-2023>.

<sup>247</sup> *See* Section VIII(C).

<sup>248</sup> Ergonomic Citations and Hazard Alert Letters, *supra* note 235.

<sup>249</sup> AMAZON\_00003913.

<sup>250</sup> *Id.*

Amazon knew that this role came with a serious risk of MSDs and so conducted at least two studies to determine whether it was possible to reduce that risk. The first study, referred to internally as “Project Blue Sky,” was conducted in 2020, but looked only at “minimizing risk for taller [workers],” and its recommendations were never implemented.<sup>251</sup> A later description of that study acknowledged that these recommendations contained “no solution for other [workers],” such as workers who are not tall.<sup>252</sup>

#### 11. POSSIBLE ALTERNATIVES

- There are currently no active Engineering Simple Ergonomic Solutions or Engineering alternatives being considered for this process path.
- During the Global Ergonomics AFE Pack Multis Kaizen, our key stakeholders indicated no conflicting projects related to this request.
- *Height Adjustable Pack Table:* An adjustable height pack table was considered as an early design alternative. Simulations and VOA determined that the adjustable height table was not a feasible option. Developing an interface between the adjustable height table and the package takeaway conveyor that did not required the associate to lift the package, and thereby introduce a new MSD risk factors was a barrier to implementation. Additionally, the range of item dimensions in TNS would not have resulted in associates working at a higher percentage in their power zone even with a height adjustable table.
- *Do Nothing:* The network could make no change to the pack table design. Continuing with the existing design would not change the MSD risk profile and there would be no reason to expect that the frequency of MSDs at the pack station would change. Doing nothing does not contribute to the goal of 40% reduction in injuries by 2025.
- There was a project in 2020 that proposed individual shelves to each workstation. The shelf would raise the table height by 4 inches. This project was ultimately rejected as the shelves were moved each shift depending on staffing. There was no storage in the AFE walls for the additional material, creating a tripping hazard. This project only looked at minimizing risk for taller associates. There was no solution for other associates.

Excerpt from June 2023 Amazon report on “Project Blue Sky.” Highlighting by Committee.<sup>253</sup>

The second study, in 2023, recommended a pilot program to test redesigned packing stations.<sup>254</sup> The company believed that the new workstations would reduce lower back MSDs by more than 60 percent.<sup>255</sup> That study did not explain why Amazon took nearly three years to take **any** action to address the injury rate in this position, which the company had previously identified as one of the top contributors to the company’s recordable MSDs.

Amazon also does not consistently consult ergonomic experts in designing warehouse positions—despite the company’s previous claims to members of Congress that it has “utilized ergonomic assessments to study all job functions and ensure they are performed safely.”<sup>256</sup> As an example, the company conducted a study in June 2022, named “Project Farmhouse,” to consider redesigning a position called the “Line Loader.”<sup>257</sup> The position requires workers to grab packages from a cart—which has shelves that force workers to bend down low or reach up

<sup>251</sup> AMAZON\_00003918.

<sup>252</sup> *Id.*

<sup>253</sup> *Id.*

<sup>254</sup> AMAZON\_00003913.


<sup>255</sup> *Id.*

<sup>256</sup> AMAZON\_00004000; Letter from Brian Huseman, Amazon.com, Inc., to Senator Elizabeth Warren, Senator Edward J. Markey, and Representative Joseph Kennedy III, *supra* note 76.

<sup>257</sup> AMAZON\_00004000.

high—and place them onto a conveyor belt.<sup>258</sup> Those packages range from five to 50 pounds.<sup>259</sup> As the study acknowledged, this repeated bending and reaching and the weight of the packages put workers’ lower backs and shoulders at significant risk of injury.<sup>260</sup>

Incredibly, Amazon developed the Line Loader position without consulting the company’s ergonomics engineering team—which was the reason the company needed to initiate Project Farmhouse in the first place.<sup>261</sup> Unsurprisingly, the Line Loader position put hundreds of workers at risk for MSDs. By June 2022, the position had “the highest MSD Recordable Injury (RI) count of all Inbound processes,” resulting in 255 recordable MSDs in just nine months.<sup>262</sup>



Workplace  
Health & Safety  
Human Factors & Ergonomics

June 2022  
Project Farmhouse: NA AMZL Line Loader Process Redesign

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**Executive Summary**

The North America (NA) Amazon Logistics (AMZL) Line Loader process path was identified as a priority for a comprehensive analysis and focused intervention plan for 2022 based on musculoskeletal disorder (MSD) incident count. The Line Loader process path has the highest MSD Recordable Injury (RI) count of all Inbound processes, accounting for 255 (6.2%) of the total 4,089 MSD RI in NA AMZL between Q1 and Q3 2021 (Appendix A).

The current Line Loader process in NA AMZL was developed without support from Human Factors and Ergonomics (HFE) Engineering and is completely manual. As NA AMZL introduces projects such as Auto Scan and Label (ASL) which reduces MSD risk by automating Induct, and Auto Divert To Aisle (ADTA) which reduces MSD risk by automating Pick to Buffer (P2B), a solution for the Line Loader is an essential next step to mitigate MSD risk in Inbound.

Section of Amazon June 2022 “Project Farmhouse” report. Highlighting by Committee.<sup>263</sup>

Had Amazon consulted the company’s ergonomics engineering team, it could have spared hundreds of workers from being injured. But Amazon tolerates a high level of known MSD risk for workers, making changes slowly and retroactively as thousands of workers experience preventable harm.

The Committee heard from one regional safety manager that instead of addressing these known hazards, the company focuses on interventions aimed at adjusting workers’ behavior. As an example of this practice, he told the Committee that warehouse managers review injuries that take place in their facilities and attribute causes for each injury. Even when managers identified structural impediments, like how a workstation or process is designed, as the primary cause of the injury, they often also attributed the injury to behavioral factors, like a worker’s “failure to operate within personal limits.”<sup>264</sup> The former regional safety manager explained that, in

<sup>258</sup> AMAZON\_00004002.

<sup>259</sup> AMAZON\_00004003.

<sup>260</sup> *Id.*

<sup>261</sup> AMAZON\_00004000.

<sup>262</sup> *Id.*

<sup>263</sup> *Id.*

<sup>264</sup> According to this regional safety manager, for each injury, Amazon safety staff determined and internally reported a “primary” and “secondary” cause of the injury. Primary causes tended to be structural, such as

practice, this meant that Amazon workers were asked to figure out how to adapt to hazardous conditions then blamed when doing so resulted in injury.

5. Amazon workers experience debilitating injuries and chronic pain as a result of the company's callous disregard for their safety and well-being

The Committee spoke with many workers whose injuries have resulted in chronic pain, disability, loss of mobility, and diminished quality of life. These injuries follow Amazon workers beyond their tenure at the company. One worker told the Committee, "I still get pain **ten years** later" from "pulling for ten hours a day, doing [the same] movement" over and over again.<sup>265</sup> He told the Committee that "it started to really hurt my tendons in my forearm. They still hurt. Only on my right arm where I pulled."<sup>266</sup>

Christine Manno, who works at a warehouse outside of St. Louis, Missouri, told the Committee that she still experiences debilitating pain more than three years after first noticing her hands tingling at work. She also injured her neck, which has led to pain that radiates down her back and through her legs. She spoke to the Committee about the injury's impact on her ability to work and life:

There's not a second of any day where I feel normal because of my neck and severe stabbing pins in my hands. Just watching television, doing nothing, I get such severe pain . . . nothing helps, and I'm literally doing nothing . . . I could hardly walk over the weekend. When I stand up and get three-quarters up, I get these sharp pains that go down my leg and my two little toes get tingly.<sup>267</sup>

Several workers told the Committee that injuries they suffered at Amazon—paired with the failure to receive timely medical care—have severely impacted their quality of life.<sup>268</sup> One worker is now permanently homebound due to an injury she sustained at Amazon and an infection she developed during a surgery to address that injury. She told the Committee:

I'm not even supposed to leave my house. Even their doctor put in my report that I'm homebound—eventually I'll have an esophagus rupture that will be catastrophic. My hands are partially paralyzed. Like 18 things all because I went to work one day . . . I'm trying to come to terms with this but I have to walk with a

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malfunctioning or unstable equipment, how a workstation or process is designed (such as requiring a worker to reach high or bend low), or a process design that does not account for workers who are shorter or taller than average. Secondary causes, on the other hand, were more aligned to employees' behavior and capacity. HELP Committee Majority staff interviews with AP (Oct. 10, 2023 & Aug. 23, 2024).

<sup>265</sup> HELP Committee Majority staff interview with JG (Oct. 27, 2023).

<sup>266</sup> *Id.*

<sup>267</sup> HELP Committee Majority staff interviews with Christine Manno (Oct. 10 & Nov. 8, 2023).

<sup>268</sup> HELP Committee Majority staff interviews with Denise Briggs (Nov. 8, 2023), DL (Oct. 24, 2023), and Christine Manno (Oct. 10 & Nov. 8, 2023)



cane. I have grandkids, I can't even hold them, I can't go out and play in the yard with them.<sup>269</sup>

The Committee heard from one worker who can no longer walk long distances after a lower back injury<sup>270</sup> and a worker who will never be able to move his wrist normally again after an injury, preventing him from doing manual labor.<sup>271</sup>

These stories represent only a fraction of the stories the Committee heard from workers, but they show that working for one of the wealthiest companies in the world can lead to life-altering injuries and long-term physical consequences. Amazon has the ability to change its processes so that these injuries are less common and less severe—but as the Committee's investigation has found, the company has repeatedly and consistently decided not to make those changes.

**B. Amazon has safety policies, but the company's required speeds make those policies difficult to follow**

*"The rate at which they want you to work leaves employees no other choice but to work unsafely."  
—Amazon worker<sup>272</sup>*

Amazon has safety policies intended to minimize injury risks for workers—including policies that instruct employees to work in their power zones, use step stools and ladders when necessary, and get help when lifting heavy or bulky objects. But just as employees' workstations can inhibit their ability to adhere to these policies, the speeds that Amazon requires of its workers can make it next to impossible for them to follow these policies without risking discipline for failing to meet expected rates.<sup>273</sup> Workers must navigate conflicting messages from the company—policies that require slowing down to move safely on the one hand, and consistently reinforced speed requirements with disciplinary consequences on the other. This contributes to the extremely high injury rates at Amazon's warehouses.

Time pressures force workers to rush when grabbing or placing items above their heads. Although Amazon tells workers to use a step stool to prevent reaching outside their power zones,<sup>274</sup> many workers told the Committee that this instruction is hard to follow while meeting

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<sup>269</sup> HELP Committee Majority staff interview with DL (Oct. 24, 2023).

<sup>270</sup> HELP Committee Majority staff interview with MT (Nov. 8, 2023).

<sup>271</sup> HELP Committee Majority staff interview with Dan Vallot (Oct. 25, 2023).

<sup>272</sup> HELP Committee Majority staff interview with J Lopez (Nov. 8, 2023).

<sup>273</sup> See, e.g., HELP Committee Majority staff interviews with JF (Aug. 17, 2023); FE (Oct. 25, 2023); Christine Manno (Oct. 10 & Nov. 18, 2023); TM (Oct. 16, 2023); RI (Oct. 27, 2023); Roger Hooks (Nov. 8, 2023); and RB (Aug. 21, 2023).

<sup>274</sup> AMAZON\_00002001.



productivity requirements.<sup>275</sup> “People are scared to take time to grab step stools because they want to make rate,” one worker told the Committee.<sup>276</sup> Another explained: “You can’t run and get [a stool] every time” you need to reach something above your head “because you’ll get time off task.”<sup>277</sup>

*“You can tell us to do it that way—and if we did it that way we couldn’t hit the rate you want . . . they all know no one does it that way.”*  
—Amazon worker<sup>278</sup>

The pressure to move quickly can also increase the risk of accidents when using equipment like stools. One worker told the Committee about an injury she sustained while using a ladder that was so serious that she had to use a wheelchair for months.<sup>279</sup> After minimal training, she was sent to a workstation that required taking items out of bins and placing them in pockets inside a tall robotized container. At these workstations, the pockets in the robotized container range from ankle level to above a worker’s head; workers use step stools when placing items in the higher pockets. While going down the step stool, the worker rolled her ankle and fell to the ground. An x-ray and MRI later revealed that she had fractured her ankle, tore two ligaments, partially tore two more, and also had substantial swelling, an edema, and additional issues with bone marrow in her ankle. Even after the surgery she finally received over a year later, her doctors say she will never fully recover and will have to wear an ankle brace for the rest of her life.<sup>280</sup>

Another worker, performing a similar action, “fell off the second step of the ladder to the floor, suffering a broken right fibula.”<sup>281</sup> In 2022, a worker in New Jersey died after falling off a stepladder and sustaining a serious head injury.<sup>282</sup>

Although Amazon emphasizes the importance of having “three points of contact” while using ladders—generally meaning people should have two feet and one hand on the ladder at all times<sup>283</sup>—workers told the Committee that this is “impossible” because they have to hold an item while they climb ladders and these items can be heavy and “require two hands.”<sup>284</sup> Not

<sup>275</sup> HELP Committee Majority staff interviews with TC (Aug. 23, 2023), SC (Oct. 17, 2023), and WT (Nov. 7, 2023).

<sup>276</sup> HELP Committee Majority staff interview with TC (Aug. 23, 2023).

<sup>277</sup> HELP Committee Majority staff interview with SC (Oct. 17, 2023).

<sup>278</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

<sup>279</sup> HELP Committee Majority staff interview with Denise Briggs (Nov. 8, 2023).

<sup>280</sup> *Id.*

<sup>281</sup> Committee analysis of data from OSHA’s Severe Injury Reports for NAICS code 493110. OSHA, DOL, *Severe Injury Reports*, <https://www.osha.gov/severe-injury-reports> (last visited Dec. 11, 2024).

<sup>282</sup> DOL, OSHA, Investigation Summary – PNE5, Inspection No. 1610745 (July 24, 2022), [https://www.osha.gov/ords/imis/establishment.inspection\\_detail?id=1610745.015](https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1610745.015).

<sup>283</sup> HELP Committee Majority staff interviews with FE (Oct. 25, 2023), TA (Nov. 9, 2023), JG (Oct. 27, 2023), and RI (Oct. 27, 2023).

<sup>284</sup> HELP Committee Majority staff interviews with NH (Sept. 5, 2023), FE (Oct. 25, 2023), RI (Oct. 27, 2023), and Roger Hooks (Nov. 8, 2023).

surprisingly, the Committee also heard from a worker who fell off a ladder while trying to retrieve or store packages.<sup>285</sup>

*With their rate, you're forced to bypass their "safety" to get it done. Or else you're fired, because if you don't make rate, you're fired.*  
—Amazon worker<sup>286</sup>

Amazon also has safety policies for lifting heavy and bulky objects. Amazon knows the risk of injury associated with lifting these objects and so instructs workers to use “team lifts” when doing so—meaning that at least two people lift the objects together.<sup>287</sup> Amazon’s policies require team lifts when workers lift items between 50 and 100 pounds,<sup>288</sup> move bags from racks above their heads,<sup>289</sup> or move pallets that are stacked five high.<sup>290</sup> One of Amazon’s safety trainings emphasizes that “pull[ing] a pallet off a stack over five pallets high by themself[ves],” is an example of what the company considers an “unsafe act.”<sup>291</sup>

But workers describe that “unsafe act” as a regular occurrence. Because of the immense pressure to move quickly, workers must choose between taking time to find someone for a team lift and risking falling behind and being disciplined. As one worker explained, “with rate, you can’t wait for someone to come help you.”<sup>292</sup> In these situations, workers are forced to move the packages themselves to keep up. Indeed, multiple workers shared with the Committee that colleagues were not regularly available to help them with team lifts, leaving them to lift items weighing up to 100 pounds by themselves.<sup>293</sup>

Workers who step away from their own tasks to help others can also be penalized for taking time to assist a colleague. For example, a worker who stops to help a colleague lift a package can get docked for unknown idle time. As one worker pointed out, managers “tell you to get help, but how likely is someone going to [risk getting] time off task to come help me?”<sup>294</sup>

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<sup>285</sup> HELP Committee Majority staff interviews with WT (Nov. 7, 2023).

<sup>286</sup> HELP Committee Majority staff interview with RN (Oct. 31, 2023).

<sup>287</sup> AMAZON\_00000299.

<sup>288</sup> AMAZON\_00002480; AMAZON\_00001906.

<sup>289</sup> AMAZON\_00001906.

<sup>290</sup> AMAZON\_00002425; AMAZON\_00002480; AMAZON\_00001906.

<sup>291</sup> AMAZON\_00002766.

<sup>292</sup> HELP Committee Majority staff interview with AW (Oct. 27, 2023).

<sup>293</sup> HELP Committee Majority staff interviews with JW (Sept. 20, 2023) (describing regularly not having colleagues around to help lift boxes weighing up to 100 pounds), NB (Oct. 19, 2023) (“It’s not that often that someone is right there to help ... when there’s no one around, you just have to do it yourself”).

<sup>294</sup> HELP Committee Majority staff interview with SC (Oct. 17, 2023).

*“You can’t bend carefully and pick up 300 packages an hour . . . if you go too slow they will yell at you.”  
–Amazon worker<sup>295</sup>*

The resulting injuries are serious. One worker was hurt after she was denied help lifting a 90-pound item caught in a conveyor belt.<sup>296</sup> She was “point blank denied,” told that the warehouse does not “do team lifts,” and directed to hurry up because she was not meeting her quota.<sup>297</sup> When she went to lift the box herself, she felt “a pop and searing pain” in her shoulder and neck, resulting in three bulged discs in her spine and four dislocated ribs.<sup>298</sup>

Workers also described how speed requirements make it more difficult to work within their power zones.<sup>299</sup> As one worker explained: “you can never make rate if you do it the way they say you need to do it.”<sup>300</sup> “They tell you what you should be doing, but the job you’re doing makes it impossible to follow their rules,” another worker shared.<sup>301</sup> A worker described the impact of the clock at his workstation counting the seconds between each time he scanned an item:

Psychologically just by that counter being on your computer, it’s almost impossible to really pay attention to your power zone all day. The more time you spend focusing on your power zone, those numbers are going up. You know it’s unrealistic but psychologically it’s still in your face. It’s almost impossible to stay in your power zone if you have a takt time.<sup>302</sup>

These stories show that Amazon workers internalize the company’s prioritization of speed over safety and move in a way that puts themselves at risk of injuries because of the threat of discipline and termination.

### **C. Amazon’s prioritization of speed over safety significantly increases the risk of accidents and injuries from known hazards**

In addition to the risks associated with their jobs’ required movements, workers face risks from the physical hazards in Amazon’s warehouses. As discussed in Appendix A, workers told the Committee that they regularly confront safety hazards in warehouses, including poorly maintained equipment and hazardously stacked materials as well as powered industrial truck incidents and unsafe levels of heat.

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<sup>295</sup> HELP Committee Majority staff interview with JF (Aug. 17, 2023).

<sup>296</sup> HELP Committee Majority staff interview with AR (Sept. 13, 2023).

<sup>297</sup> *Id.*

<sup>298</sup> *Id.*

<sup>299</sup> *See, e.g.*, HELP Committee Majority staff interviews with Roger Hooks (Nov. 8, 2023), GA (Oct. 27, 2023), and RI (Oct. 27, 2023).

<sup>300</sup> HELP Committee Majority staff interview with Tommy Simril (Nov. 7, 2023).

<sup>301</sup> HELP Committee Majority staff interviews with Christine Manno (Oct. 10 & Nov. 8, 2023).

<sup>302</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

Amazon’s obsession with productivity and speed compounds the hazardous conditions in its warehouses. Workers told the Committee about pressure to not stop conveyor belts, boxes piling up and creating tripping hazards, rushed training to operate powered industrial trucks, and the company’s refusal to adjust expected rates in response to extreme heat inside warehouses.

1. Amazon keeps conveyor belts moving even when it creates safety risks for workers

Amazon facilities have miles of conveyor belts, which transport items through each stage of the fulfillment process. These conveyor belts run throughout the warehouses, including next to employees’ workstations and above their heads. Amazon is so focused on speed that even when conveyor belts get dangerously backed up, workers report Amazon often refuses to slow or stop them to allow workers to catch up.

Managers instruct workers to “keep the line moving at all costs.”<sup>303</sup> Nothing is more important than making sure the constant stream of packages on the conveyor belts is uninterrupted—even workers’ health and safety. One worker told the Committee that he witnessed a woman pass out next to a conveyor belt, and noticed she was struggling to breathe. “They didn’t stop the line,” he said. “Her head was right next to the belt . . . and people were just throwing stuff in the boxes and the belt kept moving . . . the manager didn’t stop the line . . . he was just standing there trying to block the open area where the boxes were by her head, and people kept working.”<sup>304</sup>

Although conveyor belts have “stop” buttons that workers can use to stop the belts in the event of a dangerous situation, including when workers cannot keep up with the amount of packages,<sup>305</sup> managers often reprimand workers for pressing the buttons. One worker told the Committee that whenever someone used the stop button at his facility, managers would yell, “Who stopped it! Turn it back on!”<sup>306</sup> Another worker described how managers would “refus[e] to stop production when the conveyor belt backs up.”<sup>307</sup>

Similarly, in some warehouses, conveyor belts have safety features that stop the belts automatically when the line is overloaded with packages and activate a blue light as a signal that the belt is no longer moving.<sup>308</sup> One worker told the Committee that when the conveyor belt stops and the “light is blue,” managers swarm the floor to “tell you to pick up the pace.”<sup>309</sup> The stress to get the light out can lead to injuries. One worker was hit in the back by a box another

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<sup>303</sup> HELP Committee Majority staff interview with CP (Nov. 2, 2023).

<sup>304</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

<sup>305</sup> HELP Committee Majority staff interview with JF (Aug. 17, 2023).

<sup>306</sup> *Id.*

<sup>307</sup> HELP Committee Majority staff interview with Heather Goodall (Nov. 14, 2023).

<sup>308</sup> HELP Committee Majority staff interviews with DH (Oct. 23, 2023) (“If there’s too many packages on a belt, a blue light will come on and it will stop, and we have to work harder to get the belt moving.”), NH (Sept. 5, 2023) (“We had a meeting in the morning where the manager said he didn’t want to see anyone slow down . . . A blue light goes off when the line stops so the manager knows [and] comes to tell them to keep the line moving.”), and CP (Nov. 2, 2023).

<sup>309</sup> HELP Committee Majority staff interview with JI (Nov. 17, 2023).

worker threw when management was “rushing [them] to clear out the blue light.”<sup>310</sup> “Everyone is rushing and not paying attention—someone is going to get hurt, and I did,” the worker said.<sup>311</sup>

The obvious consequence of keeping the conveyor belts moving even when workers cannot keep up with the volume of packages, is that packages fall off of the belts. These packages create hazards for workers trying to navigate Amazon facilities and can lead to injuries that have life-long consequences.

The Committee spoke with one worker who was severely injured as a result of boxes that had fallen off a conveyor belt. The worker’s job was to pull packages off the conveyor belt and place them on racks. “The conveyor belts were going extremely fast, boxes were falling off the belts onto the floor,” he told the Committee.<sup>312</sup> “I was trying to get around the boxes and got my foot caught underneath the belt, I tripped, and the boxes kept falling.”<sup>313</sup> When he got home, his foot was so swollen his wife had to cut his shoe off. He experienced delays trying to see a doctor. Four months after his injury, Amazon required him to get an independent medical examination before the company would continue paying for his medical care; the independent medical examiner cleared him to return to work. After the independent medical examination, Amazon stopped paying workers compensation, refused to pay for any future surgery, and terminated the worker for not returning to work. The independent examiner’s opinion turned out to be wrong: the worker’s foot eventually required amputation.<sup>314</sup>

Other workers reported that boxes regularly fall off conveyor belts and remain on the floor.<sup>315</sup> This appears to be a common enough occurrence that Amazon, in announcing an update to a conveyor belt at one warehouse, chose to highlight a quote from a worker who expressed excitement about “not having packages all over the floor” anymore.<sup>316</sup>

Associate Anecdote	
Its great! I love not having packages all over the floor!	
A Special Thank You to Everyone Involved!	
NAME	TEAM
[REDACTED]	PXT Team

Excerpt from an Amazon email announcement about a new method of auto-diverting packages off a conveyor belt. Highlighting by Committee.<sup>317</sup>

Some of these hazards are exacerbated by Amazon managers. When conveyor belts stop because they are overloaded with packages, workers report that managers regularly engage in unsafe

<sup>310</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023).

<sup>311</sup> *Id.*

<sup>312</sup> HELP Committee Majority staff interview with Edward Murphy (Oct. 31, 2023).

<sup>313</sup> *Id.*

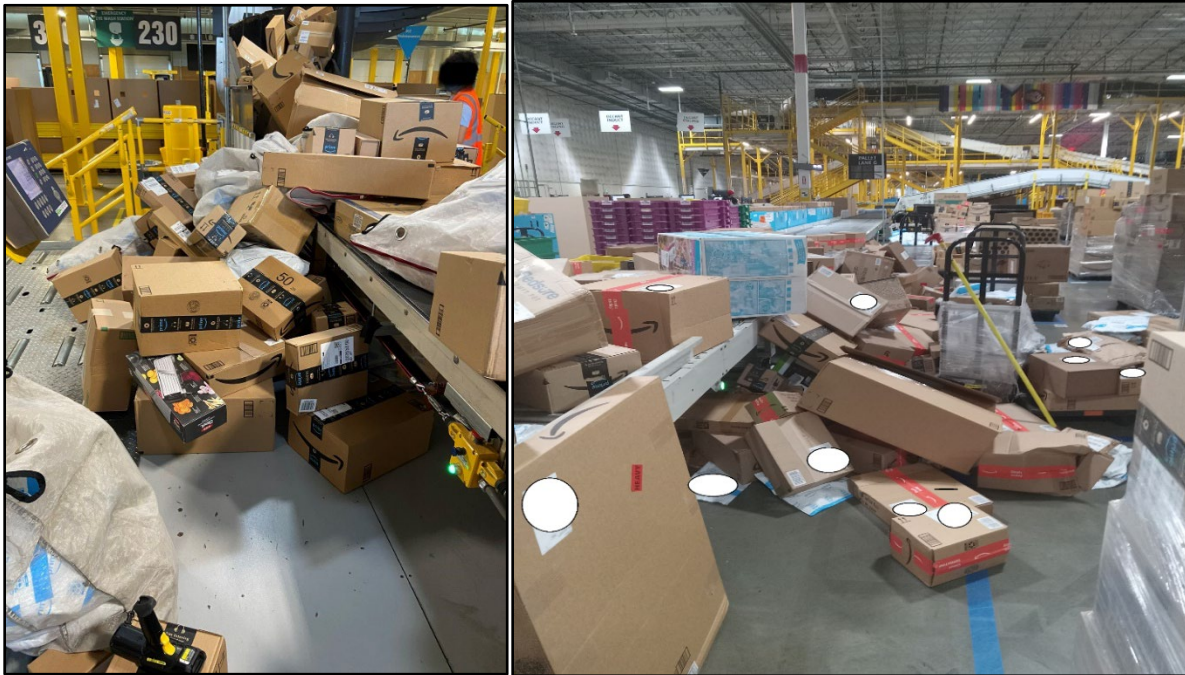
<sup>314</sup> *Id.*

<sup>315</sup> HELP Committee Majority staff interviews with Sonnica Jones (Dec. 15, 2023), JC (Nov. 7, 2023).

<sup>316</sup> AMAZON\_00003301.

<sup>317</sup> *Id.*

behavior to make sure packages are still processed as quickly as possible. This includes “throw[ing] packages on the floor” and “toss[ing] packages on top of each other in a chute”<sup>318</sup> to get conveyor belts started again.<sup>319</sup> Another worker told the Committee that managers “start throwing the boxes and stacking them on the ground” when facilities get overwhelmed.<sup>320</sup> Workers are put at risk as a result—they end up “tripping over” boxes that have fallen on the floor and having to bend and “lift the heavy items back onto the conveyor belt.”<sup>321</sup>



LEFT: Photograph, provided by a worker, that shows a conveyor belt overflowing with packages;<sup>322</sup> RIGHT: Photograph, provided by a worker, of an understaffed facility where packages pile up on the floor. Redactions from original source.<sup>323</sup>

*“When I worked at a delivery station during peak, a lot of safety guidelines were ignored. You have a lot of floor filled with boxes . . . it’s all about getting volume out.”*

*—Amazon worker<sup>324</sup>*

Not only are these practices dangerous, they amount to violations of Amazon’s safety policies. One worker told the Committee that managers would tell workers that throwing boxes was a

<sup>318</sup> HELP Committee Majority staff interview with RI (Oct. 27, 2023).

<sup>319</sup> HELP Committee Majority staff interviews with CP (Nov. 2, 2023), KV (Oct. 9, 2023).

<sup>320</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023).

<sup>321</sup> HELP Committee Majority staff interview with Heather Goodall (Nov. 14, 2023).

<sup>322</sup> Worker Document 9.

<sup>323</sup> Worker Document 10.

<sup>324</sup> HELP Committee Majority staff interviews with AB (Nov. 2 & 7, 2023).

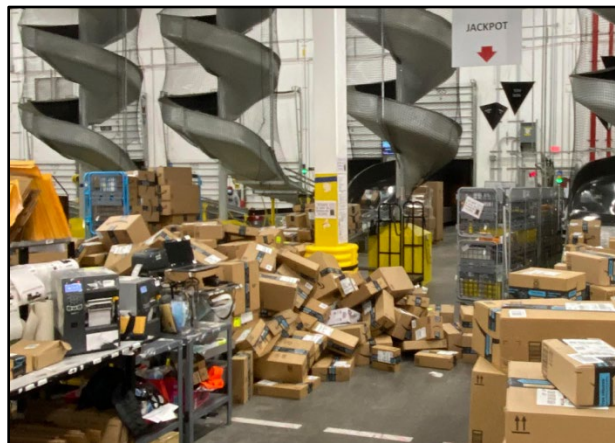


“safety violation and they’ll get written up if they’re doing it.”<sup>325</sup> But managers would throw boxes themselves, because “they ignore the rules when it gets busy.”<sup>326</sup>

2. Packages pile up on floors in Amazon warehouses, creating tripping hazards and blocking exits

In addition to the boxes that fall off conveyor belts, Amazon’s obsession with productivity means that employees are often expected to process more packages than is physically possible—resulting in packages accumulating on the ground and around employees’ workstations.

For example, workers in delivery stations reported that packages regularly piled up on the ground while workers rushed to grab items moving through the facility. One worker told the Committee that managers wanted “crisis levels” of packages loaded onto the conveyor belts.<sup>327</sup> For workers who have to take the packages off the conveyor belts and then load them into bags for delivery, this package overload means they cannot keep up. One worker told the Committee that it was common that workers “had nowhere to put the items” and so they piled them on the floor.<sup>328</sup> The worker described it as “a tripping hazard, a fire hazard.”<sup>329</sup>



Photograph from an Amazon worker, posted on Reddit, of boxes overflowing off a conveyor belt at an Amazon fulfillment center.<sup>330</sup>

Workers reported that boxes and other materials often pile up around workstations as workers try to meet the company’s quotas. “We were overrun with boxes, pallets of boxes everywhere . . . they had everything blocked so even to leave your station there’s bins and boxes [all around

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<sup>325</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023).

<sup>326</sup> *Id.*

<sup>327</sup> HELP Committee Majority staff interview with JF (Aug. 17, 2023).

<sup>328</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023); *see also* HELP Committee Majority staff interview with AW (Nov. 22, 2023).

<sup>329</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023).

<sup>330</sup> u/Closingracer, *My Day in Jackpot (Problem Solve) Yesterday*, Reddit: r/AmazonFC (2020), [https://www.reddit.com/r/AmazonFC/comments/jxb65y/my\\_day\\_in\\_jackpot\\_problem\\_solve\\_yesterday/?rdt=59352](https://www.reddit.com/r/AmazonFC/comments/jxb65y/my_day_in_jackpot_problem_solve_yesterday/?rdt=59352).

you], there's not a lot of room," one worker shared.<sup>331</sup> A worker in Michigan told the Committee: "At one point, it felt as though people were at their stations with a little castle surrounding them of their empty bins."<sup>332</sup> A worker in Maryland painted an even bleaker picture, describing seeing "workers get catacomb-ed into their workstation by boxes."<sup>333</sup>



Photograph, provided by a worker, of a worker (in purple shirt) blocked by boxes while loading a large metal container. Redactions from original source.<sup>334</sup>

These conditions violate OSHA regulations. Federal safety regulations require employers to keep all places of employment and passageways "clean" and "orderly" because of the risk of harm to workers who may trip, fall, or be hit by items—exactly the dangers Amazon forces workers to deal with.<sup>335</sup> OSHA also requires companies to keep exit routes "free and unobstructed."<sup>336</sup> Despite these common-sense requirements, workers told the Committee that they regularly have to navigate around boxes and other debris, making it difficult to move throughout the warehouse or reach exits. Two workers at different facilities in Pennsylvania described cages and equipment blocking fire extinguishers and exit routes.<sup>337</sup> A worker in Maryland said boxes would even block the stairs, creating problems for safe egress should workers need to evacuate the building.<sup>338</sup>

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<sup>331</sup> HELP Committee Majority staff interview with Denise Briggs (Nov. 8, 2023).

<sup>332</sup> HELP Committee Majority staff interview with GA (Oct. 27, 2023).

<sup>333</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023).

<sup>334</sup> Worker Document 11.

<sup>335</sup> See 29 C.F.R. § 1910.22(a)(1).

<sup>336</sup> 29 C.F.R. § 1910.37(a)(3).

<sup>337</sup> HELP Committee Majority staff interviews with AS (Sept. 29, 2023), MB (Oct. 23, 2023).

<sup>338</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023).



3. Amazon moves workers through safety training for operating powered industrial trucks quickly, leaving some workers feeling unqualified to operate these vehicles

Amazon's culture of speed also increases the potential hazards associated with workers operating forklifts and other powered industrial trucks (PITs). OSHA has issued multiple citations to Amazon regarding PITs, which are dangerous machines whose use OSHA regulates to ensure worker safety.<sup>339</sup> Employees have also expressed concern about the adequacy of Amazon's training for workers who operate PITs.<sup>340</sup>

Federal regulations mandate that workers who drive these machines are trained and certified.<sup>341</sup> Workers should feel safe driving a PIT by the time they complete training. Indeed, OSHA explicitly warns that learning "by trial and error" results in "a greater chance of injuries and fatalities."<sup>342</sup> Employers self-certify to OSHA that workers successfully complete these programs,<sup>343</sup> and some employers, including Amazon, run their own training programs.

OSHA does not specify the amount of time that training should take; instead, OSHA's requirements focus on the end result, which is that every person driving a PIT should be "competent to operate a powered industrial truck safely."<sup>344</sup>

Although the amount of time Amazon gives workers to practice driving PITs varies—one worker said they had up to three hours combined for a group of three or more employees,<sup>345</sup> others reported just ten or fifteen minutes per employee<sup>346</sup>—workers told the Committee that they did not feel that the training was adequate to learn to drive the machines.<sup>347</sup> A worker in Pennsylvania told the Committee that the training is "very fast paced" and that once workers are "able to just park," management determines they have been sufficiently trained.<sup>348</sup> Other workers reported how they were certified even after they were unable to operate the PIT during their

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<sup>339</sup> See 29 C.F.R. § 1910.178; DOL, OSHA, Violation Detail, Inspection No. 1683533 (Jan. 11, 2024), [https://www.osha.gov/ords/imis/establishment.violation\\_detail?id=1683533.015&citation\\_id=01001](https://www.osha.gov/ords/imis/establishment.violation_detail?id=1683533.015&citation_id=01001) ("The employer did not ensure that only stable or safely arranged loads were handled."); DOL, OSHA, Violation Detail, Inspection No. 1669749 (Oct. 13, 2023), [https://www.osha.gov/ords/imis/establishment.violation\\_detail?id=1669749.015&citation\\_id=01001](https://www.osha.gov/ords/imis/establishment.violation_detail?id=1669749.015&citation_id=01001) ("[T]he employer exposed an employee to fall hazards when a [PIT]... became stuck in the elevated position.").

<sup>340</sup> HELP Committee Majority staff interviews with GW (Jan. 21, 2024), Christine Manno (Oct. 10 & Nov. 8, 2023), MB (Oct. 23, 2023), DL (Oct. 24, 2023), and AS (Dec. 4, 2023).

<sup>341</sup> See 29 C.F.R. § 1910.178(l).

<sup>342</sup> Powered Industrial Truck Operator Training, 63 Fed. Reg. 66238, 66248 (Dec. 1, 1998).

<sup>343</sup> 29 C.F.R. § 1910.178(l)(6).

<sup>344</sup> *Id.* § 1910.178(l)(1)(i).

<sup>345</sup> HELP Committee Majority staff interview with KW (Jan. 19, 2024).

<sup>346</sup> HELP Committee Majority staff interviews with DL (Oct. 24, 2023), MC (Sept. 29, 2023).

<sup>347</sup> HELP Committee Majority staff interviews with GW (Jan. 21, 2024), Christine Manno (Oct. 10 & Nov. 8, 2023), MB (Oct. 23, 2023), DL (Oct. 24, 2023), and AS (Dec. 4, 2023).

<sup>348</sup> HELP Committee Majority staff interview with KW (Jan. 19, 2024).

training—including one worker who said she “ran over the driver instructor in the class” but was still certified to drive the machines on the warehouse floor.<sup>349</sup>

The Committee spoke with an employee who trained workers on how to operate PITs. She described constant pressure to churn through trainings within a set amount of time, typically one hour per person at her facility, regardless of whether that time was sufficient to teach new employees how to drive the machine.<sup>350</sup> She said that she often needed more time to train workers with language barriers or little experience driving regular cars, much less heavy equipment, but that managers refused to allow it.<sup>351</sup> The Committee also spoke with a Deaf worker who was not provided an interpreter for PIT training.<sup>352</sup>

Some trainers pressure workers to say they feel safe driving equipment even if they do not. Trainers “who don’t want to get in trouble, don’t want to get called out, will pressure people into saying yes [they feel safe]—that if you don’t say yes, you will be let go,” a worker said.<sup>353</sup> One worker the Committee spoke with requested additional training because she felt unsafe driving a PIT and was hitting guardrails; management denied her request, forcing her to try and teach herself on the job—the exact situation that OSHA has warned leads to increased risk of injury and death.<sup>354</sup>

Unsurprisingly, multiple workers reported that they observed PITs hitting shelving, other PITs, and even workers.<sup>355</sup> One worker in Illinois said it was common for PITs to hit objects at his warehouse, explaining that there was “always stuff getting crashed into.”<sup>356</sup> “Accidents were almost routine—like every day,” a worker in Pennsylvania said.<sup>357</sup> He described order pickers crashing into the shelves lining the aisles, knocking products off the shelves, and injuring workers standing on the other side of the shelves.<sup>358</sup>

PIT accidents are serious, and can be fatal. The Committee spoke with the family of one former employee, Alex Carrillo, who died in a PIT accident in a Pennsylvania warehouse in 2022.<sup>359</sup> According to an OSHA report, Alex was elevated “26-feet [sic] above the floor” in a PIT known as an order picker, which lifts workers in a small cage to significant heights so they can grab items off shelves.<sup>360</sup> Alex was “picking orders from the top shelf of a rack system when a

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<sup>349</sup> HELP Committee Majority staff interview with DL (Oct. 24, 2023).

<sup>350</sup> HELP Committee Majority staff interview with AS (Dec. 4, 2023).

<sup>351</sup> *Id.*

<sup>352</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

<sup>353</sup> HELP Committee Majority staff interview with AS (Dec. 4, 2023).

<sup>354</sup> HELP Committee Majority staff interview with KW (Jan. 19, 2024).

<sup>355</sup> HELP Committee Majority staff interviews with DL (Oct. 24, 2023), Trent Jensen (Oct. 25, 2023), and MB (Oct. 23, 2023).

<sup>356</sup> HELP Committee Majority staff interview with Trent Jensen (Oct. 25, 2023).

<sup>357</sup> HELP Committee Majority staff interview with MB (Oct. 23, 2023).

<sup>358</sup> *Id.*

<sup>359</sup> HELP Committee Majority staff interview with AF (Oct. 9, 2023).

<sup>360</sup> DOL, OSHA, Investigation Summary, Inspection No. 1611659 (Aug. 1, 2022), [https://www.osha.gov/ords/imis/establishment.inspection\\_detail?id=1611659.015](https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1611659.015).

coworker, operating a picker traveling at full speed in the same aisle, crashed into [Alex's] picker . . . [t]he impact caused [Alex's] order picker to tip over and crash to the floor.”<sup>361</sup> Alex's skull was fractured, and he was in a coma for six days before dying at the age of 22.

Alex's accident was not the only instance of serious injuries or fatalities related to PITs in Amazon warehouses. More than a dozen workers have been hospitalized or have died in the past decade due to injuries while operating PITs at Amazon warehouses.<sup>362</sup>

#### 4. Amazon's rates are not adjusted when working in extreme heat

As further described in Appendix A, workers also report working in extremely hot temperatures in Amazon warehouses. Critically, workers told the Committee that Amazon refuses to adjust the speed of its operations, by allowing them to take additional breaks for example, when warehouses face unsafe heat.<sup>363</sup> One worker described what that experience was like:

Living in Florida, we experienced some of the hottest temperatures on record, a lot of people complained about the heat at Amazon. Amazon didn't adjust their production expectations under those working conditions . . . if it's hot they still expect 300 items packaged per hour.<sup>364</sup>

As one worker explained, “this isn't a system where, if we get too hot, someone can take our place—it has to be extreme, you have to look like you are going to pass out.”<sup>365</sup> Another worker noted that it is hard to hydrate or get electrolytes while working at the speed Amazon demands.<sup>366</sup> Other workers told the Committee that managers pushed them to work harder due to understaffing despite the excessive heat.<sup>367</sup>

Amazon's relentless focus on productivity and speed creates dangerous working conditions that put employees at risk of serious injuries. Workers face pressure to prioritize speed over safety, causing them to move in unsafe ways and making it difficult to follow company safety protocols, leading to preventable injuries. Amazon's refusal to adjust productivity expectations to ensure workers are safe, including during extreme heat, heightens all of these risks and leaves workers vulnerable to injuries from physical hazards. These systemic failures highlight a workplace culture that prioritizes speed and efficiency at the expense of worker safety and well-being.

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<sup>361</sup> DOL, OSHA, Investigation Summary, Inspection No. 1611659 (Aug. 1, 2022), [https://www.osha.gov/ords/imis/establishment.inspection\\_detail?id=1611659.015](https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1611659.015).

<sup>362</sup> Hospitalizations: Committee analysis of data from OSHA's Severe Injury Reports for NAICS code 493110. OSHA, DOL, *Severe Injury Reports*, <https://www.osha.gov/severe-injury-reports> (last visited Dec. 11, 2024); Fatalities: see Caroline O'Donovan, *A 20-year-old Amazon Employee Died at Work. Indiana Issued a \$7,000 Fine*, WASH. POST (Nov. 26, 2023), <https://www.washingtonpost.com/technology/2023/11/26/amazon-warehouse-death-7000-fine/>; *Third Amazon Employee Death at Carlisle Warehouse*, FRANKLIN CNTY. FREE PRESS (Aug. 8, 2022), <https://fcfreepresspa.com/third-amazon-employee-death-at-carlisle-warehouse/>.

<sup>363</sup> HELP Committee Majority staff interviews with AR (Sept. 13, 2023), LG (Nov. 14, 2023), and Nannette Plascencia (Oct. 13, 2023).

<sup>364</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

<sup>365</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023).

<sup>366</sup> HELP Committee Majority staff interview with NB (Oct. 19, 2023).

<sup>367</sup> HELP Committee Majority Staff interviews with KM (Oct. 24, 2023), Connell Crooms (Oct. 10, 2023).

## **VII. AMAZON HAS STUDIED THE CONNECTION BETWEEN ITS SPEED REQUIREMENTS AND WORKER INJURIES FOR YEARS, BUT REFUSES TO MAKE SAFETY IMPROVEMENTS IF THEY MIGHT HINDER PRODUCTIVITY**

Amazon knows that there is a direct relationship between workers' speed and an increased risk of injuries. The company has undertaken at least two internal studies, analyzing data from Amazon warehouses, that show how increased speed leads to increased risk of injuries and how the company could easily reduce injuries by implementing safeguards to reduce workers' speed. Although the Committee's analysis of these two studies, named Project Soteria and Project Elderwand, is constrained by Amazon's limited compliance with the investigation, even the handful of documents the company did produce paint a clear and troubling picture.

The documents on Project Soteria and Project Elderwand show that these studies identified multiple actions the company could take to reduce injury rates, including limiting the number of items workers have to process, reducing speed-related discipline, and providing workers with more rest time. The documents also show that these studies provided recommendations to company leadership on how to reduce injuries.

There is no question that Amazon was paying attention to the studies: in fact, a senior leader at Amazon was responsible for reviewing these and other studies investigating injury reduction. Testimony from an Amazon witness confirms that the Vice President of Workplace Health and Safety was responsible for "looking across the numbers of studies and making decisions based on them."<sup>368</sup>

But Workplace Health and Safety leadership—including that Vice President—ignored or outright rejected many of the Project Soteria and Project Elderwand recommendations. And Amazon has not produced any evidence that the company implemented these recommendations. Instead, Amazon made some changes that only marginally impact worker safety and do not address the underlying causes of workers' injuries.

Based on the evidence before it, the Committee is able to make two conclusions: **1) Amazon is aware of the link between worker speed and injury risk; and 2) Amazon has repeatedly rejected or ignored recommended policy changes that would reduce worker injury rates when those changes could hinder productivity.**<sup>369</sup> Further, the evidence indicates that these two studies, Project Soteria and Project Elderwand, are not the only studies that Amazon has conducted on the connection between speed and injury rates.

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<sup>368</sup> AMAZON\_00004290-4291.

<sup>369</sup> AMAZON\_00004098.

**A. Indications of other studies Amazon has conducted demonstrate the company’s extensive knowledge of the speed-injury relationship—and the company’s reluctance to share that information with the Committee**

**1. Limitations of the Committee’s analysis of available documents**

The Committee’s knowledge of Amazon’s internal research into the speed-injury connection is constrained by the company’s failure to fully cooperate with the investigation. For 11 months, Amazon failed to produce any documents responsive to the Committee’s request for company materials examining “the connection between the pace of work . . . and the prevalence or cost of injuries at its warehouses.”<sup>370</sup> In fact, the Committee learned of the existence of Project Soteria and Project Elderwand not from Amazon, but from testimony by one of its employees in an administrative appeal of an enforcement action taken by a Washington state agency against the company.<sup>371</sup> Once the Committee was able to identify these studies by name, it requested that Amazon produce specific documents introduced as exhibits in that Washington state administrative appeal. Amazon acquiesced to those individual document requests.

While the documents on Project Soteria and Project Elderwand that Amazon produced to the Committee are illuminating, they are far from a complete production of all relevant documents on those two studies—let alone on all of the speed-injury studies Amazon has conducted. The company’s document production on this topic is deficient in several ways. First, Amazon’s production included only eight internal documents and only those specifically identified by the Committee, so they are necessarily limited to documents regarding Project Soteria, Project Elderwand, and a Business Intelligence study described below—the studies that the Committee could identify from the testimony in the Washington state administrative appeal. Second, the company’s production did not include any internal communications, despite the Committee’s request that Amazon produce phone call records, internal messages, and emails related to examinations of the connection between the pace of work and the prevalence of injuries.<sup>372</sup>

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<sup>370</sup> Letter from Bernard Sanders, Chair, U.S. Senate Comm. on Health, Educ., Lab., and Pensions, to Andy Jassy, CEO, Amazon.com, Inc. at 9 (June 20, 2023).

<sup>371</sup> In 2021 and 2022, Washington State’s Department of Labor & Industries issued four citations to Amazon for unsafe working conditions in warehouses and “knowingly putting workers at risk of injury.” Amazon appealed those citations. A trial on those appeals was held in 2023, in which Amazon witnesses testified on topics related to this report. Press Release, Wash. State Dep’t. of Labor & Indus., Amazon cited for unsafe work practices at Kent fulfillment center (Mar. 20, 2022), <https://lni.wa.gov/news-events/article/22-08>. The proceedings relating to the Washington enforcement action are referred to as “the Washington state administrative appeal” throughout this report. The administrative agency that heard the appeal overturned the state’s citations. The state has indicated it plans to appeal that decision. See Lauren Rosenblatt, *Amazon scores another victory in WA warehouse safety trial*, SEATTLE TIMES (Oct. 17, 2024), <https://www.seattletimes.com/business/amazon/amazon-scores-another-victory-in-wa-warehouse-safety-trial/>; Caroline O’Donovan, *Judge in Washington state dismisses safety violation allegations at Amazon*, WASH. POST (July 25, 2024), [https://www.washingtonpost.com/technology/2024/07/25/amazon-workers-safety-washington-dismiss.](https://www.washingtonpost.com/technology/2024/07/25/amazon-workers-safety-washington-dismiss/)

<sup>372</sup> Letter from Bernard Sanders, Chair, U.S. Senate Comm. on Health, Educ., Lab., and Pensions, to Andy Jassy, CEO, Amazon.com, Inc. at 9 (June 20, 2023).

Third, and more specifically, the Committee is aware of the existence of other documents relevant to Project Soteria and Project Elderwand that were never produced. For example, the Committee was not given Project Soteria documents from before August 2020, despite references to those documents in produced materials. The Committee must, therefore, rely on descriptions of the content of those earlier documents included in the subsequent reports. Similarly, the Project Soteria documents allude to additional threads of study, but Amazon never produced materials that outline the relevant analyses or explain the outcomes. For instance, an August 2020 Project Soteria report states that it was “exploring the link to injuries for programs . . . that incentivize and motivate [workers] rather than apprehending them due to underperformance,” but Amazon refused to provide additional information about that research.<sup>373</sup>

As a result, the Committee’s analysis of Project Soteria and Project Elderwand is constrained to the evidence that Amazon produced. Where it is possible, the Committee makes affirmative conclusions based on these limited documents; where it is not possible, the Committee notes the lack of evidence. Accordingly, there is room for further investigation into these issues, expanding on the Committee’s findings, as described below.

## 2. Amazon studied the speed-injury relationship beyond Project Soteria and Project Elderwand

The Committee is aware that there has been at least one other Amazon study that sought to evaluate the relationship between speed and injuries. That study, conducted by the Amazon Business Intelligence team in 2022, looked at data between January 2017 and April 2022, and analyzed two injury metrics: recordable injury rates and the number of cases where a worker’s injury required them to take days off from work, have work restrictions, or need to transfer to another job.<sup>374</sup> The Business Intelligence team analyzed the correlation between these injury metrics and productivity metrics to “understand how these two elements are related.”<sup>375</sup>

The study found “a strong correlation between injury and productivity metrics” at Amazon Robotics Sortable (ARS) facilities—meaning higher worker productivity was associated with a higher injury risk.<sup>376</sup>

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<sup>373</sup> AMAZON\_00004095.

<sup>374</sup> AMAZON\_00004124.

<sup>375</sup> *Id.*

<sup>376</sup> *Id.*

#### Summary

In summary, we observe that there is a strong correlation between injury and productivity metrics in the AR Sortable business unit. Since AR Sortable is the dominant business unit within USCF (approximately between 50-55% hours worked in the last 5+ years), the correlation coefficients for USCF also follow the trend that is similar to AR Sortable. However, the other business units do not show a similar correlation between injury and productivity metrics.

Excerpt from the report “Correlation Analysis: Injury Rates and Productivity” metrics authored by Amazon’s Business Intelligence team, written sometime after April 2022. “AR Sortable” are Amazon robotics facilities. Highlighting by Committee.<sup>377</sup>

Though that finding is clear, the study is not particularly conclusive. The study found weak or no correlation for several other business units, which the Business Intelligence team could not explain.<sup>378</sup> The report suggests that the team could “dive deeper” to explore the divergence, but the Committee has seen no evidence that they did.<sup>379</sup> The report was also criticized by one Amazon witness in the Washington state administrative appeal, who testified that the Business Intelligence team’s analysis did not account for confounding variables he would have included, like time or “tenure distribution,” and is therefore unreliable.<sup>380</sup>

The Committee does not have additional information about the Business Intelligence team’s analysis beyond the conclusions excerpted above. The Committee also does not know why Amazon initiated this study, how those conclusions were reached, what recommendations the team made to Amazon leadership, or whether they were implemented. Amazon never told the Committee about this study, and it only produced the one document to the Committee after Committee staff identified it from testimony in the Washington state administrative appeal.

Despite the Committee’s repeated requests, Amazon refused to provide additional documentation about the Business Intelligence study or any others that are not currently named in this report. For these reasons, the Committee is unable to engage fully with this study’s findings or its potential deficiencies.

Based on the limited information that the Committee has, however, it is evident that Amazon has continued to study—in recent years and in other parts of its vast organization—the relationship between speed and injuries beyond Project Soteria and Project Elderwand. Thus, the company’s understanding of that relationship and inaction in the face of it may be even more extensive than revealed by the limited documents to which the Committee has access.

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<sup>377</sup> *Id.*

<sup>378</sup> Including facilities categorized as “Cross Dock,” “Legacy Non-Sort,” and “Traditional Sortable Softlines.”

<sup>379</sup> AMAZON\_00004125.

<sup>380</sup> AMAZON\_00004276–77.

## **B. Project Soteria was Amazon’s first-ever causal analysis of warehouse injuries, but the company declined to adopt its injury-reducing recommendations**

In 2020, Amazon initiated Project Soteria, a multi-team effort named after the Greek goddess of safety.<sup>381</sup> The Project Soteria team described their work as the “first time” Amazon conducted “a comprehensive causal analysis on injuries”—meaning that before 2020, Amazon had never undertaken this type of analysis into the potential causes of its well-documented injury crisis.<sup>382</sup> Project Soteria conducted multiple analyses and produced multiple reports over several years.<sup>383</sup>

Amazon initiated Project Soteria to determine why the company’s injury rates improved during the early months of COVID-19 pandemic. Total injury rates at Amazon’s warehouses unexpectedly plummeted during that time—falling 40 percent from 2019 levels.<sup>384</sup> Project Soteria described these injury rates as “historic lows” that were “never before seen” at the company.<sup>385</sup> Amazon’s injury rates fell “below the injury national average . . . **for the first time**” for several weeks during 2020.<sup>386</sup> Prior to 2020, Amazon had never had **a single week** where its injury rates were lower than the last available industry average.<sup>387</sup>

The company’s internal data show a steep drop-off in injuries across Amazon beginning in mid-March 2020 at the start of the COVID-19 pandemic. The graph below, from an August 2020 Project Soteria report, shows the drop in total injuries at Amazon fulfillment centers at the beginning of the COVID-19 pandemic compared to Amazon’s total injuries during comparable weeks in 2019.<sup>388</sup>

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<sup>381</sup> AMAZON\_00004123.

<sup>382</sup> AMAZON\_00004102; see, e.g., Will Evans, *Behind the Smiles: Amazon’s internal injury records expose the true toll of its relentless drive for speed*, REVEAL NEWS (Nov. 25, 2019), <https://revealnews.org/article/behind-the-smiles/>; Katie Tarasov, *Amazon’s worker safety hazards come under fire from regulators and the DOJ*, CNBC (Apr. 15, 2023), <https://www.cnbc.com/2023/04/15/osha-cites-amazon-for-unsafe-warehouses-as-injury-numbers-remain-high.html>.

<sup>383</sup> The Committee reviewed Project Soteria reports from August 2020, October 2020, and July 2021. The Committee knows, based on internal references in those reports, that these do not constitute the first, last, or only Project Soteria reports. There may also be further, additional reports unknown to the Committee.

<sup>384</sup> AMAZON\_00004089–90.

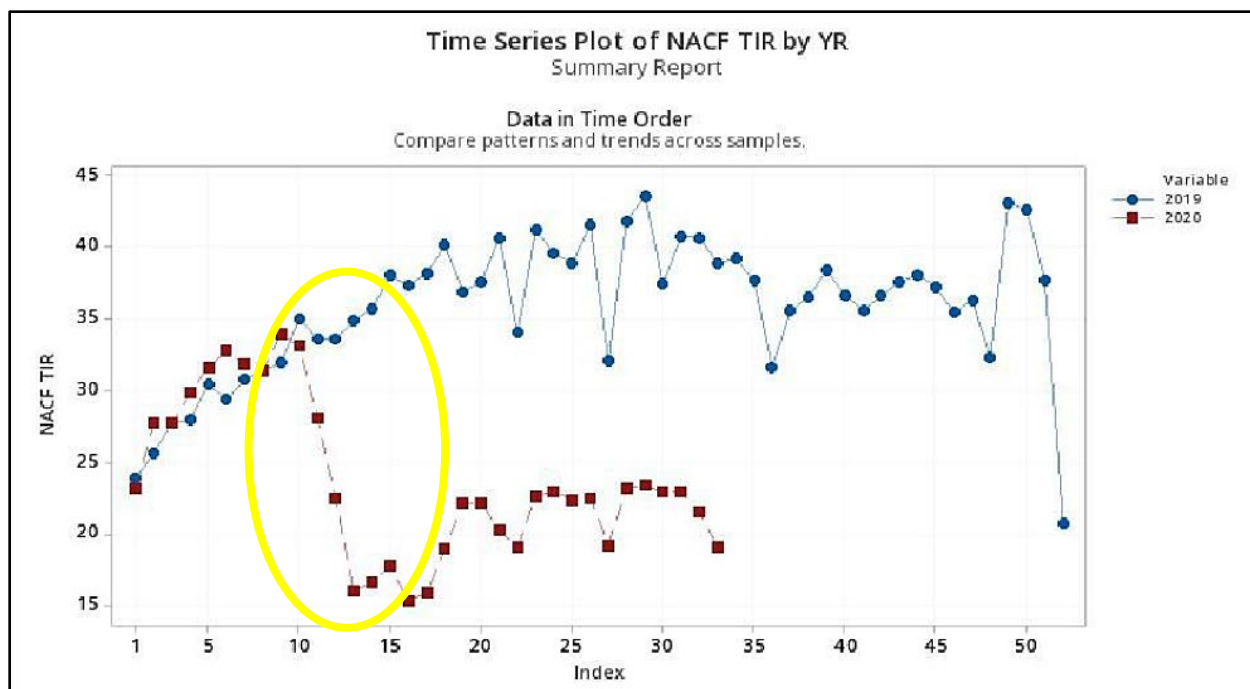
<sup>385</sup> AMAZON\_00004101.

<sup>386</sup> *Id.* (emphasis added).

<sup>387</sup> *Id.* (emphasis added). The document shows Amazon’s 2020 weekly injury rate was lower than the then-most recent industry average, from 2018, for only eight out of the forty weeks of this period—a very brief window. Moreover, Amazon’s conclusion that its injury rates beat the industry average during this time period is contingent on the type of data considered. The company’s conclusion is based on comparing weekly data from two different years (comparing 2020 Amazon vs. 2018 industry-wide weekly injury rates). Annual data, on the other hand, as discussed in Section IV, shows Amazon had injury rates higher than industry average and higher than non-Amazon warehouses overall in 2020.

<sup>388</sup> AMAZON\_00004089.





Graph from an August 2020 Project Soteria report. The blue line with circles represents Total Injury Rate in 2019; the red line with squares represents Total Injury Rate in 2020. The X axis, labeled “Index,” represents the weeks in a year. Week ten, represented on the X axis, is the first week of March. The Y axis, labeled “NACF TIR,” measures the total injury rate at Amazon fulfillment centers.<sup>389</sup> The yellow circle was added by the HELP Committee.

Through Project Soteria, the company endeavored to learn what caused this massive drop in injuries and how to “sustain or further reduce” those injury rates.<sup>390</sup> Project Soteria recognized that injuries were due to more than “hazardous conditions” and “at-risk behaviors”—they were also influenced by “[c]ulture, management, and external factors.”<sup>391</sup> To study the impact of those factors, Project Soteria analyzed more than 4 million data points on the work done by approximately 423,000 Amazon employees over a 28 week period.<sup>392</sup> It used that data to identify which of 42 variables contributed to the decrease in injury rates in 2020 and to “provide policy recommendations to reduce injuries.”<sup>393</sup> Those 42 variables included: headcount, the weight workers lifted, the volume of items workers processed, customer demand, disciplinary writeups, and injury history, among others.<sup>394</sup>

At its inception, the study was ambitious in size and scope. Project Soteria had support from senior Workplace Health and Safety leaders at Amazon in the early stages, and boasted internally that the study was “unmatched when compared to similar studies available in the literature”

<sup>389</sup> *Id.*

<sup>390</sup> AMAZON\_00004101.

<sup>391</sup> AMAZON\_00004089. *See also* AMAZON\_00004101 (listing “Culture, management, **policy changes**, and external factors” as contributing factors for injuries (emphasis added)).

<sup>392</sup> AMAZON\_00004102.

<sup>393</sup> AMAZON\_00004089.

<sup>394</sup> AMAZON\_00004108–109.

because of “Amazon’s size and [the] complexity of our systems.”<sup>395</sup> But Amazon documents show that those ambitions were quickly tempered.

Project Soteria found a relationship between workers’ speed and injuries, successfully identified aspects of Amazon’s operations that could be adjusted to reduce worker injuries, and made several recommendations to reduce those injuries. But Amazon ignored most of Project Soteria’s findings and recommendations. And the company has not provided any evidence to indicate that it implemented any of the recommendations—even the recommendations that tried to preserve productivity levels.<sup>396</sup>

Not only did Amazon ignore Project Soteria’s recommendations, the company went so far as to direct a different internal team to review and evaluate the study. Although Amazon implemented the one policy change that resulted from that audit, that change failed to address the conditions responsible for worker injuries.

1. Project Soteria initially recommended changing speed-related discipline and time-off policies to reduce injury rates—but Amazon leadership rejected these recommendations

In 2020, Project Soteria studied the impact of each of the 42 different variables and found a number of those variables were highly correlated to injury risk. At a high level, Project Soteria found a positive relationship between workers’ speed and their risk of injury. The analysis found the strongest correlation between injury rates and factors directly related to concerns that workers and the Committee have raised throughout this investigation.<sup>397</sup> Those factors include “actual demand” (the number of orders per site), “work rate” (the number of products per hour an employee processes), and the cumulative weight workers lift.<sup>398</sup> Project Soteria also found that workers who previously experienced an injury were likely to get injured again.<sup>399</sup> Even though Project Soteria identified these risk factors, the Committee has not seen evidence that it proposed policy changes to address them.

The Committee has been able to deduce,<sup>400</sup> however, that Project Soteria made two recommendations in an initial report to senior leadership at Amazon: continue pausing speed-related discipline and provide workers with more time off.<sup>401</sup> A follow-up report shows that senior leadership rejected both recommendations.<sup>402</sup>

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<sup>395</sup> AMAZON\_00004102.

<sup>396</sup> AMAZON\_00004089.

<sup>397</sup> AMAZON\_00004102.

<sup>398</sup> *Id.*

<sup>399</sup> *Id.*

<sup>400</sup> A later Project Soteria report from August 2020, produced to the Committee, refers to these past recommendations and explains that leadership eventually rejected them. AMAZON\_00004089. Despite Committee requests for the reports that contained these initial recommendations (written sometime between March and August 2020) and the communications related to the decision to reject them, Amazon refused to produce them.

<sup>401</sup> *Id.*

<sup>402</sup> *Id.*

i. Pausing speed-related discipline to reduce injuries

As described in Section V, Amazon obsessively tracks workers' speed and disciplines the workers who move too slowly. **Project Soteria's analysis confirms a connection between Amazon's speed-based disciplinary system and injuries: when workers receive disciplinary writeups, they are more likely to get injured.**<sup>403</sup>

In some facilities, Project Soteria found that an individual worker's risk of injury **doubled** after their first speed-related writeup, and **more than doubled** after a second writeup or final warning.<sup>404</sup> Project Soteria hypothesized that the increased injury risk associated with speed-related discipline "is a result of stress and fear of being terminated."<sup>405</sup>

The Amazon workers with whom Committee staff spoke confirmed this hypothesis. Workers reported that they are afraid of not making rate or meeting quotas because that can make them vulnerable to discipline and eventual termination. Workers spoke about how this fear causes them to work faster and in ways that are unsafe.<sup>406</sup>

Project Soteria found further evidence of the correlation between Amazon's speed-based disciplinary system and injuries. In March 2020, at the beginning of the COVID-19 pandemic, Amazon paused its automatic speed-related discipline, a process that entails flagging a percentage of the slowest workers for disciplinary writeups.<sup>407</sup> Project Soteria found that this pause contributed to the decrease in injury rates.<sup>408</sup>

Accordingly, Project Soteria initially recommended that Amazon maintain the pandemic policy of **not** disciplining workers based on speed while the team continued studying the connection between speed-related discipline and safety.<sup>409</sup> But Amazon leadership denied that request. An August 2020 report from Project Soteria states that the "suggestion to . . . turn [speed-related discipline] on/off was not approved by leadership."<sup>410</sup>

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<sup>403</sup> AMAZON\_00004092.

<sup>404</sup> *Id.*

<sup>405</sup> AMAZON\_00004094.

<sup>406</sup> HELP Committee Majority staff interviews with Drew Duzinkas (Oct. 27, 2023), JA (Nov. 9, 2023), JC (Nov. 7, 2023), J Lopez (Nov. 8, 2023), LG (Nov. 14, 2023), AB (Nov. 2, 2023), RB (Aug. 21, 2023), Rochelle Cronan (Nov. 8, 2023), Tiffany Skinner (Oct. 13, 2023), TM (Oct. 16, 2023), TC (Aug. 23, 2023), JP (Nov. 1, 2023), and MS (Nov. 8, 2023).

<sup>407</sup> AMAZON\_00004089. For further discussion of these practices, *see* Section IV.

<sup>408</sup> AMAZON\_00004089; AMAZON\_00004092 ("The pausing of [speed-related writeups] had a reduction effect on injury rates.").

<sup>409</sup> AMAZON\_00004089. The Committee is unable to confirm the parameters of this first recommendation because Amazon did not provide Project Soteria's first report or any related communications. Instead, the Committee relies on the Project Soteria report from August 2020, which states that this recommendation was rejected.

<sup>410</sup> *Id.*

### Problem Statement

Following Project Soteria’s causal analysis, several recommendations were made based on the injury rate reduction attributed to Unlimited UPT/flexible VTO, and the pausing of SPPR/SQPR. **The suggestion to test several levels of UPT and turn SPPR on/off was not approved by leadership** in favor of more granular recommendations that allow business leaders to reduce injuries across the network without negatively impacting rate/productivity and the ability to deliver on time to customers. This paper defines the team’s approach and direction to provide fine-tuned recommendations, these recommendations are achieved by replacing the use of binary (before vs after) intervention variables with continuous/numerical metrics.

Excerpt from the August 2020 Project Soteria report. “SPPR” and “SQPR” are the speed and quality discipline policies, respectively, discussed in this subsection. “UPT” and “flexible VTO” are the rest-related interventions discussed in Subsection (ii) below. Highlighting by Committee.<sup>411</sup>

Project Soteria tried again to persuade leadership to reduce speed-related discipline following the rejection of its first proposal. In August 2020, it recommended that Amazon reduce the threshold for automatic writeups from the slowest-working five percent of workers to the slowest-working three percent of workers—which would translate to fewer people disciplined for their speed.<sup>412</sup> While the documents Amazon produced do not show how leadership responded to that proposal, a November 2020 letter from Amazon to members of Congress states that Amazon reduced the disciplinary threshold to the slowest three percent of workers when the company reinstated speed-related discipline in October 2020.<sup>413</sup> This change appears to have followed Project Soteria’s recommendation. However, as part of the Committee’s investigation, Amazon confirmed that the company has since increased that threshold to five percent.<sup>414</sup> Workers also confirmed that speed-related discipline is still in place, as is the stress that accompanies it.

#### ii. Providing workers with needed rest to reduce injury risk

Project Soteria also found that injury risk decreases when workers have more unpaid time off, paid time off, vacation time, and rest—or what Project Soteria called “flexible time” or “flextime.”<sup>415</sup> As discussed in Section V, Amazon workers’ time on the job is tracked to the second throughout their shifts. Flextime provides blocks of paid or unpaid time when workers can recover without fearing that they will lose their job.<sup>416</sup>

<sup>411</sup> *Id.*

<sup>412</sup> AMAZON\_00004092. As explained in Section V(C), in roles with numeric quotas, like Pick and Pack, Amazon ranks all of the workers performing these roles based on the number of items they process. The company sends automatic disciplinary writeups to the five percent of workers with the lowest number of items processed. These automated writeups can ultimately lead to further discipline and eventually to termination. *Id.*;

AMAZON\_00004105. The Committee notes that, as of October 2020, the automated writeups were sent to workers whose average rates were less than half of the expected rates set for their positions. AMAZON\_00004105. The Committee is not aware if this additional restriction remains in place.

<sup>413</sup> Letter from Brian Huseman, Amazon.com, Inc., to Senator Elizabeth Warren, Senator Edward J. Markey, and Representative Joseph Kennedy III, *supra* note 108.

<sup>414</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (Sept. 24, 2024).

<sup>415</sup> AMAZON\_00004091.

<sup>416</sup> AMAZON\_00004103.

Project Soteria evaluated the impact of several policy changes that provided workers with more opportunities for rest. For example, Amazon stopped monitoring workers' rates in early March 2020, at the beginning of the COVID-19 pandemic.<sup>417</sup> The company also provided workers with unlimited unpaid time off between March 2020 and May 2020.<sup>418</sup> Project Soteria found that the result of these two policy changes was that workers' idle time—time in which they are not actively scanning items, for example—increased.<sup>419</sup> When workers' speed was monitored less closely and they were given the option to take more breaks, it “allow[ed] [workers] to reduce the long periods of time going at high speed,” giving workers time to rest their bodies.<sup>420</sup>

Project Soteria studied injury rates for workers who had some flextime compared to workers who had no flextime, and found that the workers with no flextime faced a higher risk of injury.<sup>421</sup> It also determined that for an average full-time employee, “the impact of flextime . . . reduces the reported injury likelihood by 15 percent for every 15 hours of additional flex time.”<sup>422</sup> These findings, which were presented to Amazon leadership, demonstrated that injury risk would decrease if workers were provided additional hours of flexible time.

capture additional information and shape recommendations around schedule flexibility.

Expanding on the causal analysis presented in the last paper, additional data on injuries and UPT balance since 2019 has been included. Based on a logistic regression model (presented in Appendix C), for a full time, median age, and median tenure associate the impact of flextime (which is represented by the sum of UPT, PTO and Vacation) reduces the reported injury likelihood by 15% for every 15 hours of additional flex time.

Excerpt from October 2020 Project Soteria report. Highlighting by Committee.<sup>423</sup>

Accordingly, it appears that Project Soteria recommended that Amazon test new flextime policies at a discrete number of facilities.<sup>424</sup> A later report suggests that Amazon leadership rejected that request.

<sup>417</sup> AMAZON\_00004109 (“No Rate Monitoring: Rate Monitoring stopped in early March, but we are tracking this separately from the writeup mechanism which was paused two weeks later.”).

<sup>418</sup> *Id.* (“UPT Policy Change: Unpaid Time Off (UPT) was set to unlimited early March and reinstated on 5/1.”).

<sup>419</sup> *Id.* (“Idle Time: With rates not being monitored, idle time has gone up during COVID. We hypothesize this allows [workers] to reduce the long periods of time going at high speed.”).

<sup>420</sup> *Id.*

<sup>421</sup> AMAZON\_00004091.

<sup>422</sup> AMAZON\_00004104.

<sup>423</sup> *Id.*

<sup>424</sup> AMAZON\_00004089; AMAZON\_00004107.

### Problem Statement

Following Project Soteria’s causal analysis, several recommendations were made based on the injury rate reduction attributed to Unlimited UPT/flexible VTO, and the pausing of SPPR/SQPR. **The suggestion to test several levels of UPT and turn SPPR on/off was not approved by leadership** in favor of more granular recommendations that allow business leaders to reduce injuries across the network without negatively impacting rate/productivity and the ability to deliver on time to customers. This paper defines the team’s approach and direction to provide fine-tuned recommendations, these recommendations are achieved by replacing the use of binary (before vs after) intervention variables with continuous/numerical metrics.

Paragraph from August 2020 Project Soteria report. “SPPR” and “SQPR” are the speed and quality discipline policies, respectively, discussed in subsection V(C)(3). “UPT” and “flexible VTO” are the rest-related interventions discussed here. Highlighting by Committee.<sup>425</sup>

At the same time, in direct contravention of this evidence, Amazon appears to have been considering **reducing** the number of flextime hours available to its workers.<sup>426</sup> In its October 2020 report, Project Soteria argued against such a policy change. The report states that reducing unpaid time “from 40 to 26 hours will increase injury reporting by 25%.”<sup>427</sup> The Committee does not know whether this policy change was implemented, but finds it alarming that Amazon would seriously consider a policy change that could be directly tied to a likely **increase** in the number of reported injuries.

2. Amazon leadership redirected Project Soteria’s focus from reducing injuries to maximizing productivity without increasing injuries

Amazon’s leadership rejected both of Project Soteria’s initial recommendations—continuing pausing speed-related discipline and providing workers with more time off—because those changes had the potential to slow the pace of warehouse work.<sup>428</sup> Indeed, in their August 2020 report, Project Soteria explained that its recommendations were rejected “in favor of more granular recommendations” that could “reduce injuries . . . without negatively impacting rate/productivity and the ability to deliver on time to customers.”<sup>429</sup> In other words, Amazon

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<sup>425</sup> AMAZON\_00004089.

<sup>426</sup> AMAZON\_00004107 (“Project Soteria expects that reducing UPT from 40 to 26 hours will increase injury reporting by 25%. If the policy is deployed in a few sites at first, our team can evaluate using our causal model to assess the impact on injuries.”). Amazon refused the Committee’s request to confirm whether this policy was considered.

<sup>427</sup> *Id.*

<sup>428</sup> AMAZON\_00004089.

<sup>429</sup> *Id.*

leadership asked Project Soteria to provide new recommendations that would reduce injuries without slowing workers' pace at Amazon facilities.

#### Problem Statement

Following Project Soteria's causal analysis, several recommendations were made based on the injury rate reduction attributed to Unlimited UPT/flexible VTO, and the pausing of SPPR/SQPR. The suggestion to test several levels of UPT and turn SPPR on/off was **not approved by leadership in favor of more granular recommendations that allow business leaders to reduce injuries across the network without negatively impacting rate/productivity and the ability to deliver on time to customers.** This paper defines the team's approach and direction to provide fine-tuned recommendations, these recommendations are achieved by replacing the use of binary (before vs after) intervention variables with continuous/numerical metrics.

Excerpt from August 2020 Project Soteria report. Highlighting by Committee.<sup>430</sup>

The August 2020 report documents Project Soteria's shift to focus on the "injury-productivity trade-off."<sup>431</sup> Project Soteria conducted a new analysis "to help determine the tradeoffs between rates/productivity and injury rates" and discussed "[f]uture work and experiments to generate a better understanding of the tradeoffs between rates/productivity and injury rates."<sup>432</sup>

Project Soteria recommended that Amazon "[f]ind a compromised [sic] solution (rates/productivity v. injury rates) for each process path"<sup>433</sup>—a significant shift from Project Soteria's initial aims of "provid[ing] policy recommendations to reduce injuries."<sup>434</sup> In the same report, instead of addressing existing safety risks, Project Soteria focused its analysis on how Amazon could **increase workers' speed without further increasing injury risk**. Specifically, the analysis looks at how to implement policies that "maximize rates/productivity" while "keeping injury likelihood below certain threshold levels"—a trade-off, in other words, between injuries and productivity.<sup>435</sup> This framing demonstrates an important shift in how Project Soteria analyzed data and made recommendations moving forward. Minimizing the risk of injuries to workers was no longer Project Soteria's singular mission; the cost to Amazon of making such changes was now front and center.

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<sup>430</sup> *Id.*

<sup>431</sup> AMAZON\_00004098.

<sup>432</sup> AMAZON\_00004090.

<sup>433</sup> AMAZON\_00004095.

<sup>434</sup> AMAZON\_00004089. More specifically, Project Soteria originally sought to "determin[e] and rank[] the causal impact of policy changes on injury rates" and "mak[e] recommendations to leadership on how to sustain or further reduce injury rates across our network." AMAZON\_00004101.

<sup>435</sup> AMAZON\_00004092.



### Reducing Injury without disrupting productivity

Addressing the concerns over possible disruption of productivity, the operating ranges are proposed for the factors/policies that maximize rates/productivity while keeping injury likelihood below certain threshold levels (see

**Injury-Productivity Trade-off:** Our causal analysis of the injury rate identifies the factors/policies that can be used to reduce the injury rate. Addressing the concerns over possible disruption of the productivity, we propose the following constrained optimization to identify the operating ranges for the factors/policies that maximize the productivity while keeping injury rate in low levels.

Sections from August 2020 Project Soteria report. Highlighting by Committee.<sup>436</sup>

As part of its effort to provide “more granular recommendations,” Project Soteria analyzed how to maximize the expected rate set for workers in Pick roles without increasing injury rates.<sup>437</sup> The analysis identified a “maximum achievable rate”—i.e., the highest speed that the company could demand of workers that would also keep injury rates constant—but noted that “in general, as rates increase so [does] the daily injury likelihood.”<sup>438</sup> The analysis identified an “optimized solution” that would push workers to pick 341 units per hour instead of the then-current 282.<sup>439</sup>

Project Soteria found that in order for workers to sustain that higher speed without injury rates increasing, however, Amazon would need to make multiple other policy changes. One of those changes was dramatically increasing writeups—which contradicted the findings in the same report about the increased injury risk associated with writeups.<sup>440</sup> Other required changes included increasing unpaid time off by more than **600 percent** and ensuring 100 percent headcount (a 26 percent increase from Amazon’s then-current operating standard).<sup>441</sup> In short, it would require dramatic policy shifts at the company to accommodate this “optimized” rate without increasing injuries. The Committee has not seen any evidence that this proposal was adopted.

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<sup>436</sup> *Id.*; AMAZON\_00004098.

<sup>437</sup> The Committee notes that these internal documents provide further confirmation that Amazon actively tracks workers’ speed and sets quotas, as discussed in Section V.

<sup>438</sup> AMAZON\_00004093.

<sup>439</sup> *Id.* Amazon’s chief ergonomist and ergonomic team were not part of this Project; it is unclear how Project Soteria determined injury risk for this analysis. The Committee notes that it is unclear whether these rates refer to workers’ actual or expected rates.

<sup>440</sup> *Id.*

<sup>441</sup> *Id.*



Decision variable	Current operating conditions	Optimized solution
UPT balance	7.37 hr/quarter	52.65 hr/quarter
Hours worked	9.93 hr/day	10.00 hr/day
Writeups	0.52%	4.26%
AVOC scores	89.91%	92.45%
Rate	283 uph	341 uph
VTO	0.79 hr/week	2.84 hr/week
Headcount	79.12%	100%
Bin fullness	81.9%	80.0%

Chart from August 2020 Project Soteria report showing the seven additional changes that would be required to increase the “maximum achievable rate” for a worker in a robotics facility (called an “ARS” facility) in a Pick position to 341 units per hour.<sup>442</sup>

Project Soteria performed the same type of analysis for workers in Pack roles. Just like for Pick workers, Project Soteria found that the maximum rate for Pack workers could be increased—but only with multiple other policy changes, including a dramatic increase in writeups and increasing headcount to nearly 100 percent.<sup>443</sup> Project Soteria also noted that such changes would not be feasible for three common types of Pack positions.<sup>444</sup> As with the proposal for Pack workers, the Committee has not seen evidence that Amazon implemented this policy change.

3. Project Soteria continued to make proposals to reduce workers’ injuries—but there is no evidence Amazon adopted these proposals

The Committee has limited information about how Project Soteria evolved after October 2020 because Amazon provided the Committee with very few documents from that period.<sup>445</sup> The documents Amazon did produce indicate that Project Soteria explored two additional proposals to reduce workers’ injuries: a job rotation pilot program and a proposal to slow the pace of work in robotics facilities.

The purpose of the job rotation pilot program was to “reduce injuries” and “increase productivity” by limiting the amount of time a worker spent in the Pick position during their

<sup>442</sup> *Id.*

<sup>443</sup> AMAZON\_00004094.

<sup>444</sup> *Id.*

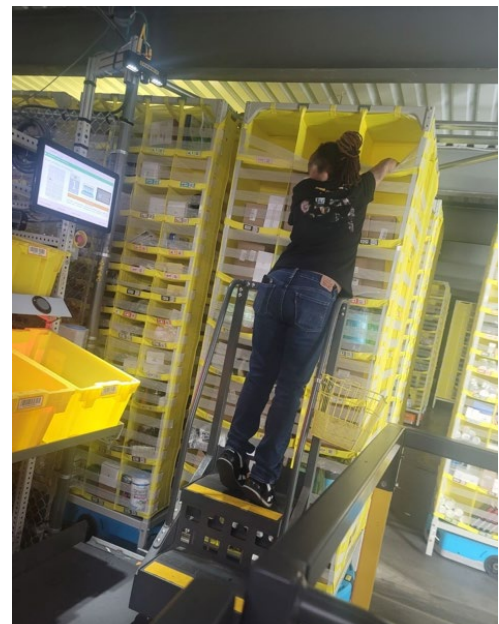
<sup>445</sup> In an October 2024 letter to the Committee, Amazon confirmed that “the Project Soteria team continued collecting data until March 2022,” but did not provide additional clarification or documents regarding Project Soteria activities during this period. Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (Oct. 24, 2024).

shift.<sup>446</sup> The pilot program was tested at a Washington warehouse between April and June 2021; Amazon also considered testing it at eight other sites in 2022.<sup>447</sup>

The initial results from the pilot program found a 50 percent reduction in MSDs when workers in the Pick position were rotated to a different position for at least one quarter of their shift.<sup>448</sup> But the report spends little time on that fact, and instead focuses on the intervention’s impact on productivity.<sup>449</sup> It notes that “from a total productivity standpoint,” the intervention resulted in “degradation” on rates in Pick, with workers’ average rate falling from 300 to 260 items picked per hour.<sup>450</sup> By the end of the pilot, however, after the initial dip in productivity, workers’ actual rates increased to numbers that were higher than when the pilot started.<sup>451</sup> The report requests leadership’s “support to offset some of the cost”—or the temporary, initial decrease in rate—of the job rotation program, reflecting Project Soteria’s focus on the productivity impacts of safety recommendations.<sup>452</sup> The Committee has seen no evidence that this program was implemented permanently.<sup>453</sup>

Another effort Project Soteria undertook during this time was to analyze a proposal to slow the pace of work in robotics facilities (or “ARS” facilities) by decreasing the speed of robotized processes. Amazon did not provide the Committee with Project Soteria’s analysis of this proposal, despite requests for it; the Committee’s understanding is therefore limited to references to the analysis made in testimony in the Washington state administrative appeal as well as in a later report conducted by the Core AI team, discussed below, that criticized Project Soteria’s proposal to slow down robotized work.

In robotics facilities, many workers’ jobs involve loading items onto, or removing items from, tall containers that sit on top of Roomba-like robots, as seen in the image to the right.<sup>454</sup> These robotized containers arrive at workers’ stations automatically, and often arrive back-to-back.



Photograph, provided by a worker, of a colleague reaching into a bin where items are stored. The yellow container is attached to a blue robot that is visible at the bottom of each container.

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<sup>446</sup> AMAZON\_00004153.

<sup>447</sup> AMAZON\_00004143, AMAZON\_00004154.

<sup>448</sup> AMAZON\_00004143.

<sup>449</sup> *Id.*

<sup>450</sup> *Id.*

<sup>451</sup> *Id.*

<sup>452</sup> AMAZON\_00004143–44.

<sup>453</sup> Amazon has made public statements that the company implemented some form of job rotation, but provided no evidence that it was related to the pilot program proposed by Project Soteria, despite requests for information on that pilot program and the company’s efforts following the program. *See* Amazon, *An Update on Safety at Amazon*, *supra* note 217.

<sup>454</sup> Worker Document 12.

According to Amazon, this Project Soteria analysis “identified a potential positive correlation between [rate] in the pick and stow process paths within ARS Fulfillment Centers and recordable injury rates”—in other words, as rate would increase, so would injuries.<sup>455</sup> Project Soteria “recommended considering increased use of ‘pod gapping,’” or slowing down the pace of robotized containers, “to decrease [worker rate].”<sup>456</sup>

Specifically, Project Soteria recommended adding a 10 to 15 second period before a new robotized container arrived at a worker’s station, giving workers brief breaks throughout the workday.<sup>457</sup> Inserting these breaks would slow the pace of work, reducing the number of repetitions throughout the day and the related strain on workers’ bodies.<sup>458</sup>

In response to Project Soteria’s suggestions to slow down robotized processes, Amazon leadership requested that another team at the company investigate Project Soteria’s findings.<sup>459</sup> Ultimately, as discussed in the next section, Amazon rejected Project Soteria’s proposal to slow down robotized work.

4. Amazon directed a separate internal team to investigate Project Soteria’s findings, which instead blamed workers’ “frailty” for their injuries

Instead of engaging with Project Soteria’s findings, Amazon’s then-Vice President for Workplace Health and Safety, Heather MacDougall, directed a different internal team to review Project Soteria’s analysis.<sup>460</sup> That other team, called Core AI, was comprised of Amazon economists, engineers, and applied scientists.<sup>461</sup>

In April 2022, MacDougall directed Core AI to “investigate” Project Soteria’s ongoing work and provide an “auditing function.”<sup>462</sup> In July 2022, after Project Soteria presented its analysis on slowing down robotized processes to reduce worker injuries,<sup>463</sup> Amazon leadership further instructed Core AI to conduct “an independent analysis” of Project Soteria’s data, including looking at “the relationship between the rate of work . . . and the recordable injury rate.”<sup>464</sup>

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<sup>455</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (May 22, 2024). Project Soteria’s findings regarding the connection between injuries and speed in robotics facilities aligns with the Amazon Business Intelligence team’s analysis (discussed in subsection (A)(2)), which found that “there is a strong correlation between injury and productivity metrics” in ARS fulfillment centers. AMAZON\_00004124.

<sup>456</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (May 22, 2024); AMAZON\_00004156.

<sup>457</sup> AMAZON\_00004249.

<sup>458</sup> *Id.*

<sup>459</sup> AMAZON\_00004248–4250.

<sup>460</sup> AMAZON\_00004241.

<sup>461</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (May 22, 2024); AMAZON\_00004156; AMAZON\_00004238.

<sup>462</sup> AMAZON\_00004241.

<sup>463</sup> AMAZON\_00004249. Amazon did not provide the Committee with the underlying Project Soteria analysis.

<sup>464</sup> AMAZON\_00004250; AMAZON\_00004156.

Core AI ultimately produced a report that “identified flaws in Project Soteria’s methodology” and cast doubt on several of Project Soteria’s findings.<sup>465</sup> After running its own analysis of Project Soteria’s data, Core AI put forth conclusions that contradicted Project Soteria’s findings.<sup>466</sup> Specifically, Core AI disputed the existence of a statistically significant causal relationship between speed and injuries, and instead, asserted that injuries are actually lower when a worker’s rate is higher.<sup>467</sup>

In addition, instead of attributing workers’ injuries to the speed at which they worked, **the Core AI team hypothesized that the real problem was workers’ “frailty.”**<sup>468</sup> The Core AI analysis suggested that worker “frailty,” which they defined as a worker’s **“intrinsic likelihood of injury,”** was higher among workers who had less “intrinsic skill” and worked slower—implying that some people are inherently worse at completing tasks quickly and that those same people are inherently more likely to be injured.<sup>469</sup> In other words, Core AI suggested that the workers themselves, not the conditions in which they worked, were responsible for Amazon’s high injury rates.

injury and/or the UPH rate. The figure shows that once we control for confounders, the injury rate falls with increasing UPH at the AA level. We hypothesize **this reflects AA-level “frailty” (or, intrinsic likelihood of injury) being negatively correlated with intrinsic skill,** which translates into higher UPH directly. An AA working at 250 UPH has an injury rate per day nearly half as high as one working at 100 UPH.

We seek to understand the relationship between rate of work (units per hour, or UPH) and injury rates after adjusting for possible confounders. One might expect injury rates should depend on the flow rate of packages handled in Pick and Stow paths, so injuries may depend on UPH. However, there are reasons to suppose there is selection, so that **an Amazon Associate (AA) who has a high rate of work may also have a lower injury rate i.e., those who are more productive may also be intrinsically less prone to injury.** This would result in days with higher (than expected) productivity in a Fulfillment Center (FC), due to

Excerpts from a 2022 report from Amazon’s Core AI team. Highlighting by Committee.<sup>470</sup>

Although Amazon has repeatedly claimed that Core AI’s findings successfully rebut Project Soteria’s findings,<sup>471</sup> the Committee finds very little support for this claim and has a number of serious questions about the Core AI report itself. First, although Amazon has characterized Core

<sup>465</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (May 22, 2024); AMAZON\_00004156.

<sup>466</sup> Core AI analyzed data from May 2020 to March 2022 that Project Soteria shared with Core AI in July 2022. AMAZON\_00004156.

<sup>467</sup> *Id.*; AMAZON\_00004259. The Committee is unable to evaluate Project Soteria’s and Core AI’s findings as to the relationship between injuries and speed because it does not have access to the underlying data.

<sup>468</sup> AMAZON\_00004159. This is not the only time Amazon blamed injury rates on workers’ personal attributes. An undated report on Project Soteria’s job rotation proposal states “injury rates may be higher among [workers] with lower [unpaid time off] balances because **certain types** of [workers] are especially prone to injury independent of job characteristics.” AMAZON\_00004153 (emphasis added).

<sup>469</sup> AMAZON\_00004159. The Core AI team stated that the data indicate that workers who average 250 units per hour have injury rates that are nearly half the injury rates of workers averaging 100 units per hour. *Id.*

<sup>470</sup> *Id.*; AMAZON\_00004158.

<sup>471</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (May 22, 2024); Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 7 (Aug. 22, 2024); Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 3–4 (Sept. 24, 2024); Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 2 (Oct. 24, 2024).

AI's conclusions as superseding any of Project Soteria's findings or recommendations, Core AI evaluated only one of Project Soteria's recommendations (to slow down robotized processes).<sup>472</sup>

Second, Core AI's blaming of workers' "frailty" for injuries at Amazon contravenes a core principle of ergonomics. As noted in Section VI, a central tenet of ergonomics is that jobs should be designed to fit people, rather than forcing people to fit jobs.<sup>473</sup> Indeed, Amazon's own internal Global Ergonomics Handbook—the handbook used by Amazon ergonomists, including one who briefed Committee staff—defines ergonomics as "fitting the task to the human."<sup>474</sup> Core AI's hypothesis that some workers are too frail for their work flips this basic tenet on its head.<sup>475</sup> Moreover, it strains credulity that Amazon's industry-leading injury rate could be attributed in any significant way to workers' "frailty." Yet the company stands behind Core AI's analysis.<sup>476</sup>

Further, the Core AI's report acknowledges its own shortcomings—contradicting Amazon's assertions to the Committee about the strength of Core AI's findings and recommendations. For example, Core AI analyzed the number of units that workers processed per hour, but not the rates at which workers were expected to work. Indeed, as the study notes, "It may be that [workers] who face a relatively high [rate] target rush to complete work, resulting in a higher injury rate per unit handled, so that [rate] and injuries become positively correlated."<sup>477</sup> Though that statement recognizes that injuries may be directly related to speed requirements, the Core AI team did not have data on workers' expected rates and so could not analyze whether high expected rates impacted the risk of injuries.<sup>478</sup>

Core AI also acknowledged that their findings failed to account for any employees working at a slower speed due to previous work-related injuries—a critically important variable.<sup>479</sup> Core AI's data did not allow them to "track an individual [worker] over time," limiting their analysis to the relationship between a worker's actual rate and injury "on the same day."<sup>480</sup> As such, Core AI acknowledges its finding could reflect that "some [workers] report injuries after slowing down," which it further recognizes may mean that low rate data may "precede[] and accompan[y] injuries."<sup>481</sup> Put simply, Core AI's report—in concluding that a slow pace can lead to an increase

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<sup>472</sup> See, e.g., Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 7 (Aug. 22, 2024).

<sup>473</sup> OSHA, DOL, *Materials Handling and Storage* 16 (2002), <https://www.osha.gov/sites/default/files/publications/osha2236.pdf> ("Ergonomics is defined as the study of work and is based on the principle that the job should be adapted to fit the person rather than forcing the person to fit the job."); see also OSHA, DOL, *Ergonomics*, *supra* note 197.

<sup>474</sup> AMAZON\_00000282; AMAZON\_00003664; OSHA, DOL, *Ergonomics*, <https://www.osha.gov/ergonomics> (last visited Nov. 22, 2024) ("Ergonomics—fitting a job to a person.").

<sup>475</sup> AMAZON\_00004159.

<sup>476</sup> See Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 7 (Aug. 22, 2024).

<sup>477</sup> AMAZON\_00004158.

<sup>478</sup> *Id.*; AMAZON\_00004156.

<sup>479</sup> AMAZON\_00004156.

<sup>480</sup> AMAZON\_00004156.

<sup>481</sup> AMAZON\_00004157.

in injuries—did not identify or account for those workers who were working slowly because they were already injured.

But the Committee heard from multiple workers who sustained injuries at Amazon and, as a result, could no longer work as quickly. As just one example, a worker in Pennsylvania injured his shoulder unloading boxes.<sup>482</sup> He told the Committee that even after several months, he was still struggling to make his rate: “I used to be able to do 212 picks an hour. Now I can do 55. Am I back to normal? No.”<sup>483</sup> Core AI’s inability to incorporate this situation—or the many others like it—into its analysis is a concerning limit on its findings.

In spite of these shortcomings, the Core AI study appears to have influenced decision-making at Amazon. Amazon documents show that the Core AI team recommended halting Project Soteria’s proposed pilot that would have slowed the pace of work at robotics facilities.<sup>484</sup> Amazon adopted that recommendation and did not proceed with the Project Soteria pilot project.<sup>485</sup>

5. Amazon approved a pilot project to study the effect of increasing the frequency of safety meetings for new hires—a woefully insufficient solution for worker injuries

When the Core AI team expressed opposition to Project Soteria’s proposal to slow the pace of work at robotics facilities, it instead recommended conducting “experiments with other interventions that could deliver meaningful reductions in [the recordable injury rate] **without substantially impairing productivity**.”<sup>486</sup>

As one of those experiments, the Core AI team suggested a pilot project to investigate if “more paid breaks in a shift, or more flexible Unpaid Time off policies” would result in lower recordable injury rates.<sup>487</sup> This appears to be similar to Project Soteria’s 2020 focus on increasing flextime.<sup>488</sup> But Core AI soon abandoned this idea, and instead looked at whether Amazon could modify the use of an existing program called the “WorkingWell huddle.”<sup>489</sup>

Amazon launched WorkingWell huddles in 2021.<sup>490</sup> The huddles are short, mid-shift meetings, held once every four weeks, where workers gather to hear from managers about topics related to

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<sup>482</sup> HELP Committee Majority staff interview with MB (Oct. 23, 2023).

<sup>483</sup> *Id.*

<sup>484</sup> AMAZON\_00004156.

<sup>485</sup> AMAZON\_00004291.

<sup>486</sup> AMAZON\_00004156 (emphasis added); AMAZON\_00004266.

<sup>487</sup> AMAZON\_00004156.

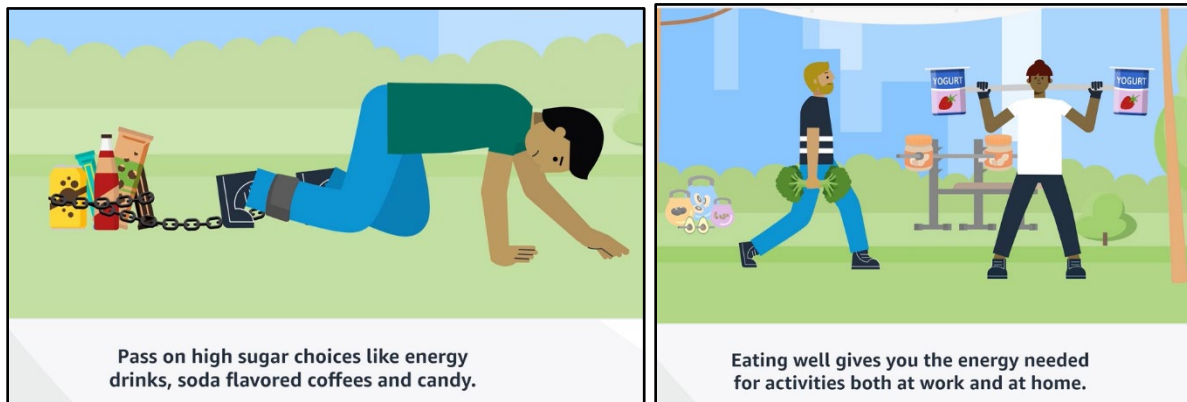
<sup>488</sup> AMAZON\_00004103. (“We hypothesize that the benefits of [an increase in flexible time] . . . allows [workers] to take time off when not feeling well or sore.”).

<sup>489</sup> AMAZON\_00004267. The Committee does not know whether workers in all warehouse positions participate in WorkingWell huddles.

<sup>490</sup> Press Release, Amazon.com, Inc., From Body Mechanics to Mindfulness, Amazon Launches Employee-Designed Health and Safety Program Called WorkingWell Across U.S. Operations (May 17, 2021), <https://press.aboutamazon.com/2021/5/from-body-mechanics-to-mindfulness-amazon-launches-employee-designed-health-and-safety-program-called-workingwell-across-u-s-operations>.

body mechanics, mindfulness, and stretching. Huddles generally involve workers watching a short, animated video. Even though a member of Core AI referred to these huddles as a “form of paid break,” that is inaccurate; the huddles are a mandatory work activity.<sup>491</sup>

According to Amazon documents, WorkingWell huddles instruct workers on how to eat healthily—content that the company framed as important to help workers’ “muscles recover and grow stronger from activity.”<sup>492</sup> Some videos shown during the huddles give specific advice for protein-heavy snacks to eat during a shift.<sup>493</sup> Other videos encourage workers to find joy in small wins, like having a vending machine mistakenly deliver two items instead of one;<sup>494</sup> to practice gratitude;<sup>495</sup> or to take deep breaths.<sup>496</sup>



Screenshots from WorkingWell videos.<sup>497</sup>

In 2023, Amazon approved Core AI’s request to conduct a pilot program to study the impact of increasing the frequency of WorkingWell huddles from once a month to every two weeks for workers with six months or less on the job.<sup>498</sup> Following this pilot, Amazon concluded that the intervention reduced recordable MSD injuries for those workers.<sup>499</sup>

Amazon workers, however, have told the Committee that these huddles are “ineffective” and that the videos shown do not reflect the realities of working at the speed Amazon requires. For example, one worker told Committee staff, “We watch the videos, they say, ‘Bend at the knees, grab a box, stand up, take a step forward.’ That process can take two minutes according to . . . their videos, but no one can take that much time.”<sup>500</sup> As another worker explained, “if we

<sup>491</sup> AMAZON\_00004267.

<sup>492</sup> AMAZON\_00002841 at 00:13 (video on file with Committee).

<sup>493</sup> AMAZON\_00002851 (on file with Committee).

<sup>494</sup> AMAZON\_00002838 (on file with Committee).

<sup>495</sup> AMAZON\_00002842 (on file with Committee).

<sup>496</sup> AMAZON\_00002844 (on file with Committee).

<sup>497</sup> AMAZON\_00002841 (on file with Committee).

<sup>498</sup> AMAZON\_00004283.

<sup>499</sup> AMAZON\_00004282.

<sup>500</sup> HELP Committee Majority staff interview with RN (Oct. 31, 2023).

did it [the] way [depicted in the videos,] we couldn't hit the rate [the company] want[s] . . . they all know no one does it that way.”<sup>501</sup>

What is equally concerning is that the messages conveyed in these huddles relate to actions **the workers** can take, including on their own time. The huddles do not address the root causes of injuries, and they **shift the burden of safety** away from Amazon and onto workers. The evidence provided to the Committee does not indicate whether this proposed change to the WorkingWell Huddles program made it beyond the pilot stage.

6. When Project Soteria produced results and recommendations to improve safety that Amazon did not like, the company hamstrung its impact

The story of Project Soteria is complicated. And it is made more complicated by the Committee's limited access to relevant documents, forcing it to piece together a history that the Committee has to assume Amazon is trying to keep hidden. But there is a clear through line in the evidence: even when Amazon was presented with an analysis generated by its own internal teams concluding that higher speed can increase the risk of injuries, it chose to ignore that analysis and instead to search for alternative explanations that were more convenient and that favored the company's bottom line. The Committee does not find those alternative explanations persuasive and, instead, finds the company's lack of action following Project Soteria's recommendations deeply alarming.

As outlined in this section, Project Soteria began as an investigation of “unmatched” depth into the causes of high injury rates at Amazon.<sup>502</sup> Over the next two years, it produced a number of analyses that attempted to understand those causes. In 2020, Project Soteria found a connection between speed and injuries, prompting recommendations to continue pausing speed-related discipline for all workers and to study the impact of increasing flextime.<sup>503</sup> Amazon rejected those proposals.<sup>504</sup> Project Soteria separately recommended that Amazon reduce the number of people subject to speed-related disciplinary writeups. Amazon temporarily implemented this proposal, but did not permanently adopt it.<sup>505</sup>

Several months into its operation, Amazon leadership directed Project Soteria to provide recommendations to **improve productivity without worsening worker injuries**—a significant shift in the team's mission.<sup>506</sup> But the Committee has seen no evidence that the company acted on the recommendations Project Soteria developed even when they accounted for the “injury-productivity trade-off.”<sup>507</sup>

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<sup>501</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

<sup>502</sup> AMAZON\_00004102.

<sup>503</sup> See note 401 and accompanying text.

<sup>504</sup> See note 402 and accompanying text.

<sup>505</sup> See note 414 and accompanying text.

<sup>506</sup> See note 429 and accompanying text.

<sup>507</sup> See note 379; note 396; note 453; and accompanying text for each.



In 2022, Project Soteria again identified a connection between workers' speed and injury rates, and proposed slowing down the pace of work at robotics facilities.<sup>508</sup> Instead of implementing that proposal, however, Amazon tasked Core AI with reviewing Project Soteria's work.<sup>509</sup> Core AI produced a counter-report, disputing some of Project Soteria's analysis and making a new recommendation: increase the frequency of a mandatory safety meeting for a subset of its employees.<sup>510</sup> Amazon leadership approved studying this new, superficial policy change.<sup>511</sup> It is not clear to the Committee that even this minor intervention was implemented beyond the pilot stage.

Despite the Committee's repeated requests, Amazon has refused to explain its years of inaction in the face of Project Soteria's findings and recommendations.<sup>512</sup> The company did provide significant evidence, however, of Amazon leadership's enduring concern that the proposed safety measures might lead to reductions in productivity. The documents demonstrate that Amazon repeatedly chose not to adopt Project Soteria's recommendations and to instead focus on minimizing any impact on business operations.

Amazon suggests that there is a simple reason why the company disregarded Project Soteria's findings and recommendations: the methodology was flawed. Over the course of this investigation, Amazon has pointed repeatedly to the Core AI report as evidence of flaws in Project Soteria's analysis.<sup>513</sup> The company has also highlighted testimony given in October 2023 by a member of the Core AI team, Dr. Austin Nichols—who joined Amazon nearly two years after Project Soteria started—that it claims undermines Project Soteria's 2020 findings and recommendations.<sup>514</sup> Dr. Nichols testified that he had concerns that Project Soteria had failed to control for confounding factors.<sup>515</sup> He also disagreed with Project Soteria's finding that pausing speed-related discipline had a causal relationship to the decreased injury rate.<sup>516</sup>

But the Core AI report itself notes its many limitations—which raises serious questions about whether its analysis carries the weight that Amazon ascribes to it.<sup>517</sup> As noted previously, the Core AI report also does not fully refute Project Soteria's findings. The report, as made available to the Committee, does not evaluate Project Soteria's other recommendations: continuing to

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<sup>508</sup> See note 456 and accompanying text.

<sup>509</sup> See note 462 and accompanying text.

<sup>510</sup> See note 465; note 498; and accompanying text for each.

<sup>511</sup> See note 498 and accompanying text.

<sup>512</sup> The Committee notes that the company provided the Committee with one document related to a Project Soteria-recommended pilot program for job rotation, which may have aligned closer to Project Soteria's original aims. But Amazon provided no additional information about whether that pilot program was implemented or its results. AMAZON\_00004143–4152.

<sup>513</sup> See, e.g., Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 1–3 (May 22, 2024); Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 3–4 (Sept. 24, 2024)

<sup>514</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 3–4 (Sept. 24, 2024)

<sup>515</sup> AMAZON\_00004289.

<sup>516</sup> AMAZON\_00004320–4321.

<sup>517</sup> See notes 477–481 and accompanying text.

pause speed-related discipline, providing workers with more time off, and reducing the threshold of automatic writeups. Amazon's claim that Core AI refuted all of Project Soteria, therefore, is false.<sup>518</sup> In addition, the Core AI team analyzed data that was never produced to the Committee and that differed from the data analyzed by Project Soteria in 2020. The Committee, therefore, cannot fairly assess the value of Core AI's counter-report.

Importantly, even if the Committee were to accept Core AI's analysis, it came a full two years after Project Soteria produced its findings and recommendations. Amazon has not provided any evidence that its leadership was concerned about Project Soteria's methodologies during the first few years that it operated. In fact, the integrity of Project Soteria's findings was not questioned when Amazon rejected its recommendations; instead, Amazon's rejection was due to concerns about an adverse impact on business operations.

Likewise, Dr. Nichols's critiques were made long after the conclusion of Project Soteria and are the opinion of one man, positioned by Amazon to speak for the company, who admitted to having little knowledge about earlier Project Soteria efforts beyond the documents he reviewed in preparation for the administrative appeal.<sup>519</sup> The Committee does not discount his criticisms, but does not find them persuasive rationale for Amazon's decision to ignore Project Soteria's recommendations.

Further, Amazon did not just ignore Project Soteria's results—it took affirmative steps to develop an alternative analysis that undermined those results. Amazon's conduct raises serious questions about whether the Core AI analysis was, in fact, "independent"<sup>520</sup> or if it was intended to discredit Project Soteria's conclusion that working at high speeds results in a higher risk of injuries.

Project Soteria evaluated issues central to workers' experiences in Amazon warehouses and the company's foundational commitments to productivity. The study's findings, along with the conclusions of the counter-study conducted by Core AI, reveal that Amazon internally acknowledged the core tension between productivity and worker safety that workers, advocates, and this Committee have identified as a driving factor in the company's continuing injury crisis. Disturbingly, these documents also demonstrate that productivity won out, leaving workers to risk injury in the company's uniquely dangerous warehouses.

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<sup>518</sup> See note 471.

<sup>519</sup> For example, when asked about the "purpose" of the August 2020 Soteria report, Dr. Nichols said he "[didn't] know that except from what the document says." AMAZON\_00004303. When asked about a statement in the Project Soteria document related to pausing speed-related discipline, Dr. Nichols testified: "I see that they chose one option versus another, but I don't know what the reasoning was." AMAZON\_00004300.

<sup>520</sup> AMAZON\_00004250.

### C. Amazon’s Project Elderwand identified a maximum number of repetitions to prevent back injuries, but Amazon declined to implement that limit

Around 2021,<sup>521</sup> Amazon initiated a study to understand the impact of the frequent repeated movements required by Amazon jobs on workers’ potential to develop MSDs. The initiative, which was named Project Elderwand,<sup>522</sup> focused on the Pick position in Amazon robotics warehouses.<sup>523</sup> As discussed in Section V, Amazon workers in the Pick position are required to do a single movement thousands of times a day, engaging in the type of repetitive movement that, over time, damages workers’ muscles, nerves, and tendons and creates a risk of developing MSDs.<sup>524</sup>

Project Elderwand found that the likelihood of back injury increases as the number of items picked over the course of a shift increases. To address this risk, Project Elderwand proposed limiting the number of repetitions these workers perform each shift and using a software program to enforce that limit by requiring work breaks. Amazon rejected this proposal.

1. Project Elderwand identified an “upper limit” for workers’ rate in Pick to prevent back injuries—and found that workers regularly exceeded that limit

Project Elderwand began by studying how the number of repetitions of the same required movement—“picking” one item—impacts workers’ risk of lower back injuries. Based on that analysis, Project Elderwand identified an upper limit on the number of repetitions for a ten-hour shift: 1,940 repetitions—a rate of around 216 items per hour.<sup>525</sup> Project Elderwand further

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<sup>521</sup> The Committee does not know the exact date that Project Elderwand began or concluded because the document Amazon has provided is undated and unclear. The document also contains contradictory references to data from August 2021 and a future deadline in July 2021.

<sup>522</sup> Unlike with Project Soteria, there are no documents explaining the origin of this Project’s name. But the Committee notes that it is likely a reference to the “Elder Wand,” a wand in the *Harry Potter* book series that is supposedly more powerful than any other wand in existence. See J.K. ROWLING, *HARRY POTTER AND THE DEATHLY HALLOWS* 407 (2007).

<sup>523</sup> Amazon may have conducted a similar study previously. An Amazon document from July 2021 mentions “a job rotation program targeting reducing the potential for Musculoskeletal Disorder (MSD) injuries in Pick [workers] by limiting the number of units picked on a given shift” and states: “original research suggested limiting to 1,900 units.” AMAZON\_00004143. That document states that Amazon declined to implement that numerical limit and instead focused on the length of time an employee worked in one position each shift. *Id.* The Committee requested additional information about the “original research” resulting in the 1,900-unit determination, but Amazon declined to provide the Committee with that information.

<sup>524</sup> AMAZON\_00004129; AMAZON\_00004133.

<sup>525</sup> AMAZON\_00004128; AMAZON\_00004129. Workers receive two thirty-minute breaks, so units per hour is calculated over nine hours. Project Elderwand was not the first time Amazon looked at the safety risks of the pick rate in robotics facilities. As discussed in subsection (B)(2), in 2020, Project Soteria determined that the Pick role rate of 282 units per hour could be increased to 341 units per hour with no change to the level of injuries, but only if other significant policy changes were implemented. The Committee notes that both the **actual** and **potential** rates discussed in that Project Soteria report exceed the maximum number of repetitions Project Elderwand determined could reduce the risk of lower back injuries—216 units per hour. AMAZON\_00004093.

estimated that if workers were limited to 1,940 repetitions per shift, that would reduce MSD risk by 19.1 percent.<sup>526</sup>

In this analysis, the low back cumulative compression risk exceeds the recommended level of 22.5MN between 1690 and 1940 units picked per shift for a 10-hour shift in ARS Pick. The ARS network average for August 2021 was 2398 units picked per shift over a 10-hour shift. Anecdotes from conversations with ARS site leaders suggests that individual pick AAs in ARS can exceed 3,000 units per day. The network average exceeds the recommended frequency exposure limit range for August 2021 by 19.1% to 41.8%. Figure 2 plots the relationship between low back cumulative compression and the number of units picked per shift. From the graph above, we can see that for each 100 unit-per-shift increase, injury risk rises by 0.7% to 0.9% by adding 0.16MN to 0.20MN to the cumulative low back loading.

Excerpt from internal Amazon report “Repetition Limit Project (Project Elderwand).” Highlighting by Committee.<sup>527</sup>

Project Elderwand also found that the speed at which Amazon workers regularly move far exceeds that limit.<sup>528</sup> They reported that workers, on average, pick 2,398 items over a ten-hour shift—more than 266 items per hour—and at some facilities the amount can “exceed 3,000 [items] per day.”<sup>529</sup> That number of repetitions, Project Elderwand found, creates excessive strain on the lower back for these workers, exceeding the recommended total compression on the back by up to 41 percent.<sup>530</sup> Indeed, Project Elderwand found that for every additional 100 items a worker has to handle per shift, “injury risk rises by 0.7% to 0.9%.”<sup>531</sup>

## 2. Project Elderwand proposed a process to reduce workers’ rate to that maximum number of repetitions

In response to these findings, Project Elderwand proposed a method for enforcing their suggested limit on repetitions: using software that implements breaks according to each worker’s rate.

The proposal suggested expanding on an existing Amazon program, called “Mind & Body Moments.” Amazon began implementing Mind & Body Moments in May 2021.<sup>532</sup> The program recommends microbreaks throughout the day by sending an hourly, thirty-second pop-up message to the computer screens at many workers’ stations. “The screen will pause and ask if

<sup>526</sup> AMAZON\_00004128; AMAZON\_00004131.

<sup>527</sup> AMAZON\_00004132.

<sup>528</sup> Project Elderwand’s report states that 1,940 items/ten-hour shift is on the high end of the range identified for when lower back injury risk exceeds the recommended level for Pick roles in Amazon robotics warehouses. The range starts at 1,690 units per 10-hour shift. The Committee notes that these data and analysis are ripe for further investigation. *Id.*

<sup>529</sup> *Id.*

<sup>530</sup> *Id.* (“The network average exceeds the recommended frequency exposure limit range for August 2021 by 19.1% to 41.8%.”). The Committee does not know how Amazon determined the “proposed threshold limit for low back cumulative compression” it uses to make this calculation.

<sup>531</sup> *Id.*

<sup>532</sup> Press Release, Amazon.com, Inc., From Body Mechanics to Mindfulness, Amazon Launches Employee-Designed Health and Safety Program Called WorkingWell Across U.S. Operations (May 17, 2021), <https://press.aboutamazon.com/2021/5/from-body-mechanics-to-mindfulness-amazon-launches-employee-designed-health-and-safety-program-called-workingwell-across-u-s-operations>.

you need a physical break or a mental break,” one worker explained.<sup>533</sup> Workers who select a physical break are instructed to stretch for 30 seconds; workers who select a mental break are instructed to do breathing exercises or personal reflection for 30 seconds.<sup>534</sup> One worker told the Committee that she uses the thirty-second break to eat something so that she can keep powering through the shift; another said that workers use it to have a short break from their demanding work.<sup>535</sup> The Project Elderwand report described these messages as intended to “recharge and re-energize [workers] while reducing muscle fatigue and stress.”<sup>536</sup>

Project Elderwand proposed using the Mind & Body Moments software to implement **required** breaks.<sup>537</sup> The software would track the rate at which an employee worked and require them to take breaks if they worked at a rate faster than 1,940 repetitions per shift.<sup>538</sup> The computer screen would stop assigning work tasks and instead display a direction to take a break; a worker would not be assigned additional work tasks until their break ended—giving workers a chance to rest and recover.<sup>539</sup>

Although Project Elderwand found that this intervention could reduce back injuries, it did not propose a full pilot program to implement and study the intervention’s impact on injury reduction. Instead, Project Elderwand warned that this proposal “could have a huge operational impact and cause unintended consequences if launched at 25 sites at once.”<sup>540</sup> Due to that concern, Project Elderwand recommended that Amazon undertake a “pre-pilot” instead.

The proposed pre-pilot would not study the impact of the proposed rate limit and use of required breaks on MSD reduction; instead, it would be entirely focused on the impact of those changes on Amazon’s bottom line—“identify[ing] any unintended consequences on operations.”<sup>541</sup> Project Elderwand stated that the pre-pilot’s success would “be linked to the extent of the disruption to operational metrics and any negative impact to the [workers] or customer experience.”<sup>542</sup> Consistent with that statement and Amazon’s focus on productivity over safety, Project Elderwand executed the proposed pre-pilot, even though its sample size would be “too small to statistically validate the impact on MSD reduction.”<sup>543</sup>

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<sup>533</sup> HELP Committee Majority staff interview with Roger Hooks (Nov. 8, 2023).

<sup>534</sup> AMAZON\_00004129.

<sup>535</sup> HELP Committee Majority staff interviews with MS (Nov. 8, 2023), Tommy Simril (Nov. 7, 2023).

<sup>536</sup> AMAZON\_00004129.

<sup>537</sup> AMAZON\_00004130–31.

<sup>538</sup> *Id.*

<sup>539</sup> AMAZON\_00004131.

<sup>540</sup> AMAZON\_00004128.

<sup>541</sup> AMAZON\_00004131.

<sup>542</sup> *Id.*

<sup>543</sup> AMAZON\_00004128.

#### Repetition Limit Pre-Pilot Study

Repetition limit pilot is a novel approach to creating safe boundaries for associates. The team acknowledges that it could have a huge operational impact and cause unintended consequences if launched at 25 sites at once. Also, the solution is a one-way door solve to reduce the MSDs at Amazon sites and thus a thorough study on the negative impact to operations, associate and customer experience needs to be studied before we roll out the intervention. In the pre-pilot phase, one ARS building will be identified and repetition limits will be enforced to all the pick associates in the building. The team will evaluate the impact of the change to the operational metrics, associate sentiments through connection questions and feedback surveys and any negative impact to customer experience. As the sample size will be too small to statistically validate the impact on MSD reduction, the pre-pilot will focus on surfacing any unintended consequences to Amazon operations.

Excerpt from internal Amazon report “Repetition Limit Project (Project Elderwand).” Highlighting by Committee.<sup>544</sup>

Contrary to Project Elderwand’s statement about the limitations of any conclusions drawn from the pre-pilot, in a letter to the Committee, Amazon’s counsel stated that the proposed pre-pilot “was approved by Amazon[,] . . . and [Project Elderwand] determined that the software’s suggested microbreaks were not effective.”<sup>545</sup> In a subsequent letter, Amazon’s counsel said “the pre-pilot . . . showed that the tool did not work effectively,” citing to testimony from an Amazon witness during the Washington state administrative appeal.<sup>546</sup>

Without further clarification or documentation from Amazon, the Committee does not know whether the pre-pilot assessed the impact of the repetition limit on Amazon operations, as the Project Elderwand document stated it would. The company produced a single report from Project Elderwand; despite multiple follow-up requests, Amazon provided no additional documents.

### 3. Amazon rejected Project Elderwand’s recommendations to limit workers’ rate

Despite Project Elderwand’s findings that a certain number of repetitions puts workers at risk for back injuries, the company did not implement the recommendation to limit these repetitions for Pick workers.<sup>547</sup> According to the company, “[a]fter conducting the pre-pilot, Amazon elected to pursue other means of reducing ergonomic risk in the process path.”<sup>548</sup> Amazon asserts it opted not to pursue a limit on repetitions due to “technical reasons” with the proposed software

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<sup>544</sup> *Id.*

<sup>545</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff (May 22, 2024).

<sup>546</sup> Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 3 (Oct. 24, 2024) (“Q. I think you said this was not effective. Why not? A. The—for the technical reasons that the sampling could still—could not enforce the upper limit. The way the mind and body moment sampled the associate work, it was not able to enforce the upper limits. Q. Didn’t have an impact on it? A. No.” (citing AMAZON\_00003509)).

<sup>547</sup> AMAZON\_00003515 (“Q: Have those upper limits . . . ever been enforced in any way? A: Not to the best of my knowledge, no.”).

<sup>548</sup> Letter from Karen Dunn, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 3 (May 22, 2024). The Committee notes that Amazon’s senior manager for ergonomics was asked during the Washington state administrative appeal whether the company had implemented Project Elderwand’s proposed intervention, studied the impact of repetition on tissue damage, or conducted Elderwand’s proposed pre-pilot. He testified that he did not know the answers to any of these questions. AMAZON\_00003486–3488. This witness’s lack of knowledge is surprising, given that Amazon’s counsel has described this witness as having “led Elderwand.” Letter from Roberto Gonzalez, Paul, Weiss, Counsel to Amazon, to HELP Committee staff at 4 (Sept. 24, 2024).

program.<sup>549</sup> But Amazon could have pursued any number of other methods to reduce workers' repetitions to limit their risk of back injury—including reducing the expected rates it sets for workers. In sum, Amazon not only **knows** that a high number of repetitions creates safety risks for workers, but it also identified—and then declined to implement—a solution that would limit those repetitions.

Moreover, at multiple Amazon warehouses, OSHA has recommended that Amazon implement a “reduction of repetitions” to address workers' risk of MSDs.<sup>550</sup> OSHA has also recommended other changes to give workers more breaks, including “reduc[ing] the employees' time on task” by increasing the number of breaks and “adding significant rest periods/breaks between manual handling task sessions” as feasible methods of abating safety hazards at warehouses.<sup>551</sup> And yet, Amazon has still not made these changes.

Amazon's refusal to act on knowledge of injury risks continues to endanger workers. The Committee spoke to multiple workers in the Pick position in robotics facilities. Each of those workers knew the exact rate they were expected to pick per hour. Every one of those expected rates was higher than the limit that Amazon itself identified for their exact jobs to prevent back injuries. Indeed, some workers told the Committee that they were expected to pick 350 items each hour—62 percent more repetitions than the number that the company identified as the maximum limit.<sup>552</sup>

4. Instead of imposing the repetition limit identified by Project Elderwand, Amazon continued using microbreaks found to have no effect on MSD reduction

Although Amazon did not implement the recommendations made by Project Elderwand, it continues to use Mind and Body Moments. Unlike the Project Elderwand recommendations, however, which proposed real interventions that would limit workers' repetitions and the associated injury risks, Mind & Body Moments (as currently implemented) have no proven

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<sup>549</sup> AMAZON\_00003509.

<sup>550</sup> See, e.g., OSHA, DOL, Inspection No. 1611861 (Jan. 31, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/02/OSHA20230163b.pdf>; OSHA, DOL, Inspection No. 1607234 (Jan. 17, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/01/OSHA20230063a.pdf>; OSHA, DOL, Inspection No. 1608788 (Jan. 17, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/01/OSHA20230063b.pdf>.

<sup>551</sup> OSHA, DOL, Inspection No. 1607234 (Jan. 17, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/01/OSHA20230063a.pdf>; OSHA, DOL, Inspection No. 1608898 (Jan. 17, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/01/OSHA20230063b.pdf>; OSHA, DOL, Inspection No. 1615182 (Feb. 15, 2023), [https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/02/23-359-NAT\\_OSHA\\_AmazonCitation\\_02132023151256.pdf](https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/02/23-359-NAT_OSHA_AmazonCitation_02132023151256.pdf).

<sup>552</sup> HELP Committee Majority staff interviews with RB (Aug. 21, 2023) (expected rate: 350), TF (Oct. 6, 2023) (expected rate: 350), WT (Nov. 7, 2023) (expected rate: 350), and DP (Dec. 19, 2023) (expected rate: 450). The maximum repetition level is also exceeded by the Pick rate of 282 units per hour that Project Soteria discussed in their August 2020 report. AMAZON\_00004093.

effect on workers' safety. Indeed, an internal Amazon document states that Mind & Body Moments "have not demonstrated any reduction to MSD recordable incident rates."<sup>553</sup>

Despite the program's inefficacy, Amazon has touted Mind & Body Moments both in the course of this investigation and publicly as one of the ways it is prioritizing worker safety. As of 2021, Amazon had approved the use of Mind & Body Moments in more than 450 sites across 12 countries.<sup>554</sup>

The gap between Mind & Body Moments and Project Elderwand's proposals to limit injuries is a clear indication of Amazon's approach to workplace safety. The company has implemented programs that it knows have minimal or no meaningful impact on either safety or productivity across major portions of its operations. However, when presented with a recommendation that would meaningfully protect workers based on evidence developed by its own in-house experts, Amazon prioritizes productivity at workers' expense.

#### **D. Conclusion**

Amazon has undertaken at least two internal studies that each independently found a relationship between worker speed and injuries. But the Committee has seen no evidence that Amazon made policy changes to reduce the risk of worker injuries in response to these studies or their recommendations. In fact, the documents show that Amazon rejected policy changes that would improve worker safety because of concerns they might limit productivity.

That evidence is consistent with what the Committee has heard from workers: Amazon prioritizes productivity and speed, even if it harms workers, and the company will not make changes to protect workers if those changes could hurt the company's bottom line. One Amazon employee—responsible for making regional injury prevention recommendations—told Amazon fulfillment leadership that the volume and pace of work was creating a safety hazard. "They laughed," he told the Committee. "They said: 'the pace, forget about it. I know you're new here, but we don't talk about that . . . the pace is what it is.'"<sup>555</sup>

Amazon's conduct—its inaction in the face of problematic findings, its continued prioritization of productivity over worker safety, and its efforts to undermine Project Soteria's findings—demonstrate that the company is not interested in making real policy changes to prevent worker injury if those changes could hurt Amazon's bottom line. Based on this evidence, the Committee finds that the company has failed to address underlying issues that create unsafe working conditions, knowingly putting workers at risk.

During this investigation, Amazon has raised a number of specific concerns about the Committee's understanding of Project Soteria and Project Elderwand. The Committee agrees with Amazon that it is important to evaluate the soundness of a study's methodology. But the

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<sup>553</sup> AMAZON\_00004129 (emphasis added).

<sup>554</sup> *Id.* Amazon representatives proudly pointed to Mind & Body Moments as a meaningful safety initiative during a tour of the DCA1 warehouse for Committee staff. The company also highlighted Mind & Body Moments in their 2022 safety report. AMAZON\_00000001.

<sup>555</sup> HELP Committee Majority staff interviews with AP (Oct. 10, 2023 & Aug. 23, 2024).



company has failed to produce any information to contradict the Committee’s understanding of these internal studies and Amazon’s response to their findings—or lack thereof.

Amazon provided no evidence that **any recommendations** made by Project Soteria or Project Elderwand were adopted. Nor has Amazon provided additional information about how these studies were undertaken, why they were stopped, and why their recommendations were not implemented—even in the face of repeated requests, including an explicit request from the Committee to disclose company materials examining “the connection between the pace of work . . . and the prevalence or cost of injuries at its warehouses.”<sup>556</sup> This lack of cooperation prevents the Committee from fully examining the extent to which Amazon has refused to act on injury-reducing recommendations to slow down the pace of work because of the impact on productivity. The company’s unwillingness to provide these materials raises questions about Amazon’s internal processes that merit further investigation.

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<sup>556</sup> Letter from Bernard Sanders, Chair, U.S. Senate Comm. on Health, Educ., Lab., and Pensions, to Andy Jassy, CEO, Amazon.com, Inc. at 9 (June 20, 2023).

## **VIII. AMAZON DELAYS AND OBSTRUCTS ACCESS TO MEDICAL CARE FOR WORKERS WHO ARE INEVITABLY INJURED**

Amazon not only subjects workers to known risks for serious injuries and fails to take measures that would reduce such risks, it also shows a stunning callousness to those workers when they are inevitably injured.

Amazon's on-site health facilities, called AMCARE, are designed and staffed to provide only first aid to workers.<sup>557</sup> However, the Committee has reviewed extensive evidence—including first-hand accounts from injured workers and safety personnel as well as citations and hazard alert letters from OSHA—that show that AMCARE staff obstruct workers' ability to obtain medical care beyond first aid when their injuries require it. The staff do this by blaming workers for their injuries, failing to obtain expert consults, and refusing to refer workers to outside care. Predictably, these practices prolong workers' recovery times and, in some cases, exacerbate their injuries.

In the course of its investigation, the Committee has grown increasingly concerned that these practices are part of a broader effort to limit the number of worker injuries recorded and disclosed to OSHA and the public. The disparity between Amazon's total injury rate and its recordable injury rate, as well as company policies that appear to have the effect of keeping recordable injuries low, have heightened the Committee's concerns about the accuracy of Amazon's recordable injury rate. This evidence also suggests that Amazon has undertaken efforts to preserve its public image at the expense of workers' health by failing to care for workers if that care would contribute to the company's recordable injury rates.

As in other areas of this investigation, Amazon provided the Committee with limited information in response to its requests on AMCARE. For that reason, the Committee's analysis and conclusions in this section rely on first-hand accounts from safety personnel and injured workers as well as from the results of OSHA investigations at Amazon facilities.

Many of the workers the Committee spoke with described the serious, painful consequences of Amazon's shocking disregard for their health and well-being. One story in particular illustrates the life-long harm that can result when Amazon obstructs workers' access to necessary medical care. RS, who works at an Amazon warehouse outside St. Louis, fell when an unsecured mat slid underneath her feet.<sup>558</sup> She hit the floor hard. In pain, RS went to AMCARE, reporting her pain level as a seven out of ten. AMCARE gave her ibuprofen and Biofreeze, told her to stretch her hip, and sent her back to work. Three days later, in increasing pain, RS again visited AMCARE and said she needed to see a doctor. AMCARE referred her to Concentra, Amazon's preferred

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<sup>557</sup>AMCARE stands for "Administering Medical Care to Amazonians Responsibly and Effectively." Amazon has recently started referring to its AMCARE facilities as "wellness centers." Amazon Staff, *How Amazon's wellness centers promote a safe and healthy work environment*, AboutAmazon.com (Oct. 5, 2024), <https://www.aboutamazon.com/news/workplace/amazon-wellness-centers-onsite-first-aid>.

<sup>558</sup> HELP Committee Majority staff interviews with RS (Sept. 8 and Nov. 8, 2023).

occupational health provider. Concentra did no imaging and told RS her hip was strained and that she needed physical therapy.<sup>559</sup>

Eight weeks after her injury, RS continued to get worse. She was back at work and in constant pain; she had shooting pain through her back and leg, and sometimes could not stand on her own. RS went back to AMCARE. AMCARE told RS they could not do anything for her and instead directed her to use her time off and go home. Four months after her injury, a colleague pulled her aside and told RS she could request a second opinion. RS finally saw a specialist, who found RS's sacroiliac joint, linking the pelvis and spine, was dislocated and she had multiple bulged discs. Two years after her initial injury, RS finally got spinal surgery.

“When I started, I thought the company was there for you,” RS told the Committee. “They told us to report any injuries. Then I got injured and saw what it really was and couldn’t believe that a huge company that preaches how they’re there for workers really treats people.”<sup>560</sup>

Stories like RS’s are far too common. The Committee heard from dozens of workers who reported that AMCARE delayed their referral to outside medical care and dismissed their pain and serious symptoms, in some cases leading to worsened health outcomes that severely impacted their quality of life.

#### **A. Staff at Amazon’s warehouse first aid facilities, called AMCARE, may operate beyond their mandate and without appropriate supervision**

Many Amazon warehouses have AMCARE facilities that provide workers with first aid care for work-related and non-work-related injuries or illnesses.<sup>561</sup> When a worker is injured at an Amazon warehouse that has an AMCARE facility, they are typically referred to AMCARE as a first step.

AMCARE facilities are not required to be staffed by doctors or nurses. Instead, Amazon generally hires individuals into “onsite medical representative” or “injury prevention specialist” roles, requiring that they hold emergency medical technician or paramedic certifications and certified athletic trainer certifications, respectively.<sup>562</sup> Though Amazon requires on-site medical representatives (OMR) to “hold some type of clinical license upon hire,” the company does not

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<sup>559</sup> This report does not make findings about Concentra. However, the Committee notes that Amazon’s relationship with Concentra is ripe for further investigation, as discussed in Appendix B.

<sup>560</sup> HELP Committee Majority staff interviews with RS (Sept. 8 and Nov. 8, 2023).

<sup>561</sup> Worker Document 13 at 6. Based on the documents produced by the company, the Committee is unable to determine how many AMCARE facilities exist or the proportion of Amazon warehouses with AMCARE facilities throughout the company’s network.

<sup>562</sup> Amazon, *Onsite Medical Representative*, Amazon.jobs, <https://www.amazon.jobs/en/jobs/2840820/onsite-medical-representative-onsite-medical-representative> (last visited Dec. 11, 2024); Amazon, *Injury Prevention Specialist*, Amazon.jobs, <https://www.amazon.jobs/en/jobs/2684497/injury-prevention-specialist> (last visited Dec. 11, 2024). Amazon recently reported that “more than 1,200 onsite medical representatives” “support” the AMCARE facilities. Amazon, *How Amazon’s wellness centers promote a safe and healthy work environment*, AboutAmazon.com: Workplace, <https://www.aboutamazon.com/news/workplace/amazon-wellness-centers-onsite-first-aid> (Oct. 5, 2024).

require those individuals to “maintain that license actively.”<sup>563</sup> Injury prevention specialists must be certified athletic trainers and have completed First Aid and CPR courses.<sup>564</sup> Depending on state rules, these individuals may be required to work under the supervision of a registered nurse or physician.<sup>565</sup> But warehouses do not have individual medical directors, such as staff physicians, to provide that clinical medical supervision on-site.<sup>566</sup>

OSHA has found that the lack of qualified health professionals in AMCARE facilities has led to worsened outcomes for workers. One 2023 OSHA inspection found that the on-site AMCARE facility at a New Jersey warehouse provided “inadequate medical care” due to “an onsite medical process that lacks healthcare providers with the knowledge and expertise to manage [observed] conditions.”<sup>567</sup>

Consistent with the staff’s qualifications, AMCARE facilities are intended to serve a very specific, limited purpose: to “evaluate and perform [first aid] care.”<sup>568</sup> OSHA describes first aid as “care that occurs before definitive medical treatment is available.”<sup>569</sup> OSHA’s guidance further describes first aid as “the **initial** care of an event or injury” and notes that it “does not involve multiple encounters with the same patient presenting the same concerns, unless there has been resolution and a new event has occurred.”<sup>570</sup>

Amazon instructs AMCARE staff using similar language. In internal procedure documents, AMCARE staff are explicitly told that they are “not to diagnose” and should “never improvise,” among other restrictions.<sup>571</sup> Instead, they are told to provide first aid care based on the company’s “Conservative Care Protocols,” which outline how AMCARE staff should respond to a variety of injuries and illnesses.<sup>572</sup>

But OSHA findings and worker stories show that AMCARE staff both “diagnose” and “improvise”—contrary to Amazon protocols. At a warehouse in New Jersey, AMCARE staff

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<sup>563</sup> Letter from David Tisdale, OSHA, to Stephen Waller, Amazon.com Services, *supra* note 239 at 1.

<sup>564</sup> Amazon, *Injury Prevention Specialist*, Amazon.jobs, <https://www.amazon.jobs/en/jobs/2684497/injury-prevention-specialist> (last visited Dec. 11, 2024).

<sup>565</sup> Letter from David Tisdale, OSHA, to Stephen Waller, Amazon.com Services, *supra* note 239 at 1.

<sup>566</sup> H. Claire Brown, *How Amazon’s On-Site Emergency Care Endangers the Warehouse Workers It’s Supposed to Protect*, THE INTERCEPT (Dec. 2, 2019), <https://theintercept.com/2019/12/02/amazon-warehouse-workers-safety-cyber-monday/>; Letter from Paula Dixon-Roderick, Area Dir., Marlon Area Off., OSHA, DOL, to Azhar Mohammed, Acting Site Leader, Amazon.com Services, LLC-TEB3, at 4 (July 24, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/08/20231695AmazonHAL%20medical.pdf>.

<sup>567</sup> Letter from Paula Dixon-Roderick, OSHA, to Azhar Mohammed, Amazon.com Services, *supra* note 566 at 4.

<sup>568</sup> Worker Document 13 at 6.

<sup>569</sup> OSHA, DOL, *Best Practices for Non-Health Care Employers with On-site Health Care Services*, OSHA 3160-05R 2024 at 7 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf>.

<sup>570</sup> OSHA, DOL, *Best Practices for Non-Health Care Employers with On-site Health Care Services*, OSHA 3160-05R 2024 at 11 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf> (emphasis in original). OSHA further notes that “providing only OSHA recordkeeping-designated ‘first aid’ treatments over multiple clinic visits does not mean that the medical care is actually first aid.” *Id.* at 21.

<sup>571</sup> Worker Document 13 at 15.

<sup>572</sup> *Id.* at 15; see Worker Document 14.

told OSHA that “they do not review or follow [care protocols] for every case. Instead, they rely upon their own knowledge and experience.”<sup>573</sup> Although they made those statements in 2023, this is not a new issue: in 2019, OSHA found AMCARE staff at a different warehouse in New Jersey were “providing medical care beyond first aid.”<sup>574</sup>

OSHA has also repeatedly found that some AMCARE staff practice beyond the scope of their clinical licenses. State laws set requirements for when individuals with these qualifications can work independently and when they require supervision.<sup>575</sup> OSHA has identified multiple instances in which Amazon has violated these requirements. For example, when OSHA investigated AMCARE’s operations at a warehouse in Florida in 2022, it found that AMCARE staff were “practicing beyond the scope of [their] license, educational preparation, or nursing experience” with “inadequate supervision of clinical personnel.”<sup>576</sup> OSHA also found that AMCARE staff were performing clinical work with an expired license and no appropriate clinical supervisor.<sup>577</sup> Similarly, in 2015 and 2019 investigations, OSHA found AMCARE staff at a New Jersey warehouse were working outside the scope of their practice without appropriate supervision as required by state law.<sup>578</sup> This raises concerns about the quality of care that workers are receiving.

Although internal protocols provide a clear outline of the limits on AMCARE staff and their work, evidence of internal practices, worker stories, and OSHA inspection reports all indicate that AMCARE staff regularly deviate from those protocols. The Committee is concerned that these deviations allow for improper care that jeopardizes workers’ health. This is made worse by AMCARE staff and other Amazon managers avoiding referring workers to outside medical providers for necessary care.

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<sup>573</sup> Letter from Paula Dixon-Roderick, OSHA, to Azhar Mohammed, Amazon.com Services, *supra* note 566 at 3.

<sup>574</sup> Letter from Paula Dixon-Roderick, Area Dir., Marlton Area Off., OSHA, DOL, to Andrew Ming, Senior Reg’l EHS Manager, Amazon Fulfillment Ctr., Robbinsville, NJ, at 1 (Aug. 19, 2019), <https://www.documentcloud.org/documents/6584275-Amazon-Robbinsville-OSHA-Letter-081919.html>.

<sup>575</sup> OSHA, *Best Practices for Non-Health Care Employers with On-site Health care Services*, OSHA 3160-05R 2024 at 15 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf>.

<sup>576</sup> The AMCARE supervisor was an athletic trainer who “denied responsibility for the accuracy of notes, the integrity of following processes, or other forms of content management”—raising serious concerns about what supervision was actually taking place. Letter from David Tisdale, OSHA, to Stephen Waller, Amazon.com Services, *supra* note 239 at 1.

<sup>577</sup> *Id.* at 2.

<sup>578</sup> Letter from Paula Dixon-Roderick, Area Dir., Marlton Area Off., OSHA, DOL, to Jeff Bezos, President & CEO, Amazon Headquarters, North Seattle, WA, at 1 (Jan. 6, 2016); Letter from Paula Dixon-Roderick, OSHA, to Andrew Ming, Amazon, *supra* note 574 at 1.

## B. AMCARE impedes workers' access to medical care beyond first aid

*"The [AMCARE] provider shall notify the [worker] that if the [worker] would like to seek outside medical care, that this option is available at any time."*  
—Amazon Workplace Health and Safety Wellness Services Procedure<sup>579</sup>

*"They do not send you to a doctor and they do not tell you that is an option."*  
—Amazon worker<sup>580</sup>

Workers who receive first aid from AMCARE staff often need medical attention beyond this first aid. But Amazon keeps workers from obtaining necessary care, including by disputing that workers' injuries were sustained at work, failing to obtain expert medical advice, and refusing to refer workers to outside providers. This section catalogues a disturbing body of evidence showing that AMCARE staff delay and obstruct workers from seeking medical care beyond first aid for their injuries, putting injured workers further at risk. The Committee is particularly concerned by this evidence in the context of head injuries, which are complex injuries that often require immediate care and can be life-threatening if improperly treated.

### 1. Amazon managers and AMCARE staff blame workers for their injuries

*"They asked what I did wrong. I didn't do anything wrong . . . I did everything we were asked to do, but it didn't stop me from getting hit by objects falling off shelves, or [becoming injured]. I didn't mess up, I didn't do anything wrong at all, but they want to blame me and 'correct' my behavior."*  
—Amazon worker<sup>581</sup>

In the course of this investigation, the Committee determined that Amazon managers and AMCARE staff regularly obstruct workers' access to necessary medical care, including by questioning whether workers' injuries occurred at work. Efforts to shift blame onto workers may be intended to reduce Amazon's accountability for workplace injuries and the company's liability for workers' compensation claims, which it does not have to pay for non-work-related injuries.

Injured workers often report their injuries to a team leader and expect that their managers will direct them to AMCARE. But multiple accounts from workers reveal that managers frequently

<sup>579</sup> Worker Document 13 at 17.

<sup>580</sup> HELP Committee Majority staff interview with KV (Oct. 9, 2023).

<sup>581</sup> HELP Committee Majority staff interview with TA (Nov. 9, 2023).

hesitated or outright failed to send workers to AMCARE.<sup>582</sup> For example, one worker, feeling sharp calf pain he described as “like a razor blade,” was told by his manager: “You’re faking it, get back to work.”<sup>583</sup> An AMCARE staff member reported that managers sometimes accompany injured workers to AMCARE, only to interrupt and present alternative narratives when the worker discusses how the injury occurred.<sup>584</sup>

Based on workers’ stories, it appears that this type of blame-shifting not only delays care, but actively discourages workers from reporting injuries. AMCARE staff and other safety representatives in warehouses also engage in blame-shifting by attributing injuries for purposes of both reporting and workers’ compensation to pre-existing conditions or incidents outside work. One worker in Missouri fell and twisted his left leg after his foot was caught on a wooden pallet. When he went to AMCARE, staff tried to blame the injury on his age and the fact he did not play sports in high school.<sup>585</sup>

Other workers reported being questioned about their injuries after senior warehouse safety staff members reviewed videos of them when they sustained the injury. A worker in Pennsylvania started to feel numbness in her shoulder while working, and was given an “icing schedule” by AMCARE staff.<sup>586</sup> About a week later, she was informed that managers had reviewed camera footage from her workstation around the time of her injury and decided her injury was due to her not moving correctly—not Amazon’s unsafe conditions.<sup>587</sup>

This is a common practice. One warehouse safety manager told the Committee that Amazon reviews injury footage and conducts “re-enactments” as part of a “root cause analysis” of each injury, which entails the site leadership team discussing what happened and how to prevent it from happening again. “In theory, it’s a good idea,” the safety manager told the Committee.<sup>588</sup> But, he said, the reality is that many of these efforts focused on deflecting blame away from the company by “mak[ing] whatever happened the employee’s fault.”<sup>589</sup>

Consistent with the safety manager’s account, workers told the Committee that these investigations often feel punitive—and, more concerning, designed to blame workers. In one instance, the head of safety at a warehouse accused a worker of fraudulently claiming that an injury that occurred outside the warehouse was work-related.<sup>590</sup> That worker told the Committee that at the end of a Friday shift, a container smashed into her finger and broke it. Not knowing her finger was broken, and hoping it might get better with time, she did not immediately alert AMCARE. Unfortunately, the injury became more painful over the weekend while she was at home. When she returned to work, AMCARE staff gave her an ice pack and Tylenol, without

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<sup>582</sup> HELP Committee Majority staff interviews with KY (Nov. 8, 2023), FA (Nov. 28, 2023).

<sup>583</sup> HELP Committee Majority staff interview with TM (Oct. 16, 2023).

<sup>584</sup> HELP Committee Majority staff interview with SD (Oct. 5, 2023).

<sup>585</sup> HELP Committee Majority staff interview with NH (Sept. 5, 2023).

<sup>586</sup> HELP Committee Majority staff interview with AS (Sept. 29, 2023).

<sup>587</sup> *Id.*

<sup>588</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

<sup>589</sup> *Id.*

<sup>590</sup> HELP Committee Majority staff interview with Chiffon Wilson (Nov. 7, 2023).

any more extensive evaluation. Realizing the injury required more attention, she went to urgent care on her own the next day. There, she was told that her finger was fractured. When she returned to work after visiting urgent care, the head of safety at her warehouse interrogated her:

He accused me: “Are you sure you didn’t hurt your hand over the weekend? Are you sure it happened here? Are you sure it didn’t get worse over the weekend?” He told me he looked at me [doing my job] all week, he ran back the cameras, and he can see what happened. So he did see how it all happened, but he thinks that it got worse over the weekend because of me? . . . He was trying to see if I lied about getting hurt.<sup>591</sup>

This type of coercive questioning by site managers has a chilling effect on workers reporting their injuries. And as this report has shown, the cause of most injuries at Amazon is not the workers themselves, but Amazon’s efforts to push workers past their limits and its failure to ensure safe working conditions.

2. AMCARE staff do not use the physician hotline intended to provide them with expert medical advice

The evidence suggests that workers who are able to receive treatment at AMCARE often receive inadequate care. AMCARE staff sometimes fail to consult medical providers when required, in contravention of Amazon policy.

OSHA guidance states that “an employer’s first aid providers often lack the qualifications and professional licensing to make medical diagnoses or triage decisions” and therefore “should have clear instructions to consult with medical personnel as necessary, such as by a referral through [911] or phoning a physician hotline.”<sup>592</sup> As described previously, Amazon’s first aid employees are typically not medical personnel.<sup>593</sup> Consistent with OSHA’s guidance, Amazon’s policy requires AMCARE staff to call a physician or nurse hotline “[i]f the situation is beyond the comfort level or training of the [AMCARE] provider.”<sup>594</sup> AMCARE staff are also instructed to call the physician hotline if they are “unsure of how many follow-up [visits] are appropriate” and “[a]t any time during care if [a worker’s] symptoms are not improving, they are getting worse, or the pain intensifies.”<sup>595</sup>

The Committee’s review of Amazon’s internal data indicates that AMCARE staff members rarely utilize the physician or nurse hotlines. Despite Amazon’s elevated injury rate, the physician hotline received a total of just **5.5 calls per day** from all of Amazon’s facilities

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<sup>591</sup> *Id.*

<sup>592</sup> OSHA, *Best Practices for Non-Health Care Employers with On-site Health care Services*, OSHA 3160-05R 2024 at 11 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf>.

<sup>593</sup> See Section VIII(A).

<sup>594</sup> Worker Document 13 at 14.

<sup>595</sup> *Id.* at 16–17.



between 2019 and June 2023.<sup>596</sup> Amazon’s data shows that many facilities made only **a single phone call** to the hotline in an entire year—and that other facilities made no calls at all.<sup>597</sup> This is particularly concerning because—based on Amazon’s high recordable injury rate and the many stories of serious injuries suffered by workers—there likely were qualifying injuries that did not result in the required consultations.

OSHA made similar findings about AMCARE staff’s failure to consult with medical professionals on these hotlines. In 2023, OSHA spoke with an AMCARE staff member in New Jersey who “confirmed they had never once called the [physician hotline] in their year of working at Amazon.”<sup>598</sup> Indeed, OSHA found “no documentation” that AMCARE staff at that facility had **ever** used the hotlines.<sup>599</sup> In 2019, OSHA found that AMCARE staff at a different facility “failed to call the [hotline] staffed by physicians . . . even when the AMCARE protocols explicitly require that they do so.”<sup>600</sup>

Based on this evidence, it appears that AMCARE fails to properly consult external medical experts to ensure workers whose injuries require more than first aid receive appropriate care. But without more information from Amazon, it is not clear how widespread these failures are.

3. When workers need care beyond first aid, AMCARE does not promptly refer them to outside medical providers

*“An employer’s first aid providers should not create barriers or prevent a worker from seeing a health care provider for definitive diagnosis and treatment.”*  
—OSHA<sup>601</sup>

*“I asked to see a doctor; she said, are you sure you need to?  
I insisted—I pretty much had to demand to see a doctor.”*  
—Amazon worker<sup>602</sup>

The Committee finds, based on reports from workers across Amazon’s fulfillment network, Amazon documents, and public OSHA citations, that AMCARE staff regularly and deliberately

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<sup>596</sup> Committee Majority staff analysis based on AMAZON\_00003236–3283. Amazon did not provide the Committee with data on the number of calls made to the nurses on demand hotline.

<sup>597</sup> *Id.*

<sup>598</sup> Letter from Paula Dixon-Roderick, OSHA, to Azhar Mohammed, Amazon.com Services, *supra* note 566 at 3.

<sup>599</sup> *Id.* at 1.

<sup>600</sup> Letter from Paula Dixon-Roderick, OSHA, to Andrew Ming, Amazon, *supra* note 574 at 1.

<sup>601</sup> OSHA, *Best Practices for Non-Health Care Employers with On-site Health care Services*, OSHA 3160-05R 2024 at 11 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf>.

<sup>602</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

delay workers' referrals to outside medical care—on both the day of injury and as the injury progresses.

This practice violates the company's policy that AMCARE staff send workers to outside care when "the [worker] needs timely, non-urgent, same-day medical treatment beyond first aid" and that they inform injured workers that "this option is available at any time."<sup>603</sup> That policy is consistent with AMCARE's limited mandate; AMCARE staff are not qualified or professionally licensed to diagnose workers or to provide any care beyond first aid, and the company explicitly limits them from doing so.<sup>604</sup> By preventing workers from seeking outside care, AMCARE's actions risk prolonging and exacerbating workers' injuries.

- i. Amazon's practice is to prevent "Day 1 Send Outs"—referrals to outside providers on the day of injury

Amazon instructs AMCARE staff to **not** refer injured workers to outside care on the day the worker is injured. This practice, to prevent what Amazon has termed "Day 1 Send Outs," is documented in Amazon materials.

In its October 2020 report, for example, Project Soteria states that a Day 1 Send Out—allowing a worker with a non-acute injury to see an outside doctor on the same day the injury is reported—is a "deviation from AMCARE policy."<sup>605</sup> That position is contrary to the official AMCARE protocol, which instructs staff to ensure that workers know an external referral is "available at any time."<sup>606</sup> The Committee requested that Amazon provide more information about the AMCARE policy referenced in the Project Soteria report, but Amazon declined.

A. A Day 1 Send Out is considered a deviation from AMCARE policy when an associate suffers a non-acute injury and insists on seeing a doctor on the same day the injury is reported. To measure the potential fear factor in NACF, "Day 1 Send Out" was used to compare pre COVID and during COVID reporting behavior. The MSD injury type was used as the indicator since this type of injury usually does not have an incident/exposure event that triggers the injury and the complaints are usually symptoms related. A reduction of Day 1 Send Outs could be from

Portion of October 2020 Project Soteria report. Highlighting by Committee.<sup>607</sup>

In addition, a 2022 PowerPoint presentation a worker provided to the Committee confirms the existence of this practice. In that presentation, the company defines "Day 1 Send Outs" as instances where workers are "[s]ent out to the [Workers' Compensation] Doctor the first day the injury was reported."<sup>608</sup> The PowerPoint presentation goes on to instruct AMCARE staff on how

<sup>603</sup> Worker Document 14 at 1; Worker Document 13 at 17 ("If the associate directly states they want to see a physician at any time during the care period, the [AMCARE] provider shall immediately stop care and refer the [worker] to an outside medical provider.").

<sup>604</sup> See Section VIII(A).

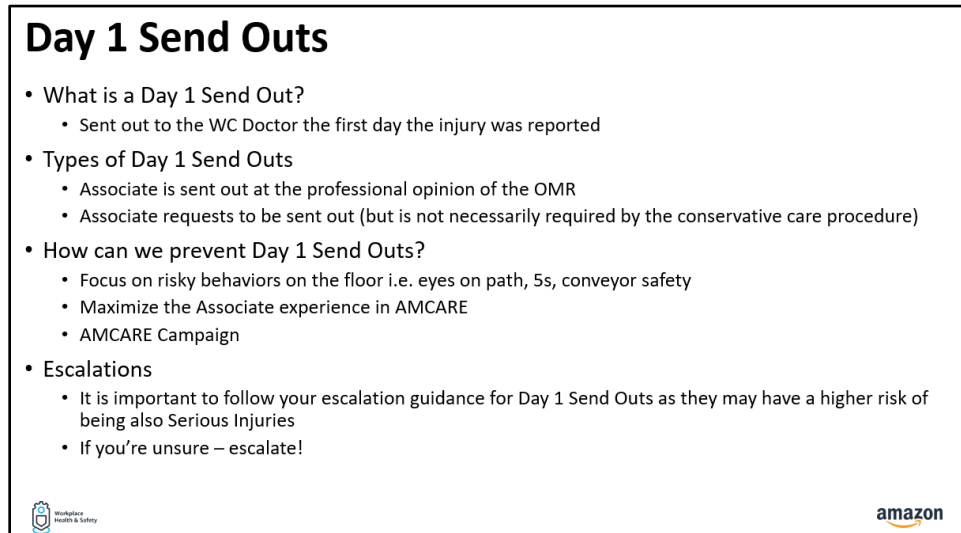
<sup>605</sup> AMAZON\_00004118. The report also describes sending a worker to an outside provider for same-day treatment for a "non-critical injury" as constituting "bypass[ing] policy." *Id.*

<sup>606</sup> Worker Document 13 at 17.

<sup>607</sup> AMAZON\_00004118.


<sup>608</sup> Worker Document 15 at 9.

to “prevent” Day 1 Send Outs, including by “maximiz[ing]” the worker experience in AMCARE.<sup>609</sup>



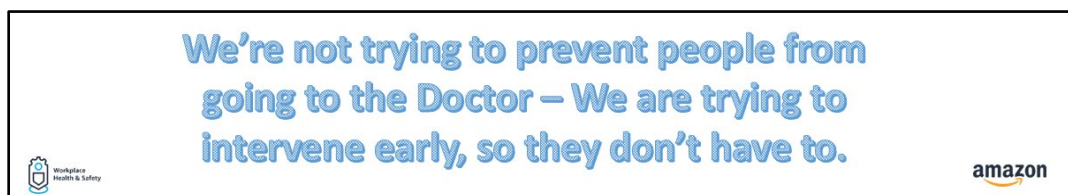
**Day 1 Send Outs**

- What is a Day 1 Send Out?
  - Sent out to the WC Doctor the first day the injury was reported
- Types of Day 1 Send Outs
  - Associate is sent out at the professional opinion of the OMR
  - Associate requests to be sent out (but is not necessarily required by the conservative care procedure)
- How can we prevent Day 1 Send Outs?
  - Focus on risky behaviors on the floor i.e. eyes on path, 5s, conveyor safety
  - Maximize the Associate experience in AMCARE
  - AMCARE Campaign
- Escalations
  - It is important to follow your escalation guidance for Day 1 Send Outs as they may have a higher risk of being also Serious Injuries
  - If you're unsure – escalate!


Workplace Health & Safety 

Portion of a slide in an Amazon Workplace Health and Safety PowerPoint titled “AMCARE Utilization Best Practices IXD+” from August 2022. “IXD” stands for Inbound Cross-Dock, a type of Amazon warehouse.<sup>610</sup>

Amazon explicitly frames this as a positive intervention—a way to **reduce** the number of workers who need referrals to medical care beyond first aid.



**We're not trying to prevent people from going to the Doctor – We are trying to intervene early, so they don't have to.**

Workplace Health & Safety 

Portion of a slide from the Amazon Workplace Health and Safety PowerPoint titled “AMCARE Utilization Best Practices IXD+” from August 2022.<sup>611</sup>

Even if AMCARE did successfully intervene early to treat workers’ injuries—a possibility that the Committee does not believe is supported by the evidence—it would not obviate workers’ need for referrals to outside care. Amazon’s recordable injury rate and the many workers’ stories documented in this report demonstrate that workers routinely suffer severe injuries requiring more than first aid. These workers are past the stage of early intervention that a first aid center could provide.

Moreover, this framing is inconsistent with AMCARE’s limited mandate. AMCARE is not designed or equipped to assess or treat a majority of injuries that workers sustain on the job. AMCARE staff are not qualified or professionally licensed to diagnose workers or provide care beyond first aid, and the company explicitly instructs them not to do so. Preventing a worker

<sup>609</sup> *Id.*

<sup>610</sup> *Id.* 9.

<sup>611</sup> *Id.* at 10.

exhibiting symptoms of an MSD from seeing a doctor, and instead offering them ice and a painkiller before sending them back to work, will not aid that worker’s recovery. Instead, it is likely to exacerbate their injury. This policy may also discourage AMCARE staff from sending workers out for medical care even when Amazon’s internal guidance encourages AMCARE staff to do so.

- ii. As workers’ injuries progress, some AMCARE staff provide “first aid” for 21 days before referring them to outside care

Some AMCARE staff also wait a certain amount of time, regardless of the needs of the worker or their injury, before referring workers for outside care. OSHA has raised concerns about Amazon staff delaying care by imposing arbitrary timelines—a pattern the agency has observed for **nearly a decade**. As early as 2015, OSHA found that Amazon protocols allowed AMCARE staff to wait two weeks before referring an injured worker to outside medical care.<sup>612</sup> OSHA recommended Amazon contract with a licensed physician to reevaluate how AMCARE operates, including to address “earlier referral.”<sup>613</sup>

By 2018, however, that timeline had only gotten longer: Amazon protocols were updated to allow AMCARE staff to wait **three weeks** before referring an injured worker for outside medical care.<sup>614</sup> OSHA again recommended that Amazon re-evaluate AMCARE’s practice of delaying referrals for injured workers. In particular, the agency recommended that Amazon “not discourage [workers] from seeking medical care from a physician when requested” and “[r]educe the duration of care by AMCARE staff prior to physician referral.”<sup>615</sup>

The Committee reviewed evidence that indicates that at some AMCARE locations, staff interpret this discretionary policy as a requirement to wait a standardized, arbitrary amount of time before making referrals to medical care beyond first aid. Under the “21-day rule,” AMCARE staff delay workers’ referrals to outside medical providers until they have been treated in AMCARE facilities for a full three weeks—again, a clear departure from AMCARE’s stated role as a provider of first aid. Workers reported that AMCARE staff relied on this “rule” to avoid sending them to outside providers for weeks. One warehouse safety manager described the practice of allowing AMCARE staff to wait weeks before referring workers as “discouraging higher medical care.”<sup>616</sup>

The Committee heard reports from multiple Amazon workers who were required to be seen in AMCARE for 21 days before being referred to outside care, regardless of the severity of their symptoms.<sup>617</sup> One worker in Missouri who fell and twisted his leg told the Committee that AMCARE staff informed him they would not refer him to outside medical care for 21 days

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<sup>612</sup> Letter from Paula Dixon-Roderick, OSHA, to Andrew Ming, Amazon, *supra* note 574 at 3.

<sup>613</sup> Letter from Paula Dixon-Roderick, OSHA, to Jeff Bezos, Amazon, *supra* note 578.

<sup>614</sup> Letter from Paula Dixon-Roderick, OSHA, to Andrew Ming, Amazon, *supra* note 574 at 1.

<sup>615</sup> *Id.*

<sup>616</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

<sup>617</sup> HELP Committee Majority staff interviews with NH (Sept. 5, 2023), Rochelle Cronan (Nov. 8, 2023).

because that was protocol.<sup>618</sup> Instead of seeing a doctor, he went to AMCARE every 90 minutes for two weeks to get ice on his knee. After 21 days, AMCARE referred him to a doctor, where an MRI showed he had torn his meniscus and had two tears in his tendon.<sup>619</sup>

At another warehouse, a worker injured his wrist, which was eventually diagnosed as a scaphoid fracture that required surgery.<sup>620</sup> AMCARE did not refer him for outside care for 21 days, despite his worsening pain. “His operations managers were encouraging him not to be seen: ‘you have 21 days, let’s keep seeing you here,’” a safety manager at the warehouse told the Committee.<sup>621</sup>

iii. AMCARE actively prevents workers with serious injuries from obtaining appropriate medical care

Consistent with the company practice of preventing “Day 1 Send Outs” and some AMCARE staff following a “21-day rule,” workers’ experiences reveal a broader pattern among AMCARE staff of obstructing workers’ access to outside care. According to workers, AMCARE staff do this by instructing injured workers in significant pain or in clear need of medical care beyond first aid to get back to work, to wait before seeking outside care, or to simply return to AMCARE for continued care.<sup>622</sup>

One of the most concerning practices AMCARE staff follow is asking injured workers to return to AMCARE for continued care before the worker can be referred to an outside provider. OSHA guidance establishes that when on-site health care staff “evaluate and treat a worker more than once for the same injury, they are providing medical care, not first aid.”<sup>623</sup> And “[i]f a worker’s symptoms have not improved after a [clinic staff member] provides first aid, the employer should have a clear procedure for referral to an outside [health care professional or emergency department].”<sup>624</sup>

Contrary to OSHA’s guidance, the Committee found that AMCARE staff—qualified only to provide first aid—regularly “treat[]” workers multiple times for the same injury, then send them back to work, instead of referring them to outside medical care. For example:

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<sup>618</sup> HELP Committee Majority staff interview with NH (Sept. 5, 2023).

<sup>619</sup> *Id.*

<sup>620</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

<sup>621</sup> *Id.*

<sup>622</sup> OSHA guidance notes that failing to provide workers with “follow-up evaluation and treatment of musculoskeletal injuries” can result in “prolonged, inappropriate treatment, lack of appropriate referral, and increased injury severity.” OSHA, DOL, *Best Practices for Non-Health Care Employers with On-site Health Care Services*, OSHA 3160-05R 2024 at 22 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf>. OSHA uses the example of an on-site clinic failing to refer a worker with a rotator cuff to outside medical care, resulting in the strain “progress[ing] to a tear that needs surgery.” *Id.*

<sup>623</sup> *Id.* at 21.

<sup>624</sup> *Id.* at 23.

- A worker felt her left shoulder pop while working in a Georgia warehouse.<sup>625</sup> AMCARE staff told her that it was almost the end of her shift, and that they would not treat her after her shift ended. She returned to work every day for the next week. When her shoulder did not improve and she injured her other shoulder as well, she told AMCARE staff she would see her own doctor—at which point AMCARE staff finally gave her information on how to request a doctor’s appointment through workers’ compensation. She was sent to multiple different doctors by workers’ compensation, and had to continue working with her injury for three months. Once she finally received an MRI, she learned she had torn the cartilage in both of her shoulder joints.<sup>626</sup>
- A worker at a warehouse in Missouri was chasing down items marked as “priority orders” moving along a conveyor belt when she fell over a pallet and smashed her face and legs into the floor.<sup>627</sup> She told AMCARE that the pain in one leg was off the charts, the pain in the other leg was a seven out of ten, and that she had a headache. She also exhibited signs of a concussion. AMCARE told her she needed to go back to her station and that these things “usually worked out” after a few hours back on the floor.<sup>628</sup> “I’m not telling you that you can’t see a doctor, but a doctor won’t be able to do anything else for you,” she remembers the AMCARE staff member saying.<sup>629</sup> When she returned again to AMCARE, another AMCARE staff member told her: “Give us three days to treat you in-house, and then if you want to see a doctor, you can see them then.”<sup>630</sup> She ended up scheduling her own urgent care appointment the day after her injury, where medical providers instructed her to sit 90 percent of the day to recover from her injuries.<sup>631</sup>
- A worker in Ohio had a pallet jack (a heavy piece of equipment) run over his ankle because the pallet jack did not have a required guard on the wheels—a safety feature intended to prevent exactly this type of injury. When he went to AMCARE, staff told him his injury did not look “hospital-worthy,” and that if he wanted to leave, he had to use his time off or wait until the end of the shift. When he went to a hospital, he was put in a boot for a month.<sup>632</sup>
- A worker in Kansas was injured while maneuvering a heavy box above her head that was not properly labeled as heavy. She felt something pop in her shoulder.<sup>633</sup> “I thought I was going to vomit . . . I couldn’t lift my arm, I couldn’t sleep, it was the most painful thing I’ve experienced other than childbirth,” she told the Committee.<sup>634</sup> When she went to

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<sup>625</sup> HELP Committee Majority staff interview with JL (Dec. 11, 2023).

<sup>626</sup> *Id.*

<sup>627</sup> HELP Committee Majority staff interview with WT (Nov. 7, 2023).

<sup>628</sup> *Id.*

<sup>629</sup> *Id.*

<sup>630</sup> *Id.*

<sup>631</sup> *Id.*

<sup>632</sup> HELP Committee Majority staff interview with TF (Oct. 6, 2023).

<sup>633</sup> HELP Committee Majority staff interview with FE (Oct. 25, 2023).

<sup>634</sup> *Id.*

AMCARE, staff initially “insisted” she return to AMCARE to treat her arm with ice for two to three weeks. When she eventually went to a doctor, she was diagnosed with a SLAP tear and, during surgery, the surgeon discovered her rotator cuff was torn.

- A worker in Kentucky injured her shoulder reaching for a bin that was too high, even with when she was standing on a stool.<sup>635</sup> She felt something pop in her shoulder. “The pain just about dropped me,” she said. AMCARE did not refer her to a doctor for two weeks. She was eventually diagnosed with a torn rotator cuff.<sup>636</sup>
- A worker sustained a head injury at a Texas facility and was met with dismissal from AMCARE staff. A colleague told the Committee that the worker was hit in the head by a container and reported that her head was hurting.<sup>637</sup> The colleague called a low-level manager, who called an AMCARE staff member to report the situation. The AMCARE staff member did not arrive for 45 minutes—and then, after giving the worker over-the-counter pain medication, informed the worker that she did not require any additional care. “[The worker] did not have any personal time . . . to leave early, so she pushed through her pain,” the colleague said.<sup>638</sup> The worker ended up hospitalized for multiple days due to her head injury.

The Committee heard from multiple other workers with similar stories.<sup>639</sup>

In other cases, workers reported that AMCARE staff obstructed their access to medical care when they requested or required it:

- Laura Ramos, a worker in California, was caught in a conveyor belt while trying to clear a jam and was partially dragged down the belt. She lost consciousness and required a wheelchair to get to AMCARE.<sup>640</sup> Once at AMCARE, she asked to be sent to an outside provider for medical attention. AMCARE staff told her that if she wanted medical attention, she would have to pay for the ambulance and would need to sign documents before she could leave. She remembers telling them: “I’ve been passing out. I can’t even read right now. How can I sign these documents?”<sup>641</sup> They put her in a conference room to sign the documents and left her alone for six hours without checking on her. “It was the first time I ever felt like there was no humanity within those four walls,” Ms. Ramos

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<sup>635</sup> HELP Committee Majority staff interview with SC (Oct. 17, 2023).

<sup>636</sup> *Id.*

<sup>637</sup> HELP Committee Majority staff interview with DP (Dec. 19, 2023).

<sup>638</sup> *Id.*

<sup>639</sup> HELP Committee Majority staff interviews with RI (Oct. 27, 2023) (Worker injured her heel moving large cargo containers. AMCARE iced her foot and did not refer her to outside care. She later found out she had a broken bone and torn plantar fascia), BM (Nov. 1, 2023) (Worker injured her elbow. After several days of AMCARE icing her elbow, she told staff the ice was not helping. They told her to continue coming to AMCARE for a few more days or they would close her case), and KW (Jan. 19, 2024) (Worker injured her wrist on a forklift. AMCARE staff told her: “Does it really hurt that much you can’t go back to work? . . . there’s only two hours left in work; you can’t handle it?”).

<sup>640</sup> HELP Committee Majority staff interview with Laura Ramos (Feb. 7, 2024).

<sup>641</sup> *Id.*

told the Committee.<sup>642</sup> When she finally received outside medical care, they found that she had sustained significant cervical spinal nerve damage and required both shoulder surgery and spinal surgery.

- A worker fractured her ankle on her third day on the job.<sup>643</sup> She was assigned to a role that required her to go up and down a ladder to stow items, and she rolled her ankle while coming down off the ladder. She went to AMCARE, reporting her pain level as a 20 out of 10. An AMCARE staff member gave her ice and sent her home at the end of her shift with instructions to put ice and—with no apparent medical purpose—oil on her ankle, and then to check back with them in the morning. When she got home, she could not put any weight on her ankle, so her husband had to carry her into and around the house. When she returned to AMCARE the next morning and asked to see a doctor, an AMCARE staff member said, “[T]he doctor isn’t in on the weekend, Concentra is closed. You can go on Monday.”<sup>644</sup> When she told the staff member that she could not wait until Monday, they responded, “if you decide to go to an outside doctor and nothing is wrong, we won’t cover it.”<sup>645</sup> The pain was so unbearable that she went to the hospital anyway, where an x-ray revealed she had fractured her ankle. A later MRI revealed two torn ligaments, two additional partially torn ligaments, a fracture, an issue with bone marrow in her ankle, an edema, and substantial swelling—serious injuries that required her to use a wheelchair for weeks. Over a year after her injury, she finally had surgery to address her injuries, but she will need to be in an ankle brace for the rest of her life.

iv. OSHA has repeatedly found AMCARE delays care for workers

These horrific stories are echoed in citations and hazard alert letters from OSHA following inspections of Amazon facilities. According to those documents, OSHA has found alarming evidence of Amazon delaying medical care at multiple facilities.

In 2023 at a warehouse in New York, OSHA found that Amazon “delayed evaluation, care, and/or treatment from a medical provider” and “returned injured workers to their regular jobs.”<sup>646</sup> The effect on workers was terrible and foreseeable: “worsening of the injury, exacerbation of pain, and limited recovery from work-related injuries/illnesses that required medical treatment.”<sup>647</sup>

That same year, at a warehouse in Texas, OSHA found multiple cases of “medical mismanagement,” including where an employee “was not referred to a medical provider for

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<sup>642</sup> *Id.*

<sup>643</sup> HELP Committee Majority staff interview with Denise Briggs (Nov. 8, 2023).

<sup>644</sup> For more information about Concentra, *see* Appendix B.

<sup>645</sup> HELP Committee Majority staff interview with Denise Briggs (Nov. 8, 2023).

<sup>646</sup> OSHA Citation—ALB1, Inspection No. 1610874, at 6 (Apr. 18, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/04/23-785-NAT.AmazonCitations%2C042623.pdf>.

<sup>647</sup> *Id.*



evaluation and assessment.”<sup>648</sup> In fact, OSHA found that, for more than ten percent of worker injuries at that facility, AM CARE saw workers **ten or more times for the same injury**—a practice, the agency concluded, that demonstrated that workers were regularly not referred to outside care for escalating medical issues.

Similarly, in 2019, OSHA found multiple instances of workers having medical care delayed or denied at an Amazon warehouse in New Jersey.<sup>649</sup> As one example, a worker with pain intensity of 10 out of 10 was returned to work with no restrictions, in violation of Amazon’s written protocols. Another worker had swelling, redness, and pain consistent with a fracture; OSHA found that AM CARE did not refer that worker to outside care, again in violation of Amazon’s written protocols. At that warehouse, OSHA identified at least five incidents just three months apart where AM CARE staff discouraged or denied workers from seeking outside medical care.

- On March 30, 2019, a worker reported (6) pain due to repetitive motions. The pain increased greatly over the following days. The worker asked to see a physician several times, including on March 31 and April 13. Each time, an AM CARE EMT convinced him not to go to a physician. The EMTs disregarded the following instruction in the *Conservative Care Protocols* page 6: “If Associate states directly they want to see a physician at any time during the 21 day period, the first aid provider must immediately stop care and refer the Associate to an outside medical provider.”
- On May 4, 2019, a work suffered a (6) injury. The worker asked to go to a hospital to see a physician. AM CARE’s EMT and Safety Specialist denied the request. After lunch, the worker reiterated his desire to see a physician. AM CARE again dissuaded him from seeing a doctor. AM CARE violated the written *Conservative Care Protocols* page 6, which mandate immediate referrals to a physician upon request. Furthermore, the *Protocols* pages 55-57, instruct AM CARE to call the PHL for guidance whenever there is an eye injury (even if the worker does not ask to see a doctor). EMTs have neither the training nor skills to evaluate eye injuries.

Excerpt of an OSHA hazard alert letter issued to Amazon’s Robbinsville, New Jersey warehouse in 2019.

Redactions in original. Highlighting by Committee.<sup>650</sup>

This problem is widespread across Amazon’s facilities. In January 2024, OSHA found “Amazon used ‘first aid’ for prolonged periods, directing [workers] to return many times for acute injuries” at a warehouse outside of St. Louis.<sup>651</sup> Shockingly, OSHA found eight percent of injuries with at least one follow-up visit in 2023 resulted in **10 or more** visits to AM CARE, with an average of 20–21 visits.<sup>652</sup>

<sup>648</sup> Letter from Diego Alvarado Jr., Area Dir., El Paso Area Off., OSHA, DOL, to Amazon.com Services LLC – ELP1, El Paso, TX, at 2 (July 25, 2023) (on file with Committee).

<sup>649</sup> Letter from Paula Dixon-Roderick, OSHA, to Andrew Ming, Amazon, *supra* note 574 at 2.

<sup>650</sup> *Id.*

<sup>651</sup> Letter from William D. McDonald, OSHA, to Amazon Services LLC, dba Amazon Fulfillment Center STL8 at 1 (Jan. 26, 2024) (on file with Committee).

<sup>652</sup> *Id.*

OSHA concluded that this data “reflect[ed] a delay in outside referrals” to medical providers who could treat workers’ injuries.<sup>653</sup> In making this finding, OSHA asserted that repeat visits to AMCARE fall outside the scope of first aid and fail to provide workers the care needed: “workers cannot truly receive ‘first’ aid for the same acute injury on the 10th, 20th, or 30th visit.”<sup>654</sup>

Finally, because OMRs discourage workers from seeking medical treatment, many injuries progress. Multiple workers described being discouraged from seeking outside care or experiencing obstacles to obtaining such care, i.e., through the “21-day rule.” The injured workers are then sometimes left both with chronic pain and with functional impairment. Multiple interviewees described ongoing physical limitations. OSHA staff interviewed several workers who had been terminated while still suffering from injuries, before achieving maximum medical improvement.

Excerpt from a hazard alert letter OSHA sent to a Deltona, Florida warehouse in January 2023.<sup>655</sup>

OSHA has also found evidence that some AMCARE staff members continue to follow the “21-day rule,” delaying workers’ referrals to outside care. In a 2023 OSHA hazard alert letter documenting findings from an inspection in Florida, OSHA found “[m]ultiple workers” who mentioned a “21-day rule,” a reference to delaying outside referrals for three full weeks, as an obstacle to obtaining medical care.<sup>656</sup>

At that same warehouse, OSHA found examples of Amazon “active[ly] obstruct[ing] [workers’] efforts to seek medical care.”<sup>657</sup> The agency further found that some workers, in the face of that obstruction, “commonly sought care from their own physicians without notifying Amazon.”<sup>658</sup>

v. AMCARE’s efforts to delay care exacerbate workers’ injuries

These pressure tactics have real consequences for workers. By discounting the severity of an injury or delaying a referral to more advanced care—sometimes for **weeks**—AMCARE staff, qualified only to provide basic first aid, prolong and sometimes even exacerbate workers’ injuries.

OSHA has documented evidence of these consequences. As one example, after investigating a warehouse in Florida, OSHA wrote to Amazon that because AMCARE staff at the warehouse “discourage workers from seeking medical treatment, many injuries progress.”<sup>659</sup> OSHA noted that workers in that warehouse “described being discouraged from seeking outside care or

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<sup>653</sup> *Id.*

<sup>654</sup> Letter from William D. McDonald, OSHA, to Amazon Services LLC, *supra* note 651 at 2.

<sup>655</sup> Letter from David Tisdale, OSHA, to Stephen Waller, Amazon.com Services, *supra* note 239 at 3.

<sup>656</sup> *Id.*

<sup>657</sup> *Id.* at 2.

<sup>658</sup> *Id.*

<sup>659</sup> *Id.* at 3.

experiencing obstacles to obtaining such care,” leaving them “with chronic pain and with functional impairment.”<sup>660</sup>

Finally, because OMRs discourage workers from seeking medical treatment, many injuries progress. Multiple workers described being discouraged from seeking outside care or experiencing obstacles to obtaining such care, i.e., through the “21-day rule.” The injured workers are then sometimes left both with chronic pain and with functional impairment. Multiple interviewees described ongoing physical limitations. OSHA staff interviewed several workers who had been terminated while still suffering from injuries, before achieving maximum medical improvement.

Excerpt from January 17, 2023 OSHA hazard alert letter issued to Amazon’s MCO2 warehouse in Deltona, Florida. “OMR” stands for “on-site medical representative,” one position at AMCARE. Highlighting by Committee.<sup>661</sup>

The evidence of Amazon workers being denied access to needed medical care reveals systemic issues and widespread medical mismanagement at Amazon’s AMCARE facilities. As a result of AMCARE’s practices to delay referrals, workers’ recoveries are prolonged and their injuries may be exacerbated.

#### 4. AMCARE’s practices are particularly alarming with respect to head injuries

A head injury is “a complex injury that can result in anything from benign outcomes to neurologic emergencies with life-threatening [results].”<sup>662</sup> Indeed, Amazon’s own July 2022 Conservative Care Protocols outline specific guidelines for the treatment of head injuries, as compared to other injuries. These protocols dictate that all head injuries should be reassessed throughout the workday and discussed with a trained medical provider.<sup>663</sup> They also establish that AMCARE staff should “employ a very low threshold” in referring workers to outside medical care for a head injury.<sup>664</sup>

Yet, in multiple warehouses, OSHA has found that AMCARE staff have not followed these protocols when treating workers with head injuries. According to OSHA citations, the agency found instances where AMCARE staff did not immediately refer workers for outside medical evaluation, and also did not discuss workers’ head injuries with outside medical providers or monitor their symptoms throughout the day.<sup>665</sup>

Serious head injuries are common in at least some Amazon facilities. In 2023, at a warehouse in New Jersey, OSHA found that “[o]ver 10% of the injuries recorded at [the facility] since January 2019 have been traumatic head injuries.”<sup>666</sup> Despite the frequency of these injuries, OSHA found that AMCARE provided “inadequate medical care”: Amazon logs “did not show any

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<sup>660</sup> *Id.*

<sup>661</sup> *Id.*

<sup>662</sup> Letter from Paula Dixon-Roderick, OSHA, to Azhar Mohammed, Amazon.com Services, *supra* note 566 at 1.

<sup>663</sup> *Id.* at 3. OSHA noted that mild head injuries (those with no loss of consciousness or alteration of cognition) should be monitored every 10 to 15 minutes. *Id.*

<sup>664</sup> *Id.*

<sup>665</sup> *Id.*

<sup>666</sup> *Id.*

neurologic or mental status evaluations completed for the workers with head injuries,” and AMCARE staff did not “follow national or state guidelines for evaluating or managing head injuries.”<sup>667</sup>

OSHA citations from other Amazon warehouses detail the deficient care received by individual workers for their head injuries. The image below, from an OSHA citation issued to Amazon in 2023, describes two disturbing examples of AMCARE staff at a New York warehouse failing to care for concussions **just eight days apart**:

e. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 10/28/22 and thereafter, an employee sustained a blunt force injury when struck in the head by a box containing a 28-lb. bench press bar while they were working as a stower in the Very Narrow Aisles (VNA). The AUSTIN spreadsheet shows 58 days of restricted/job transfer days. The employer failed to follow Amazon's own policies for the evaluation and management of head injuries. Employer returned employee to full duty, including operating heavy machinery and driving, the day of the injury without consulting PHL or seeking appropriate medical evaluation or clearance following a head injury, likely worsening the injury. Medical records from after the day of injury documented the employee had a concussion.

f. Amazon ALB1 Fulfillment Center, located at 1835 US-9 Castleton-on-Hudson NY 12033: On or about 10/20/22 and thereafter: an employee was injured by a falling box that struck their head while working night shift in "pack singles." AUSTIN documentation noted employee had blood coming out of the ear (a sign of skull fracture noted in Amazon's CCP), but no laceration or abrasion that caused bleeding. The employee subsequently developed a headache but was returned to work. Employer failed to follow their written protocol for the evaluation and management of head injury/concussion and returned worker to regular duty without consulting PHL or monitoring employee during the shift likely worsening the injury.

OSHA citation issued to Amazon's ALB1 warehouse in Castleton on Hudson, New York in April 2023. Highlighting by Committee.<sup>668</sup>

OSHA found that one employee at that facility “was struck in the head/back of neck by two tables that fell from 15 feet above.”<sup>669</sup> At AMCARE, the employee showed “multiple signs of concussion that worsened as the visit progressed, including an unsteady gait and difficulty opening their eyes.”<sup>670</sup> And yet, OSHA noted, Amazon “failed to call EMS.”<sup>671</sup>

OSHA learned about another worker who had “blood coming out of the ear,” and whom AMCARE staff returned to regular duty without consulting outside medical care or monitoring the employee during their shift.<sup>672</sup>

<sup>667</sup> *Id.* at 1, 3–4.

<sup>668</sup> OSHA Citation—ALB1, Inspection No. 1610874, at 7 (Apr. 18, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/04/23-785-NAT.AmazonCitations%2C042623.pdf>.

<sup>669</sup> *Id.*

<sup>670</sup> *Id.*

<sup>671</sup> *Id.* OSHA reported deficient care for head injuries in AMCARE facilities at other warehouses: In Texas, OSHA found that a worker “was not treated with abundance of caution” after blacking out when hit by a box. Letter from Diego Alvarado Jr., OSHA, to Amazon.com Services LLC – ELPI, *supra* note 648 at 2. In Florida, OSHA found “head trauma with dizziness and other symptoms did not automatically lead to referrals to a physician.” Letter from David Tisdale, OSHA, to Stephen Waller, Amazon.com Services, *supra* note 239 at 3.

<sup>672</sup> OSHA Citation—ALB1, Inspection No. 1610874, at 7 (Apr. 18, 2023), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/04/23-785-NAT.AmazonCitations%2C042623.pdf>.

These are not isolated incidents: in 2019, OSHA described in incident in a New Jersey warehouse in which a worker was struck in the head by a falling object. Despite reporting a “headache and blurred vision,” AMCARE did not consult a physician or refer the worker to outside medical treatment.<sup>673</sup>

- On February 28, 2019, a falling object struck a worker in the head. The worker reported headache and blurred vision. The *Conservative Care Protocols* on page 61 states that all head injury cases should be discussed with the PHL. The protocols also instruct AMCARE to refer workers urgently for same day evaluation if there are any symptoms of concussion. Despite these instructions, it appears that AMCARE did not call the PHL or offer outside medical evaluation.

Section of a hazard alert letter OSHA issued to an Amazon warehouse in New Jersey in 2019. Highlighting by Committee.<sup>674</sup>

The Committee heard similar accounts from workers:

- At a warehouse in New Jersey, a worker went to AMCARE after being struck in the face by a piece of machinery. He was bleeding from his head. AMCARE never referred him to outside care, and when the worker asked if he should go to a hospital, AMCARE staff said it was up to him.<sup>675</sup>
- A worker at a warehouse in Missouri hit her head on a machine and exhibited symptoms of a concussion. AMCARE did not refer her to outside care. Instead, they suggested she use her personal time or ask a manager for unpaid time off to leave early. When she returned to work four days later for her next shift, she went to AMCARE and asked for a referral to see a doctor. She told the Committee:

[The AMCARE staff member] said, “Well how about this, instead of going to the doctor first you give me a chance to work with you and put you on this treatment plan.” And I said, “Okay, I guess if that is what you think is best, you are the specialist.” . . . I was giving them the benefit of the doubt. He was like, “How about this treatment plan, you can come down here every hour and get ice and heat.” Halfway through the night, I was like, this is not working for me. So I asked for the referral note again. And at 4:55 AM I was like where is the manager on duty, where is the referral? And they were like, the first night on the treatment plan we can’t give you the doctor referral, you have to come back in during the day. . . I was down there dry heaving I was in so much pain. Everything was so loud and so bright . . . It was awful. My brain was foggy; I was in so much pain.<sup>676</sup>

<sup>673</sup> Letter from Paula Dixon-Roderick, OSHA, to Andrew Ming, Amazon, *supra* note 574 at 2.

<sup>674</sup> *Id.*

<sup>675</sup> HELP Committee Majority staff interview with JS (Nov. 2, 2023).

<sup>676</sup> HELP Committee Majority staff interview with MS (Nov. 8, 2023).



These shocking and disturbing stories add to the mounting evidence of Amazon’s efforts to delay and deny medical care for workers experiencing serious injuries.

**C. AMCARE’s failures and deficiencies may allow Amazon to underrecord injuries for federal regulators**

*“There’s no truth to the notion that Amazon discourages employees from reporting injuries or seeking outside treatment.”*  
—Amazon<sup>677</sup>

*“We were supposed to do everything in our power to keep [workers] from going to a doctor and [prevent the incident from being] recordable.”*  
—Amazon safety worker<sup>678</sup>

AMCARE’s failures and deficiencies—as documented by federal regulators and Amazon employees—result in workers not receiving referrals to outside medical care. These practices not only delay injured workers from receiving treatment, potentially exacerbating their injuries, they also allow Amazon to avoid sharing those injuries with federal regulators.

The Committee is concerned that Amazon’s attempts to prevent workers from receiving medical care may be part of a broader pattern of underrecording injuries. By underrecording injuries, Amazon is able to create the perception—for both regulators and the public—that the company is far safer than it is in reality.

OSHA requires certain employers to record types of injuries for federal regulators.<sup>679</sup> Specifically, OSHA requires these employers record serious injuries—those that result in “death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.”<sup>680</sup> These “recordable injuries” are used to calculate injury rates, including industry averages, and constitute the injuries that Amazon shares with regulators, shareholders, and the public.

As discussed in Section IV, Amazon manipulates its workplace safety data to make it appear as though its warehouses are safer than they are. Part of this effort involves public statements about the company’s injury-related efforts, like its recent commitment to reduce MSDs by 40 percent

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<sup>677</sup> Amazon Staff, *Read Amazon’s Response to Senator Bernie Sanders’ Misleading ‘Interim Report’ on Workplace Safety*, *supra* note 33.

<sup>678</sup> HELP Committee Majority staff interview with SF (Aug. 14, 2023).

<sup>679</sup> See 29 C.F.R. § 1904.7.

<sup>680</sup> *Id.* § 1904.7(a).

by 2025.<sup>681</sup> This suggests Amazon’s corporate headquarters closely tracks Amazon’s injury rate and the coverage and attention it gets. Based on evidence gathered in the course of this investigation, the Committee is concerned that this public relations focus does not translate into a meaningful effort to reduce MSDs.

In response to the Committee’s interim report, Amazon asserted, “There’s no truth to the notion that Amazon discourages employees from reporting injuries or seeking outside treatment.”<sup>682</sup> But the Committee’s investigation has uncovered troubling evidence suggesting that Amazon underrecords injuries and limits the injury rates it shares with the public, thus allowing the company to avoid responsibility for some workers’ injuries and to discourage attention on Amazon’s continued injury crisis.

1. Any injuries requiring more than first aid contribute to Amazon’s recordable injury numbers

Injuries that require medical care beyond first aid qualify as “recordable” under OSHA regulations.<sup>683</sup> OSHA inspections and worker stories reveal that AMCARE staff regularly do not refer workers to medical care when it is necessary, sometimes requiring workers to continue visiting Amazon’s first aid facilities instead. When workers are treated at AMCARE instead of being referred to outside care, it may prevent those workers’ injuries from being recordable.

“First aid,” for the purposes of defining recordable injuries, is a defined term that includes 14 types of actions, like “using a non-prescription medication at nonprescription strength” and “using hot or cold therapy.”<sup>684</sup> If a worker’s injury requires **only** these 14 types of actions, an employer does not have to record the injury for federal regulators—but if a worker requires “medical treatment **beyond** first aid,” the injury qualifies as “recordable.”<sup>685</sup>

OSHA guidance also makes it clear that, even if workers are inappropriately counseled to continue returning to AMCARE for “first aid,” like ice and painkillers, AMCARE staff may still be providing “medical care beyond first aid.”<sup>686</sup> In a new best practices document, OSHA states, “When [health care professionals] evaluate and treat a worker more than once for the same injury, they are providing medical care, not first aid. . . . Providing only . . . ‘first aid’ treatments over multiple clinic visits **does not mean that the medical care is actually first aid.**”<sup>687</sup> As

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<sup>681</sup> Lauren Rosenblatt, *Amid criticism of workplace injuries, Amazon signs a new safety pledge*, SEATTLE TIMES (June 2, 2022), <https://www.seattletimes.com/business/amid-criticism-of-workplace-injuries-amazon-signs-a-new-safety-pledge/>.

<sup>682</sup> Amazon Staff, *Read Amazon’s Response to Senator Bernie Sanders’ Misleading ‘Interim Report’ on Workplace Safety*, *supra* note 33.

<sup>683</sup> 29 C.F.R. § 1904.7(a).

<sup>684</sup> OSHA, DOL, *Best Practices for Non-Health Care Employers with On-site Health Care Services*, OSHA 3160-05R 2024 at 8–9 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf>.

<sup>685</sup> 29 C.F.R. § 1904.7(a) (emphasis added).

<sup>686</sup> *Id.*

<sup>687</sup> OSHA, DOL, *Best Practices for Non-Health Care Employers with On-site Health Care Services*, OSHA 3160-05R 2024 at 21 (2024), <https://www.osha.gov/sites/default/files/publications/osha3160.pdf> (emphasis added).

described earlier, OSHA has found that AMCARE staff regularly instruct workers to return to AMCARE multiple times<sup>688</sup>—which may constitute medical care, not first aid.

Within this broader context, the Committee is concerned that AMCARE’s reluctance to make external referrals may be part of an effort to treat workers’ injuries “in house” in order to prevent those injuries from being classified as recordable. The Committee’s concerns are heightened by additional evidence, including the company’s OSHA recording history and policies that appear intended to minimize the number of recorded injuries.

2. Amazon’s internal data casts doubt on the accuracy of the company’s recorded injury rate

The Committee reviewed data that includes not just the injuries Amazon shares with regulators, but also the total injuries Amazon documents internally. The latter was first made public in the Committee’s July 2024 interim report; prior to that interim report, Amazon’s total injury rate had never been publicly disclosed.<sup>689</sup>

An October 2020 report produced by the company compares the company’s “recordable injury rate”—calculated from the injuries Amazon classifies as “recordable” under federal regulations and shares with OSHA—and its “total injury rate”—calculated from the total number of injuries the company logs regardless of whether they are shared with OSHA.<sup>690</sup> Both rates are measured as injuries per 100 full-time employees.

The document shows a dramatic disparity between the company’s total injuries and recorded injuries in 2019 and 2020.<sup>691</sup>

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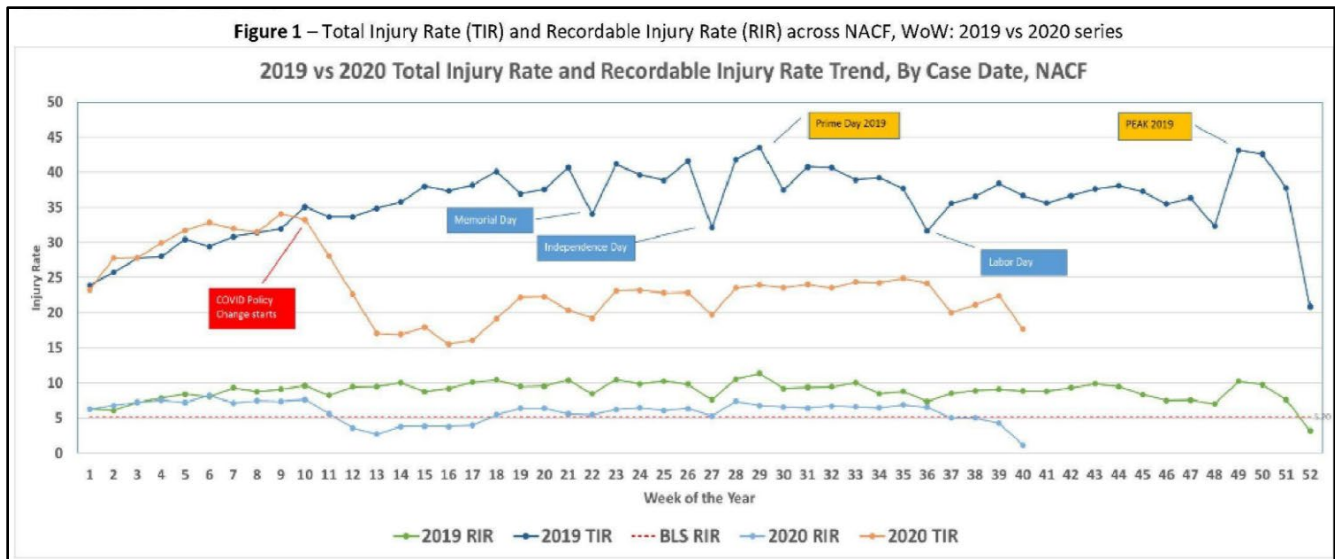
<sup>688</sup> At one facility in Texas for example, more than 50 percent of injured workers were documented as visiting AMCARE two or more times. Letter from Diego Alvarado Jr., OSHA, to Amazon.com Services LLC – ELP1, *supra* note 648 at 3.

<sup>689</sup> See S. Comm. on Health, Educ., Lab., & Pensions, 118th Cong., *Peak Seasons, Peak Injuries: Amazon Warehouses Are Especially Dangerous During Prime Day and the Holiday Season—and the Company Knows It* (July 15, 2024), [https://www.help.senate.gov/imo/media/doc/help\\_committee\\_amazon\\_interim\\_report.pdf](https://www.help.senate.gov/imo/media/doc/help_committee_amazon_interim_report.pdf).

<sup>690</sup> AMAZON\_00004101.

<sup>691</sup> The Committee notes that it requested that Amazon provide the total injury rate for more recent years; Amazon chose not to provide this information.





Graph from Amazon October 2020 Project Soteria report. The horizontal dotted red line around five on the y-axis is the industry average for recordable injuries in 2018. The lowest green and blue lines are the rate of injuries Amazon recorded for OSHA in 2019 and 2020, respectively (“RIR”). The top blue and orange lines track Amazon’s total injuries in 2019 and 2020, respectively (“TIR”), with notes from the company about significant dates. Amazon attributes the large drop in total injuries in early 2020 to COVID-era policy changes, as discussed in Section VII (see the red box).<sup>692</sup>

To be sure, not every injury reflected in the “total injury rate” is a serious injury. Because Amazon’s policy is to internally document all injuries, its total injury number should reflect some minor injuries like small cuts that require wound coverings.<sup>693</sup> But the Committee believes that the stark disparity between these rates raises questions about whether the company has failed to properly classify some injuries as recordable for federal regulators, amounting to underrecording.

The Committee’s concern is heightened in light of evidence showing that Amazon failed to properly record injuries on the forms it submits to OSHA. The Committee’s review of OSHA records found that Amazon has violated federal or state recordkeeping regulations in at least 20 facilities since 2022.<sup>694</sup>

<sup>692</sup> AMAZON\_00004101.

<sup>693</sup> Amazon Staff, *Read Amazon’s Response to Senator Bernie Sanders’ Misleading ‘Interim Report’ on Workplace Safety*, *supra* note 33.

<sup>694</sup> See, e.g., DOL, OSHA Citation—DEN5, Inspection No. 1611567 (Dec. 15, 2022), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2022/12/OSHA2022343.pdf>. OSHA also issued citations at Amazon facilities DCX2 (Inspection No. 155429), AVP1 (Inspection No. 1589647), DAX3 (Inspection No. 1614275), PHL7 (Inspection No. 1630151), TEB3 (Inspection No. 1646340), EWR4 (Inspection No. 1639292), DSJ9 (Inspection No. 1675026), MTN1 (Inspection No. 1655420), BFI3 (Inspection No. 1676136), AVP9 (Inspection No. 1677347), GEG1 (Inspection No. 1695075), STL8 (Inspection No. 1686123), DBK1 (Inspection No. 1689644), ALB1 (Inspection No. 1610874), BOI2 (Inspection No. 1611861), DYO1 (Inspection No. 1607234), MCO2 (Inspection No. 1608788), MDW8 (Inspection No. 1608898), DET3 (Inspection No. 1768651).

Amazon has publicly claimed that these are just “one-off clerical errors.”<sup>695</sup> But OSHA’s citations show that Amazon has **repeatedly failed to accurately record injuries**. Indeed, a number of the citations include multiple recordkeeping failures over very short periods of time. Moreover, the Committee notes that, since 2017, OSHA has been restricted to looking at only the past six months when citing recordkeeping violations, preventing the agency from investigating a broader pattern and practice of such violations. These failures suggest that Amazon may not be properly recording all of the injuries that occur in its warehouses.

As just one example, in 2022, OSHA reviewed the injury logs of a single Amazon warehouse in New York. OSHA found that this one warehouse failed to record 11 injuries that resulted in workers needing care beyond first aid—in just a month and a half.<sup>696</sup>

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<sup>695</sup> Amazon Staff, *Read Amazon’s Response to Senator Bernie Sanders’ Misleading ‘Interim Report’ on Workplace Safety*, *supra* note 33.

<sup>696</sup> OSHA Citation—ALB1, Inspection No. 1610874, at 6–7 (Dec. 15, 2022), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2022/12/OSHA20222343.pdf>.

Citation 1 Item 1    Type of Violation: **Other-than-Serious**

29 CFR 1904.4 (a): The employer did not record each work-related fatality, injury or illness case that resulted in the general recording criteria on the OSHA Form 300 or equivalent:

At the Amazon ALB1 Fulfillment Center, Castleton on Hudson, NY, the employer did not record the following workplace injuries or illnesses on the OSHA Form 300 or equivalent for the calendar year 2022:

- a) On or about June 20, 2022, the employer **failed to record** a work-related injury that occurred on or about June 13, 2022. An employee working in the Outbound Dock felt pain in knee while performing work as a ship dock worker. The employee's injury resulted in medical treatment beyond first aid and missed workdays.
- b) On or about June 25, 2022, the employer **failed to record** a work-related injury that occurred on or about June 18, 2022. An employee working as a Packer rolled their left ankle due to an un-taped ergo mat resulting in an injury to the employee's ankle. The employee's injury resulted in medical treatment beyond first aid, days away from work, and restricted duty.
- c) On or about July 1, 2022, the employer **failed to record** a work-related injury that occurred on or about June 24, 2022. An employee working in Inbound Stow felt a sudden pain in the right shoulder when lifting a heavy box of kitty litter. The employee's injury resulted in restricted work and medical treatment beyond first aid.
- d) On or about July 7, 2022, the employer **failed to record** a work-related injury that occurred on or about 6/30/22. An employee was lifting an inflatable canoe while working in Pack Singles and felt pain in wrist which continued when picking up another box. The injury resulted in days away from work.
- e) On or about July 9, 2022, the employer **failed to record** a work-related injury that occurred on or about July 2, 2022. An employee working in the Ship Dock felt pinching pain in the lower back while lifting several pools back-to-back. The employee's injury resulted in medical treatment beyond first aid.
- f) On or about July 10, 2022, the employer **failed to record** a work-related injury that occurred on or about July 3, 2022. An employee was working Pack Singles where employee was packing, taping, and lifting boxes. Employee felt pain in the right forearm that went to the thumb that got worse over the course of the shift. The employee's injury resulted in medical treatment beyond first aid and restricted duty.

Excerpt of OSHA citation issued to Amazon ALB1 facility in New York on December 15, 2022. Highlighting by Committee.<sup>697</sup>

As another example, OSHA found that an Amazon warehouse in Texas had a “much lower” incident rate than comparable worksites, despite Amazon warehouses being known to have higher-than-industry-average injury rates.<sup>698</sup> According to OSHA, this disparity suggested that “there may be recordable injuries left omitted” from Amazon’s required recording.<sup>699</sup> OSHA looked at injuries at that warehouse from 2021–2022 and found that out of 476 total injuries, only **seven percent** were listed as “recordable.”<sup>700</sup>

<sup>697</sup> *Id.* at 6.

<sup>698</sup> Letter from Diego Alvarado Jr., OSHA, to Amazon.com Services LLC – ELP1, *supra* note 648 at 2.

<sup>699</sup> *Id.*

<sup>700</sup> OSHA also found “none of the employees initially injured in 2023 were on the 2023 [injury log], which was blank at the time the inspection was opened.” *Id.* at 3. Under federal regulation, employers must enter each recordable injury on the OSHA 300 log within seven days of receiving information that a recordable injury occurred. 29 C.F.R. § 1904.29(b)(3).

Figure 1 presents a frequency distribution of the total number of injuries (N=476) captured in the Austin data:

- 324 of the 476 cases (68%) were seen for at least 1 follow-up visit for their injury.
- 245 (51%) were seen more than 2 times.
- And 52 (11%) were seen 10 or more times.
- Of the 476 injuries, only 31 (7%) were listed as recordable injuries.

OSHA hazard alert letter issued to Amazon ELP1 warehouse in Texas. Highlighting by Committee.<sup>701</sup>

Workers have also observed the company's failure to properly record injuries. At least one worker told the Committee that they requested their facility's OSHA logs and did not see their injury recorded.<sup>702</sup> Similarly, an AM CARE worker told the Committee that he reviewed injury logs from nearby facilities in order to see how his own facility could improve its injury rates and found several qualifying injuries not recorded by those facilities, resulting in an artificially low injury rate.<sup>703</sup>

### 3. Amazon's internal policies may operate to reduce the number of recordable injuries

The Committee heard from multiple safety staff about pressure from Amazon leadership to keep the number of recordable injuries low. A former regional safety employee told the Committee explicitly: "AMCARE teams get pressure from safety leadership to keep numbers down."<sup>704</sup> The Committee also spoke with a safety specialist who reported, "we were supposed to do everything in our power to keep [workers] from going to a doctor and [prevent the incident from being] recordable."<sup>705</sup> Likewise, a warehouse safety manager, discussing the use of the "21-day rule" to delay referring workers to outside care, said "[the company] want[s] to keep everything inside [the building], because the minute someone gets sent out, it becomes recordable."<sup>706</sup>

As another example, an AM CARE staff member in Kentucky told the Committee: "Documenting things was always a tug of war between how you documented things, what it did or did not say, especially if it had to do with whether something was work-related, if it had to do with lost time or release from work."<sup>707</sup> That same AM CARE staff member said that AM CARE and safety staff had "a lot of ethical type of complaints" about managers' edits to injury documentation, such as:<sup>708</sup>

<sup>701</sup> Letter from Diego Alvarado Jr., OSHA, to Amazon.com Services LLC – ELP1, *supra* note 648 at 3.

<sup>702</sup> HELP Committee Majority staff interviews with Christine Manno (Oct. 10 & Nov. 8, 2023).

<sup>703</sup> HELP Committee Majority staff interview with MK (Sept. 20, 2023).

<sup>704</sup> HELP Committee Majority staff interviews with AP (Oct. 10, 2023 & Aug. 23, 2024).

<sup>705</sup> HELP Committee Majority staff interview with SF (Aug. 14, 2023).

<sup>706</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

<sup>707</sup> HELP Committee Majority staff interview with SD (Oct. 5, 2023).

<sup>708</sup> *Id.*

Not agreeing with the way something was classified or the way an injury was processed through the reporting system . . . Managers would look at something and say, ‘Let’s reword this,’ ‘Let’s put this back in,’ ‘Let’s put in that [worker] was trained in whatever he was injured on,’ to construct a narrative to fit Amazon’s benefit, not an everyday accident that was common with the environment. Always deflecting responsibility from Amazon.<sup>709</sup>

Moreover, an Amazon document that a worker shared with the Committee suggests that the company has policies that—intentionally or inadvertently—encourage AMCARE staff to minimize the number of injuries classified as recordable. A slide from this document, a 2022 Amazon PowerPoint entitled “AMCARE Utilization Best Practices,” is shown below.

## What is AMCARE Utilization?

- AMCARE Utilization is the % of Associates who are able to have successful treatment in AMCARE without having to go out to the Work Comp/Doctor
- It is an indicator of good reporting and that we are intervening in injuries early so they do not escalate into MSDs
  - Also a leading indicator for recordable injuries (~\$25,000 per)

Portion of a slide in an Amazon Workplace Health and Safety PowerPoint entitled “AMCARE Utilization Best Practices IXD+” from August 2022.<sup>710</sup>

On its face, this slide appears to discuss efforts to improve AMCARE care and workers’ outcomes—efforts that align with the Committee’s focus on workers’ well-being. The Committee is concerned, however, that such a policy, which appears to prioritize or reward the rate of “successful treatment” by AMCARE—thereby avoiding “[w]ork[ers] [c]omp[ensation]/[outside] [d]octor[s]”—could create a perverse incentive to keep workers “in-house,” even when they require medical care beyond first aid.

Many of the workers the Committee spoke with, as described previously, had serious injuries that required urgent medical attention, but were told to continue returning to AMCARE instead of being referred to medical care, worsening their prognosis. By “treat[ing]” workers with “first aid,” even if not in the workers’ best interests, Amazon may avoid recording such injuries for federal regulators.

Another slide in that same document discusses a different policy that also appears related to reducing the number of injuries classified as recordable:

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<sup>709</sup> *Id.*

<sup>710</sup> Worker Document 15 at 2.

## Accommodations, TLD, 1<sup>st</sup> DOI

- Day of Injury – Per OSHA, able to accommodate in lighter duty tasks for that day
  - Only 1<sup>st</sup> DOI – Use it!

Portion of a slide in an Amazon Workplace Health and Safety PowerPoint entitled “AMCARE Utilization Best Practices IXD+” from August 2022. “TLD” refers to “temporary light duty,” and “DOI” refers to “date of injury.” Highlighting by Committee.<sup>711</sup>

This slide appears to recommend using a loophole that prevents an injury from being classified as recordable. If a worker is placed on light duty the day they are injured—and only that day—the injury will not be classified as recordable.<sup>712</sup> The slide is encouraging AMCARE staff to place injured workers on light duty **only** on the day they are injured. The Committee suspects that the company encourages this practice because it does not trigger the requirement to record and disclose the injury—further reducing the company’s overall injury totals.

Discrepancies in Amazon’s injury data, the company’s history of failing to properly record injuries, and its internal policies that appear to reduce the number of injuries classified as recordable, coupled with OSHA citations and worker stories that document AMCARE staff’s practices that keep injuries from being recorded all underscore the Committee’s serious doubts about the accuracy of Amazon’s recordable injury rates. Taken together, the Committee believes that this evidence demonstrates Amazon’s willingness to prioritize its public image by preserving an artificially deflated injury rate ahead of its workers’ well-being.

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<sup>711</sup> *Id.* at 12.

<sup>712</sup> Under OSHA regulations, there are several criteria under which an injury qualifies as “recordable.” Even if an injury is not recordable because it does not result in restricted work, it may be still be recordable under other criteria. 29 CFR 1904.7(a).

## **IX. ONCE INJURED, WORKERS WHO NEED ON-THE-JOB ACCOMMODATIONS MUST NAVIGATE A BYZANTINE SYSTEM**

Amazon is an incredibly sophisticated company with some of the most advanced logistics capabilities in the world: there is no doubt that Amazon knows how to design and implement efficient and effective processes. But by Amazon’s standards—indeed, by any standards—Amazon’s accommodations process for injured and disabled workers is shockingly deficient. It is confusing, convoluted, and sometimes even cruel. At every step of the process, from the initial request for accommodations to implementation and enforcement, workers are confronted with significant obstacles. The accommodations process is so difficult that, from workers’ perspectives, it sometimes appears designed to discourage them.

Workers seeking accommodations frequently encounter unclear and shifting requirements, miscommunication between on-site and off-site teams, and a lack of meaningful engagement from the company. Even when accommodations are granted, they are often poorly implemented, leaving workers vulnerable to dangerous working conditions, discipline, and retaliation. In addition, Amazon’s reliance on automated systems has led to wrongful terminations, exacerbating the difficulties already faced by workers with injuries or disabilities. Together, these issues reflect a systemic failure to adequately support warehouse workers, creating unnecessary hardship and perpetuating unsafe workplace practices.

### **A. Injured workers face significant challenges getting temporary accommodations**

When Amazon workers sustain injuries that prevent them from performing their assigned job duties, they often need workplace accommodations—but the process for securing those accommodations is complex, difficult, and burdensome.

To obtain temporary accommodations—also called “work restrictions”—after a workplace injury, workers must follow the steps outlined in Amazon’s “Return to Work” policy.<sup>713</sup> Workers begin by providing the company with documentation from a medical provider that outlines the specific accommodations needed, such as a limit on lifting items above a certain weight or the need to sit down during a shift.

Once submitted, Amazon safety managers enter this information into Amazon’s proprietary “Return to Work” tool, an online platform that then generates a “Job Match Report.”<sup>714</sup> This report identifies roles in workers’ warehouses that are compatible with their restrictions. Ultimately, however, warehouse leadership determines whether any positions that fit their restrictions are available.<sup>715</sup>

Although Amazon’s Return to Work policy purports to prioritize keeping workers who need accommodations in their existing roles, based on evidence the Committee received from both the

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<sup>713</sup> Worker Document 16 at 2.

<sup>714</sup> Worker Document 17; Worker Document 16 at 2–3, 9; HELP Committee Majority staff interview with BN (Oct. 12, 2023).

<sup>715</sup> Worker Document 16 at 9.

company and workers, that is not what happens in practice. As best the Committee can tell, when a worker inputs their medical information into the Return to Work tool, the tool identifies roles in the worker’s warehouse that are compatible with the worker’s restrictions—but does **not** suggest accommodations to the worker’s current role based on their needs.<sup>716</sup> And there does not appear to be an accommodations process that exists outside of the Return to Work tool. Put differently, although the Return to Work policy claims to prioritize accommodating workers in their current roles, there are no parts of the actual process in place to ensure that happens.

As a result, workers may be assigned to other roles instead of being accommodated in their current roles. And when there are no other roles available, workers are assigned to what Amazon calls “temporary light duty.”<sup>717</sup> Light duty tasks are supposed to be “temporary meaningful work roles with lighter physical demand,”<sup>718</sup> though workers report those tasks include dusting the warehouse,<sup>719</sup> sanitizing shoes,<sup>720</sup> cleaning the cafeteria,<sup>721</sup> verifying information from receipts,<sup>722</sup> and picking up garbage from the parking lot.<sup>723</sup> Under Amazon policy, temporary light duty roles are limited to just five percent of the warehouse’s workforce, an arbitrary cap that may not reflect how many workers need a temporary light duty role at any given time.<sup>724</sup> Workers on temporary light duty face another constraint as well: a strict 180-day limit on these assignments. And when light duty is not, or is no longer, possible, Amazon places the worker on an unpaid medical leave of absence.<sup>725</sup>

Workers reported a number of issues with Amazon’s Return to Work Policy and how it is implemented. For example, a safety manager described an instance where another worker’s request to be placed in specific positions that matched their work restrictions was denied.<sup>726</sup> Not surprisingly, workers also reported that temporary light duty and leaves of absence are very common—indicating Amazon could not, or did not, accommodate them in a regular job position.<sup>727</sup> One warehouse safety manager suggested that some managers intentionally avoid

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<sup>716</sup> See *id.* at 3 (stating the that Job Match Report “matches [a worker’s] restrictions against the physical demand requirements of **standard** Amazon process paths” or temporary light duty temporary work placements (emphasis added).)

<sup>717</sup> *Id.* at 11–12.

<sup>718</sup> *Id.* at 3.

<sup>719</sup> HELP Committee Majority staff interviews with NH (Sept. 5, 2023), Christine Manno (Oct. 10, 2023 & Feb. 8, 2024), Jessica Salerno (Oct. 18, 2023), and JC (Nov. 7, 2023).

<sup>720</sup> HELP Committee Majority staff interview with KV (Oct. 9, 2023).

<sup>721</sup> HELP Committee Majority staff interview with BM (Nov. 7, 2023).

<sup>722</sup> HELP Committee Majority staff interviews with RI (Oct. 27, 2023), RN (Oct. 30, 2023), Tiffany Skinner (Oct. 13, 2023), AW (Oct. 27, 2023), DH (Oct. 23, 2023), DC (Oct. 17, 2023), and TM (Oct. 16, 2023).

<sup>723</sup> HELP Committee Majority staff interview with FE (Oct. 25, 2023).

<sup>724</sup> Worker Document 16 at 11.

<sup>725</sup> *Id.* at 5.

<sup>726</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

<sup>727</sup> HELP Committee Majority staff interviews with NH (Sept. 5, 2023), RS (August 9 & Nov. 8, 2023), MC (Sept. 29, 2023), DH (Oct. 23, 2023), Jessica Salerno (Oct. 18, 2023), RI (Oct. 27, 2023), BM (Nov. 7, 2023), AW (Oct. 27, 2023), and TA (Nov. 9, 2023).



assigning available work to injured employees, forcing them to take leave instead, because those managers “have it out for people who get injured.”<sup>728</sup>

In some cases, Amazon is not willing to modify its standard job roles to accommodate injured workers, despite the company’s high rate of injuries creating a significant need for those accommodations. For example, Christine Manno required an ergonomic chair, even for temporary light duty work.<sup>729</sup> Instead of providing a chair, Amazon put her on a leave of absence.<sup>730</sup> Similarly, a worker who seriously aggravated a prior injury was denied an adjustment to his expected rate as an accommodation, and was instead offered a leave of absence.<sup>731</sup>

## **B. Workers needing longer-term or permanent accommodations face a confusing and tortuous process**

*“Amazon seems to design this policy to make this such a difficult process to get through, so people quit before they go through it.”*

*—Amazon worker<sup>732</sup>*

Amazon limits workers to 180 days on temporary light duty, after which their cases are transferred to the off-site Disability Leave Services (DLS) department.<sup>733</sup> DLS is responsible for managing accommodations for both longer-term workplace injuries and non-work-related disabilities. However, workers describe the accommodations process with DLS as opaque, difficult, and unnecessarily complicated.<sup>734</sup> Workers’ experiences reveal a process that routinely fails workers who need accommodations to do their jobs.

For example, many workers report not being provided with the information on how to apply for long-term accommodations. A warehouse safety manager explained that once workers at his warehouse reached the 180-day limit on temporary light duty, Amazon placed them on a leave of absence and also deactivated their badges and prevented them from entering the warehouse.<sup>735</sup> The safety manager elaborated that workers were often “forbidden to set foot on Amazon ground until they were cleared by the doctor . . . [and] it made it difficult because if they needed to speak to [Human Resources] or someone in the medical office, . . . [they] couldn’t get through to

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<sup>728</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

<sup>729</sup> HELP Committee Majority staff interviews with Christine Manno (Oct. 10, 2023 & Feb. 8, 2024).

<sup>730</sup> *Id.*

<sup>731</sup> HELP Committee Majority staff interview with KA (Nov. 2, 2023).

<sup>732</sup> HELP Committee Majority staff interview with MN (Nov. 21, 2023).

<sup>733</sup> Worker Document 16 at 12–13.

<sup>734</sup> HELP Committee Majority staff interviews with JG (Oct. 27, 2023), DR (Nov. 17, 2023), Denise Briggs (Nov. 8, 2023), Amy Courtney (Feb. 29, 2024), Christine Manno (Oct. 10, 2023 & Feb. 8, 2024), TM (Oct. 16, 2023), Tiffany Skinner (Oct. 13, 2023), MN (Nov. 21, 2023), Edward Murphy (Oct. 31, 2023), and LG (Nov. 14, 2023).

<sup>735</sup> HELP Committee Majority staff interview with MC (May 23, 2024).

someone because there are no direct phone numbers.”<sup>736</sup> A worker described a similar experience arriving at work to find they could not enter the building; only later were they informed that Amazon had placed them on a leave of absence.<sup>737</sup>

Even when workers are correctly referred to DLS, the process is still haphazard and disorganized. DLS staff use the same “Return to Work” tool that on-site staff use, but workers report that DLS staff lack important information about warehouse operations and the specific details of particular facilities.<sup>738</sup> As a result, DLS staff will sometimes recommend giving workers certain accommodations or placing workers in positions that are not actually functional at the worker’s facility.<sup>739</sup> As one worker explained the problem, DLS staff “don’t have any experience with what the actual job experience is like on site, they’re just using a computer system.”<sup>740</sup> Another worker had to deal with the same disconnect, and spent three weeks in back-and-forth discussions with DLS trying to secure an assignment at her warehouse that did not violate her accommodations.<sup>741</sup>

Engaging with DLS is also extremely challenging. Workers must contact DLS through Amazon’s internal app “AtoZ” or by phone.<sup>742</sup> Although workers are supposed to be assigned a caseworker, many workers reported that they were either not given one or could not reach anyone at DLS.<sup>743</sup> As one worker explained, “many times you would never hear from your caseworker at all and your case would be closed without resolution, or the caseworker would change halfway through, forcing you to start all over again.”<sup>744</sup> Another worker described her frustrations with the process:

They say you need [this document] from your doctor, but it is from my doctor. They ask for more information, it’s not clear what they want. And then they just go totally silent on me. Not responsive in the slightest. It’s really hard, I just kind of gave up on it.<sup>745</sup>

Workers also receive conflicting and inaccurate information about the accommodations process. Although accommodations requests must be sent to off-site DLS staff, many workers expect to discuss their accommodations with someone at their job site.<sup>746</sup> Attempts to communicate with

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<sup>736</sup> *Id.*

<sup>737</sup> HELP Committee Majority staff interview with KM (July 9, 2024).

<sup>738</sup> HELP Committee Majority staff interviews with MK (Sept. 20, 2023), Rochelle Cronan (Nov. 8, 2023); Worker Document 17.

<sup>739</sup> HELP Committee Majority staff interviews with Amy Courtney (Feb. 29, 2024), Rochelle Cronan (Nov. 8, 2023).

<sup>740</sup> HELP Committee Majority staff interview with MK (Sept. 20, 2023).

<sup>741</sup> HELP Committee Majority staff interview with Rochelle Cronan (Nov. 8, 2023).

<sup>742</sup> Worker Document 16 at 10.

<sup>743</sup> HELP Committee Majority staff interviews with GP (Oct. 16, 2023), LG (Nov. 14, 2023), DM (Nov. 6, 2023), Amy Courtney (Feb. 29, 2024), and SJ (Oct. 25, 2023).

<sup>744</sup> HELP Committee Majority staff interview with DM (Nov. 6, 2023).

<sup>745</sup> HELP Committee Majority staff interview with SJ (Oct. 25, 2023).

<sup>746</sup> Amazon policy states that HR personnel should only initiate a workers’ DLS case in specific situations. Worker Document 16 at 10 (“HR personal [sic] outside DLS are only asked to initiate cases on behalf of the [worker] in

on-site Human Resources representatives often result in confusion or contradictory guidance.<sup>747</sup> One worker summarized his experience:

Amazon will tell you [that you] need to go through the online system, which I did, and they'd ask for documentation, but they'd then say you need to work with your local [Human Resources representative], who would refer you back to the online system . . . They just jerked you around with no resolution.<sup>748</sup>

Even workers who disclosed disabilities during the hiring process faced obstacles. One worker was told that accommodations would not be an issue, but when she arrived for the first day of work, Human Resources informed her they could not accommodate her after all.<sup>749</sup> Another worker, who was incorrectly directed to file a request with DLS for a work-related injury, described months of back-and-forth as DLS and on-site staff gave conflicting instructions. She was placed on multiple leaves of absence when Amazon could not resolve her case.<sup>750</sup> As she explained: “They try to throw you in this loop where you get so frustrated that you quit or you get fired.”<sup>751</sup> Multiple other workers told the Committee about similar experiences navigating Amazon’s labyrinthine process—seeking answers and support and being placed on unpaid leave while they wait for their requests to be processed or after their requests are denied.<sup>752</sup>

Workers also reported being required to gather excessive paperwork, which further delays the process. Many said they had to repeatedly return to their doctor with the same forms because DLS claimed their forms were incomplete or lost.<sup>753</sup> One worker told the Committee:

After submitting the letter from my doctor, I get an email from the accommodations team saying the paperwork isn’t right. It said what I needed, it was all on there. I asked the doctor to fill it out again, maybe be more specific. She filled it out again, she sent it to them again. . . . They said it still wasn’t right. . . . They sent me an email saying the case was closed because they never got the information in time. The doctor sent it three times! At that point I would have to start completely over. **It was a deterrent to not get the accommodation, to get you frustrated enough that you just give up.**<sup>754</sup>

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emergent situations.”); *see also* HELP Committee Majority staff interviews with Connell Crooms (Oct. 10, 2023), LG (Nov. 14, 2023), and Drew Duzinkas (Oct. 27, 2023).

<sup>747</sup> HELP Committee Majority staff interviews with PO (Oct. 23, 2023), KH (July 27, 2023 & June 17, 2024), and LG (Nov. 14, 2023).

<sup>748</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

<sup>749</sup> HELP Committee Majority staff interviews with KH (July 27, 2023 & June 17, 2024).

<sup>750</sup> HELP Committee Majority staff interview with LG (Nov. 14, 2023).

<sup>751</sup> *Id.*

<sup>752</sup> HELP Committee Majority staff interviews with DM (Nov. 6, 2023), MN (Nov. 21, 2023), JA (Nov. 17, 2023), EM (Oct. 23, 2023), and TA (Nov. 9, 2023).

<sup>753</sup> HELP Committee Majority staff interviews with EM (Oct. 23, 2023), JC (Nov. 7, 2023), KW (Jan. 19, 2024), Amy Courtney (Feb. 29, 2024), NH (Sept. 5, 2023), AS (Sept. 29, 2023), DL (Oct. 24, 2023), Christine Manno (Oct. 10, 2023 & Feb. 8, 2024), GA (Oct. 27, 2023), Drew Duzinkas (Oct. 27, 2023), LG (Nov. 14, 2023), MN (Nov. 21, 2023), DR (Nov. 17, 2023), and Denise Briggs (Nov. 8, 2023 & Jan. 19, 2024).

<sup>754</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

Faced with the possibility of losing their livelihoods, many workers feel they have no choice but to risk further injury by continuing to work without accommodations. Even those workers eligible for short-term disability benefits experience significant financial strain, as those benefits only cover a portion of workers' usual pay. The Committee spoke with several workers who were forced to stop fighting for necessary accommodations out of financial need.<sup>755</sup>

Amazon's haphazard and disorganized accommodations process stands in stark contrast to the company's delivery process, which is capable of delivering an incredible range of products anywhere in the country in less than 48 hours.

### **C. Amazon's accommodations process does not appear to involve an interactive process**

Under federal law, workers requiring permanent accommodations due to work-related injuries or non-work-related disabilities are entitled to reasonable accommodations that enable them to perform their job duties, provided those accommodations do not impose an undue hardship on their employer.<sup>756</sup> The Equal Employment Opportunity Commission (EEOC) recommends an "interactive process" in which the employer and employee collaborate to identify reasonable accommodations.<sup>757</sup> While Amazon's policies claim that its DLS team initiates this process, the Committee found little evidence suggesting that it occurs in practice.<sup>758</sup>

Instead of engaging workers in a meaningful dialogue, Amazon's accommodations process appears mostly mechanical. Workers' restrictions are entered into the Return to Work tool that generates "job matches" based on predefined criteria.<sup>759</sup> If the tool produces no matches and light duty is not available, the accommodation is denied, and the worker is placed on unpaid leave without an opportunity to discuss alternative solutions.<sup>760</sup> As one worker explained: **"Amazon isn't participating in the interactive process. You submit something, your doctor submits something, Amazon decides whether they'll accommodate or not."**<sup>761</sup>

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<sup>755</sup> HELP Committee Majority staff interviews with KM (July 9, 2024), Denise Kohr (July 27, 2023, May 7, 2024, and May 21, 2024).

<sup>756</sup> 42 U.S.C. § 12112.

<sup>757</sup> For example, EEOC guidance explains that an employer may "ask the employee about his/her qualifications and interests;" discuss the effectiveness of different accommodations with a worker; and, if an employer identifies one or more potential accommodation for a worker, the worker's preference should "be given primary consideration." U.S. EQUAL EMP. OPPORTUNITY COMM'N, EEOC-CVG-2003-1, ENFORCEMENT GUIDANCE ON REASONABLE ACCOMMODATION AND UNDUE HARDSHIP UNDER THE ADA (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>.

<sup>758</sup> Worker Document 16 at 10 ("Once the [worker] initiates the accommodation or [leave of absence] request, the [Disability & Leave Services] team will begin the interactive process, review the request, and reach out to the [worker] by phone and via email within two (2) business days.").

<sup>759</sup> HELP Committee Majority staff interviews with SL (Oct. 31 & Nov. 28, 2023).

<sup>760</sup> "If no [temporary work placement] is available, DLS will support the [the worker] through the [leave of absence] process." Worker Document 16 at 10.

<sup>761</sup> HELP Committee Majority staff interviews with KH (July 27, 2023 & June 17, 2024).

Workers who requested accommodations are rarely consulted about whether a role was compatible with their needs or invited to discuss ways to adapt a position to their abilities—key elements of the interactive process under the Americans with Disabilities Act (ADA).<sup>762</sup> Instead, Amazon’s reliance on automated systems and the back and forth between DLS and on-site leadership leaves workers excluded from the decision-making process and uninformed until a decision is made.

*“There is no interaction between the worker and the accommodations team. I had zero input in the process, even when I attempted to explain what I actually needed [and] why.”*  
—Amazon worker<sup>763</sup>

For many workers, the result is a denial of accommodations after a long and burdensome application process.<sup>764</sup> Under the ADA, accommodations are considered reasonable unless they impose an “undue hardship” on the employer, which may involve factors such as the “cost of the accommodation,” the company’s “overall financial resources,” and the “impact of the accommodation on the operation of the facility.”<sup>765</sup> Yet the Committee found nothing in Amazon’s policies indicating that Amazon engages in an analysis of undue hardship when denying accommodations. Indeed, workers told the Committee about accommodation requests that would have minimal financial or operational impact—such as providing a chair—being denied.<sup>766</sup> One worker shared their “Job Accommodation Report,” which denied a request for a seated role because the company was “unable to accommodate” that request in the workplace.<sup>767</sup>

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<sup>762</sup> HELP Committee Majority staff interviews with JA (Nov. 9, 2023), DM (Nov. 6, 2023), WT (Nov. 7, 2023), Amy Courtney (Feb. 29, 2024), and JA (Nov. 17, 2023).

<sup>763</sup> HELP Committee Majority staff interview with JA (Nov. 17, 2023).

<sup>764</sup> HELP Committee Majority staff interviews with JA (Nov. 9, 2023), LY (Nov. 3, 2023), and RS (Aug. 9 & Nov. 8, 2023).

<sup>765</sup> U.S. EQUAL EMP. OPPORTUNITY COMM’N, EEOC-CVG-2003-1, ENFORCEMENT GUIDANCE ON REASONABLE ACCOMMODATION AND UNDUE HARDSHIP UNDER THE ADA (Oct. 17, 2002) <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada#undue> (citing 42 U.S.C. § 12111(10)(B) (1994); 29 C.F.R. § 1630.2(p)(2) (1997); 29 C.F.R. pt. 1630 app. § 1630.2(p) (1997); A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act, at 3.9, 8 FEP Manual (BNA) 405:7005–07 (1992)).

<sup>766</sup> HELP Committee Majority staff interviews with LY (Nov. 3, 2023), EM (Oct. 23, 2023).

<sup>767</sup> HELP Committee Majority staff interview with PO (Oct. 23, 2023).

Job Accommodation Report			
		02/05/2022	
Fulfillment Associate	DB1-0730	Current Start Time: 0730	
Current Manager:	Current FCLM Code:	Current Location:	
<b>Accommodation Details</b>			
AI Type	AI Status	AI Start Date	AI End Date (If applicable)
Job Restructuring	Denied	01/20/2022	02/20/2022
Additional Comments: (Maximum characters allowed 400) <b>Summary of Restrictions with End Date(s): 30 days</b> <b>Needs Seated Role</b> <b>Site unable to Accommodate.</b>			
<b>If Unable to Accommodate in the Workplace, Provide Reason:</b>			
<input type="checkbox"/> Employee Did Not Participate in the Accommodation Process <input checked="" type="checkbox"/> Unable to Accommodate in the Workplace <input type="checkbox"/> Other: (Maximum characters allowed 400)			
<b>Stakeholders</b>			
Employee:			
Manager/Representative:			
Amazon Case Manager:			

Job Accommodation Report shared by a worker in which their request to sit during their shift was denied because the warehouse was “unable to accommodate” the request. Redactions and highlighting by the Committee.<sup>768</sup>

A Human Resources worker told the Committee that certain types of accommodations, such as requests for chairs or limits on repetitive movements, were “automatically rejected” with no effort to explore alternative solutions.<sup>769</sup> This practice not only undermines the protections guaranteed by the ADA, it seriously fails workers with disabilities—which is especially egregious given that many of the workers’ acquired disabilities are a result of injuries sustained in the company’s warehouses.

These practices suggest that Amazon’s accommodations process falls far short of the interactive standard required by law. Instead of working collaboratively with employees to identify reasonable solutions, the company’s automated approach leaves workers ignored, exhausted, and often forced out of the workplace.

#### **D. Amazon fails to properly implement accommodations**

Workers face significant challenges in accessing and using approved accommodations due to Amazon’s poor implementation practices and lack of clear communication. A number of issues stem directly from the role, or lack thereof, that managers play in the accommodations process. Managers, who are ultimately responsible for implementing accommodations, are typically left out of the process until after an accommodation is granted. Multiple workers told the Committee

<sup>768</sup> Worker Document 18.

<sup>769</sup> HELP Committee Majority staff interview with MN (Nov. 21, 2023).

that Amazon informs managers of accommodations via a single email.<sup>770</sup> Workers do not have consistent managers, so managers are often unaware of workers' accommodations.<sup>771</sup> One worker reported having 18 different managers during her five years at Amazon, underscoring the likelihood for a disconnect.<sup>772</sup>

The process is so disorganized that managers are often unaware of workers' needs. As an AM CARE worker explained to the Committee, managers frequently reached out to him about whether workers have approved accommodations, including where workers with accommodations are supposed to be assigned.<sup>773</sup> Workers also described repeated challenges with their site management denying use of their accommodation or claiming there was no record of one.<sup>774</sup>

Even where managers do not create challenges, workers face other barriers in accessing their accommodations. One worker, whose accommodation included particular equipment, reported that Amazon lost the equipment multiple times. He told the Committee, "it took them from August until the second week of December to replace it—they ordered three more and lost all of them."<sup>775</sup> Such failures reveal a troubling lack of care, organization, and basic oversight of the accommodations process.

*"Once you ask for accommodation, they see you as a problem." –Amazon worker<sup>776</sup>*

Workers with disabilities also described a lack of support and respect for their needs.<sup>777</sup> A Deaf worker shared that while he received an American Sign Language (ASL) interpreter for his initial training, he was not provided with an interpreter for any subsequent trainings. In his words, "I had to fly by the seat of my pants as I went through the job processes."<sup>778</sup>

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<sup>770</sup> HELP Committee Majority staff interviews with MK (Sept. 20, 2023), MN (Nov. 21, 2023), MC (May 23, 2024), and SL (Oct. 31 & Nov. 28, 2023).

<sup>771</sup> HELP Committee Majority staff interviews with DM (Nov. 6, 2023), MN (Nov. 21, 2023), MC (May 23, 2024), and Denise Kohr (July 27, 2023, May 7, 2024, and May 21, 2024).

<sup>772</sup> HELP Committee Majority staff interviews with Denise Kohr (July 27, 2023, May 7, 2024, and May 21, 2024).

<sup>773</sup> HELP Committee Majority staff interview with MK (Sept. 20, 2023).

<sup>774</sup> HELP Committee Majority staff interviews with DM (Nov. 6, 2023), CC (Nov. 7, 2023), MS (Nov. 8, 2023), Connell Crooms (Oct. 10, 2023), JF (Aug. 17, 2023), and AS (Sept. 29, 2023).

<sup>775</sup> HELP Committee Majority staff interview with EM (Oct. 23, 2023).

<sup>776</sup> HELP Committee Majority staff interviews with Denise Kohr (July 27, 2023, May 7, 2024, and May 21, 2024).

<sup>777</sup> HELP Committee Majority staff interviews with Mary Hill (July 9, 2024), LQ (Nov. 13, 2023), KH (July 27, 2023 & June 17, 2024), Connell Crooms (Oct. 10, 2023), and EM (Oct. 23, 2023).

<sup>778</sup> HELP Committee Majority staff interviews with Mary Hill (July 9, 2024), LQ (Nov. 13, 2023), KH (July 27, 2023 & June 17, 2024), Connell Crooms (Oct. 10, 2023), and EM (Oct. 23, 2023).

<sup>778</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

Other workers told the Committee that they were retaliated against for needing accommodations.<sup>779</sup> This retaliation includes workers placed on temporary light duty after an injury.<sup>780</sup> One worker, who, as part of this light duty, was tasked with picking up trash in the parking lot in extreme heat, said that the experience demonstrated that “how Amazon treats you when you’re on light duty” is “a problem.”<sup>781</sup> At another facility, light-duty workers were placed at a table near the warehouse entrance, a position one worker described as “putting workers on display.”<sup>782</sup> She continued: “We’re out in the open at a table and four chairs. People are parading by, making remarks, giving dirty looks. We’re humiliated, embarrassed, judged. This is an intimidation technique.”<sup>783</sup>

The Committee also heard concerns from workers about the tension between workers’ accommodations and Amazon’s speed requirements.<sup>784</sup> For example, the same Deaf worker shared how communicating in ASL reduced his rate, putting him at odds with Amazon’s speed requirements. He explained:

I have to stop what I’m doing and sign to communicate. And I’m punished for each second I’m not working, for using my hands to communicate. I tried to get [Human Resources’] attention, and they said it’s a good point but didn’t do anything to fix it . . . . There’s no understanding of how to work with people with disabilities. They said I was terminated because I was in violation of the time policies. I was begging for an accommodation, the doctor said I needed an accommodation for my schedule and an interpreter, and they couldn’t do that. I needed a change of role, they couldn’t do that. In my three years there, Amazon wasn’t able to do anything for me for an accommodation or safety at work.<sup>785</sup>

Additionally, several workers described instances in which using an accommodation resulted in time off task that should have been excused but was not.<sup>786</sup>

Amazon’s failure to properly implement accommodations leaves workers humiliated and vulnerable to discipline and even termination. A company of Amazon’s size and resources should have functional, efficient systems in place to ensure workers receive the accommodations they need.

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<sup>779</sup> HELP Committee Majority staff interviews with Denise Kohr (July 27, 2023, May 7, 2024, and May 21, 2024), and KH (July 27, 2023 & June 17, 2024).

<sup>780</sup> HELP Committee Majority staff interviews with Rochelle Cronan (Nov. 8, 2023), BM (Nov. 7, 2023), and FE (Oct. 25, 2023).

<sup>781</sup> HELP Committee Majority staff interview with FE (Oct. 25, 2023).

<sup>782</sup> HELP Committee Majority staff interview with Rochelle Cronan (Nov. 8, 2023).

<sup>783</sup> *Id.*

<sup>784</sup> HELP Committee Majority staff interviews with Connell Crooms (Oct. 10, 2023), Amy Courtney (Feb. 29, 2024).

<sup>785</sup> HELP Committee Majority staff interview with Connell Crooms (Oct. 10, 2023).

<sup>786</sup> HELP Committee Majority staff interviews with MN (Nov. 21, 2023), Amy Courtney (Feb. 29, 2024), and Drew Duzinkas (Oct. 27, 2023).



## **E. Amazon terminates workers who are on medical leave**

Amazon's accommodation process often results in injured workers being placed on unpaid medical leave, and the Committee found troubling instances of workers being terminated while on this leave. Multiple workers interviewed during the investigation shared experiences of being fired while still recovering from work-related injuries.

Some of those terminations appear to result from errors in Amazon's automated time-tracking systems, which can fail to account for workers on approved medical leave. These errors result in the system registering significant amounts of unpaid time off for these workers, triggering termination notices for "job abandonment."<sup>787</sup> A Human Resources employee explained that before Amazon implemented its automated system, she had to manually review a report every day of workers with negative unpaid leave balances.<sup>788</sup> She sometimes found workers on leaves of absence with "hundreds of thousands of hours of negative time," meaning they were considered to be in violation of company policy and could face disciplinary action. She had to personally remove workers she knew were on a leave of absence so they would not be flagged for disciplinary action.<sup>789</sup> As an example, Tiffany Skinner was on approved medical leave for four months due to a work-related injury. When she returned, Amazon said she had negative unpaid time off. She had to go to Human Resources to request that the mistake be fixed.<sup>790</sup>

These erroneous terminations cause tangible harm, stripping workers of their livelihood while they navigate recovering from a serious injury or living with a newly acquired disability. One worker, recovering from a severe foot injury, was terminated a week before she was scheduled to return to work.<sup>791</sup> She received a letter by email terminating her employment. Reflecting on her termination, she told the Committee:

I was shocked, pissed off, and sick to my stomach, because now I'm out of a job, I can't walk around. Who is going to hire someone already with crutches and a boot? We're really struggling, I'm struggling to keep bills paid and food in the fridge.<sup>792</sup>

An email terminating a worker while on medical leave is shown below.

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<sup>787</sup> HELP Committee Majority staff interview with MN (Nov. 21, 2023) ("People got terminated all the time that were on these leaves [of absence for medical reasons]—the system detects that negative unpaid time, doesn't ask questions. It was supposed to send messages to people asking them to call a central 1-800 number to talk to someone who could put notes in their account that would populate to people on-site, and workers would ignore it or wouldn't get the message because they had a different number or something. Amazon doesn't ask anyone to update their records.").

<sup>788</sup> *Id.*

<sup>789</sup> *Id.*

<sup>790</sup> HELP Committee Majority staff interview with Tiffany Skinner (Oct. 13, 2023).

<sup>791</sup> HELP Committee Majority staff interviews with Denise Briggs (Nov. 8, 2023 & Jan. 19, 2024).

<sup>792</sup> *Id.*



Dear [REDACTED]:

This letter confirms that the date of your voluntary resignation due to job abandonment with Amazon.com Services LLC is [REDACTED] 2023.

You have executed a Confidentiality and Invention Assignment Agreement with the Company. You are reminded that certain provisions of the agreement survive the termination of your employment with the Company and remain in full force and effect. Your agreement is available for review and download in the MyDocs portal for 90 calendar days after the end of your employment.

We wish you the best in your future endeavors.

Sincerely,  
Amazon Human Resources

Termination letter sent to a worker on approved medical leave, stating that their termination is due to “job abandonment.” Redaction by Committee.<sup>793</sup>

Other workers described similar experiences. Tiffany Skinner was terminated while recovering from neck surgery for her work-related injury.<sup>794</sup> After her initial medical leave, she returned to Amazon on light duty—but soon had to go out on medical leave again for her surgery. Her surgery was major: an anterior cervical discectomy and fusion, which involves fusing the vertebrae in the neck together. She checked in with a supervisor before leaving, who assured Ms. Skinner she just needed to provide a doctor’s note. After her surgery, Ms. Skinner sent Amazon updated doctor’s notes every few weeks as required, attesting that she was still recovering from the surgery. But despite this effort, a Human Resources employee called her to ask if she was coming back. Then her doctor told her that Amazon had contacted their office to ask when she would be back at work. Amazon terminated her several days later—despite her still being on medical leave.

These terminations are not isolated incidents. The Committee heard from a worker terminated by email after just three days of leave,<sup>795</sup> another who received multiple termination threats while

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<sup>793</sup> Worker Document 19. The worker who shared this document told the Committee they were on approved medical leave when they received the termination letter.

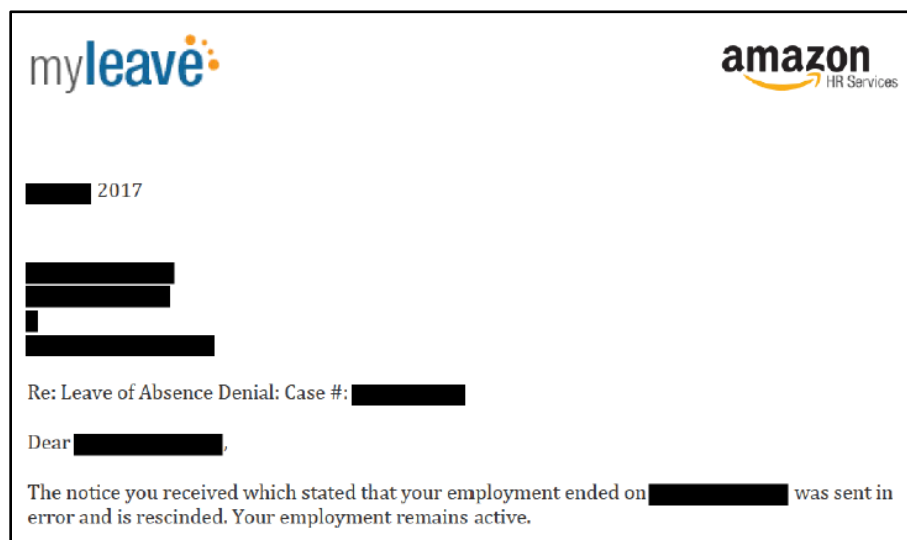
<sup>794</sup> HELP Committee Majority staff interview with Tiffany Skinner (Oct. 13, 2023).

<sup>795</sup> HELP Committee Majority staff interview with J Lopez (Nov. 8, 2023).

seeking medical care for two ruptured discs after boxes fell on his back,<sup>796</sup> and multiple workers who received termination letters while on approved medical leaves of absence.<sup>797</sup> OSHA similarly found cases of terminations of injured workers in Amazon warehouses, including one warehouse in Deltona, Florida, where “several workers . . . had been terminated while still suffering from injuries, before achieving maximum medical improvement.”<sup>798</sup>

Workers terminated while on leave lose access to the AtoZ app, including messages with Human Resources and medical documents they submitted to the company. Without these resources, workers may not have the information they need to appeal wrongful terminations, compounding the harm caused by these errors.<sup>799</sup> As one worker explained, “Amazon will claim it’s a mistake, but workers don’t know how to correct the issue and fight to keep their job.”<sup>800</sup>

Fortunately, at least some workers are able to appeal and correct their termination. For example, the Committee heard from a worker who challenged his termination and had it rescinded, as reflected in the email excerpted below. But even when workers are able to correct the company’s errors, these terminations create unnecessary stress for workers already dealing with serious injuries. Terminating workers on medical leave—whether due to errors or systemic issues—harms already vulnerable employees and undermines trust in Amazon’s systems.



Notice from Amazon to a worker stating that a previous termination notice was sent in error, as the worker was on a medical leave of absence and appealed the termination. Redaction by Committee.<sup>801</sup>

Amazon’s failure to provide a clear and consistent accommodations process leaves injured and disabled workers to navigate a convoluted system. The systemic issues workers face—

<sup>796</sup> HELP Committee Majority staff interview with Dan Vallot (Oct. 25, 2023).

<sup>797</sup> HELP Committee Majority staff interviews with DL (Oct. 24, 2023), Edward Murphy (Oct. 31, 2023), and AP (Nov. 1, 2023).

<sup>798</sup> Letter from David Tisdale, OSHA, to Stephen Waller, Amazon.com Services, *supra* note 239 at 3.

<sup>799</sup> HELP Committee Majority staff interviews with Denise Briggs (Nov. 8, 2023 & Jan. 19, 2024).

<sup>800</sup> HELP Committee Majority staff interview with Heather Goodall (Nov. 14, 2023).

<sup>801</sup> Worker Document 20. The worker who shared this document told the Committee that they were on approved medical leave when they received the termination notice and that they appealed the termination.

labyrinthine systems, accommodation denials, failures to implement approved accommodations, and retaliatory practices and wrongful terminations—are the result of a workplace culture that does not value the rights and needs of its workforce. For a company of Amazon’s size and resources, these failures are both preventable and inexcusable. The company must address these challenges to ensure the dignity, safety, and well-being of its workers—not cast workers aside when they are inevitably injured in Amazon warehouses, or require legally protected accommodations for their disability.

## **CONCLUSION**

The Committee's 18-month investigation revealed new depths of Amazon's obsession with speed and productivity. Specifically, it showed how closely Amazon tracks its workers and that the company uses this constant monitoring to pressure workers to meet extremely demanding speed and productivity requirements. It also showed how meeting those requirements forces workers to move in unsafe ways that lead to injuries.

In addition, the Committee's investigation uncovered new evidence of Amazon's knowledge of how to address its long-running workplace injury crisis. The company knows that speed is directly related to worker injury rates, and it knows that it could relax its requirements for workers and reduce those injury rates. But Amazon has chosen not to—and instead has claimed that minor workplace safety measures are sufficient. They are not. The company's refusal to address its injury crisis puts workers at risk every day.

The investigation also revealed far more than was previously known about how the company uses pressure tactics to delay and impede workers from receiving needed medical care or from obtaining necessary accommodations once they have been injured. In addition, the Committee's investigation has shown that Amazon knows its warehouses are uniquely dangerous—but chooses to mount a public relations effort to hide that data instead of addressing the underlying problems.

Amazon's continued and daily endangerment of the nation's second largest private-sector workforce must end. The United States Congress cannot allow any company to treat its workers as disposable. Amazon must be held responsible.

This report is intended to be part of a broader effort by workers, advocates, legislators and journalists to hold Amazon accountable. The Committee has included two appendices to this report that aim to further those efforts: **Appendix A** includes additional worker stories about safety hazards that were outside the scope of this report, and **Appendix B** identifies additional issues that the Committee encountered during the course of the investigation that the Committee believes merit additional investigation. The Committee also notes that Amazon has failed to sufficiently respond to two letters regarding the company's treatment of delivery drivers from Senator Chris Murphy (D-Ct.) and 33 other senators, including Chairman Sanders.<sup>802</sup>

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<sup>802</sup> Press Release, U.S. Senator Chris Murphy, Murphy Leads Bipartisan Group of 29 Senators in Calling Out Amazon's Mistreatment of Delivery Drivers (Jan. 10, 2024), <https://www.murphy.senate.gov/newsroom/press-releases/-murphy-leads-bipartisan-group-of-29-senators-in-calling-out-amazons-mistreatment-of-delivery-drivers>; Press Release, U.S. Senator Chris Murphy, Murphy Leads Bipartisan Group of 34 Senators in Pressing Amazon for Answers on the Mistreatment of Delivery Drivers (June 6, 2024), <https://www.murphy.senate.gov/newsroom/press-releases/murphy-leads-bipartisan-group-of-34-senators-in-pressing-amazon-for-answers-on-the-mistreatment-of-delivery-drivers>.

## **APPENDIX A: ADDITIONAL SAFETY HAZARDS IN AMAZON WAREHOUSES**

The hazardous conditions of Amazon’s physical environment have been widely documented in media reports, worker accounts, and through numerous citations and hazard alert letters sent to Amazon by OSHA and state enforcement agencies.

The Committee’s interviews with workers expanded upon those public reports, confirming that Amazon’s warehouses across the country are unsafe, for reasons in addition to the speed of work. Specifically, workers raised repeated concerns about poorly maintained and broken equipment that increase injury risks, hazardously stacked materials and boxes that cause accidents and injuries, and extreme heat that makes workers sick.<sup>803</sup> These consistent stories—coupled with a lack of action on the part of managers when concerns are reported—tell a pattern of the company’s failure to take safety seriously.

### **A. Poorly maintained equipment**

Workers consistently told the Committee that working with poorly maintained and broken equipment was a regular part of their jobs—and noted that it put them at significant risk of injury. Workers described broken ladders, broken scanners, and broken bins—all of which employees need to do their jobs.<sup>804</sup> This section will discuss three types of common equipment issues workers reported: malfunctioning motorized vehicles, broken carts, and broken pallets.

Several workers specifically identified that maintenance of forklifts was inadequate. These vehicles fall into the category of powered industrial trucks (PITs), which includes a variety of machines that often lift workers high above the ground so they can grab items off shelves in Amazon’s cavernous warehouses.<sup>805</sup> Multiple workers told the Committee about situations where they or their colleagues were stranded high above the ground in PITs that malfunctioned.<sup>806</sup> Some of those workers were as high as 35 feet above the ground with no way to communicate to management or any way to get help except waiting for a colleague to pass and

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<sup>803</sup> Those workers’ experiences will be detailed in this section. The Committee also heard multiple stories about workers lacking adequate supplies for cleaning up spills, including spills of chemicals (HELP Committee Majority Staff interviews with AP (Nov. 1, 2023), DR (Nov. 17, 2023), MS (Nov. 8, 2023), Jessica Salerno (Oct. 18, 2023), MB (Oct. 23, 2023), DC (Oct. 17, 2023), and AW (Nov. 22, 2023)) and lacking adequate personal protective equipment in freezing cold industrial freezers. HELP Committee Majority staff interviews with JW (Sept. 20, 2023), KW (Nov. 9, 2023).

<sup>804</sup> HELP Committee Majority staff interviews with TA (Nov. 9, 2023), LG (Nov. 14, 2023), JW (Sept. 20, 2023), Heather Goodall (Nov. 14, 2023), Christine Manno (Oct. 10 & Nov. 18, 2023), and JT (Oct. 20, 2023).

<sup>805</sup> One worker told the Committee about an instance where the main load-supporting wheel came off an order picker while a worker was elevated multiple stories in the air, risking serious injury. HELP Committee Majority staff interview with KH (Oct. 24, 2023). *See also* HELP Committee Majority staff interview with MB (Oct. 23, 2023).

<sup>806</sup> HELP Committee Majority staff interviews with MC (Sept. 29, 2023), MB (Oct. 23, 2023), and Maji Vallot (Oct. 25, 2023).

come to their aid.<sup>807</sup> OSHA found a similar problem during one of its inspections of an Amazon warehouse. In 2023, OSHA cited an Amazon warehouse in Georgia because a worker was stuck high above the ground while his PIT malfunctioned.<sup>808</sup>

Workers also reported regularly using broken equipment. The most common set of concerns workers raised was about broken carts, which many workers must use throughout the day to transport items around warehouses. One worker in Virginia sustained a serious shoulder injury while pulling a cart with broken wheels full of packages behind a delivery van.<sup>809</sup> While he was trying to pull the cart, its wheels stuck and it suddenly stopped moving. When he tried to move it again, the worker felt a “jolt” down his entire right side, and then felt pain and numbness in his hip, arm, and shoulder.<sup>810</sup>

The same worker estimated that up to one quarter of the carts in the area he worked did not have working brakes, and alerted management after his injury that the carts needed to be fixed.<sup>811</sup> But when he spoke to the Committee two months after his injury, the carts were still broken.<sup>812</sup> Amazon could have prevented his injury and others by listening to worker complaints about broken carts and taking action.

That worker’s experience is not uncommon. The Committee spoke to a number of workers who mentioned similar issues with the carts and cages they use to move items around the warehouse. Several workers described carts and cages with broken wheels and brakes, including one worker who told the Committee her warehouse had carts with only one brake, causing them to run into other workers when the single brake was insufficient to slow the carts down.<sup>813</sup> Another worker in California told the Committee that he and his colleagues complained to managers about damaged wheels on carts for more than a year before warehouse management took steps to replace them.<sup>814</sup> In the meantime, he developed consistent pain in one shoulder from pushing the poorly functioning carts and has tried to only use his other arm at work—a tactic that he worries will lead to an injury in his other shoulder.<sup>815</sup>

Workers also told the Committee about reporting safety issues to managers that were never addressed or, in many cases, never even acknowledged.<sup>816</sup> In one particularly troubling example,

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<sup>807</sup> HELP Committee Majority staff interviews with MC (Sept. 29, 2023), MB (Oct. 23, 2023), and Maji Vallot (Oct. 25, 2023).

<sup>808</sup> DOL, OSHA, Inspection No. 1669749 (Oct. 13, 2023), [https://www.osha.gov/ords/imis/establishment.inspection\\_detail?id=1669749.015](https://www.osha.gov/ords/imis/establishment.inspection_detail?id=1669749.015).

<sup>809</sup> HELP Committee Majority staff interview with JT (Oct. 20, 2023).

<sup>810</sup> *Id.*

<sup>811</sup> *Id.*

<sup>812</sup> *Id.*

<sup>813</sup> HELP Committee Majority staff interviews with KH (Oct. 24, 2023), KY (Nov. 8, 2023), and Heather Goodall (Nov. 14, 2023).

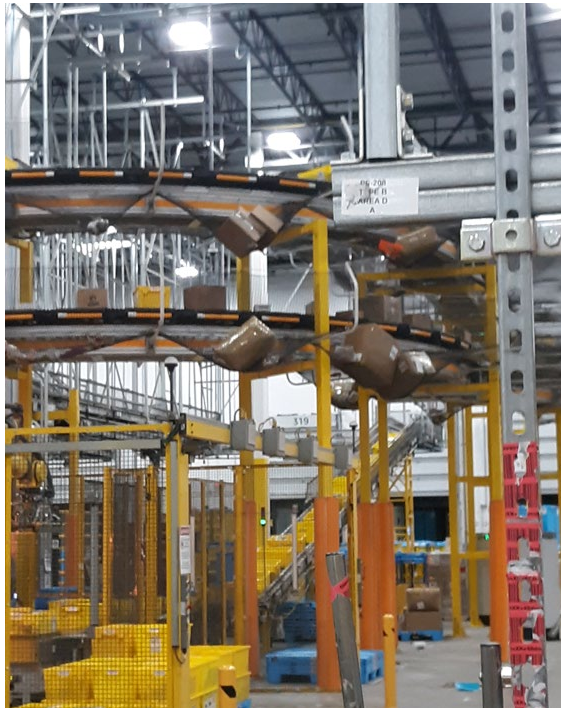
<sup>814</sup> HELP Committee Majority staff interview with AW (Nov. 22, 2023).

<sup>815</sup> *Id.*

<sup>816</sup> HELP Committee Majority staff interviews with SD (Oct. 5, 2023), AS (Dec. 4, 2023), Carla Caldwell (Nov. 7, 2023), Connell Crooms (Oct. 10, 2023), Drew Duzinkas (Oct. 27, 2023), GW (Jan. 21, 2024), James Enright (Oct. 19, 2023), JT (Oct. 20, 2023), KW (Jan. 19, 2024), MC (Sept. 29, 2023), MB (Oct. 23, 2023), and RS (Sept. 8, 2023).

a worker raised concerns about the safety features that prevent packages from falling off conveyor belts that run high above workers' heads in large warehouses. Although overhead conveyor belts are surrounded by protective netting, as demonstrated in the image below, this netting must be free of holes to ensure packages do not fall through any frayed sections and tumble multiple stories to the floor below. The worker told the Committee that she and her colleagues repeatedly pointed out to managers a place where netting around the conveyor belt was fraying.<sup>817</sup> Those managers did nothing. A package later fell off the conveyor belt, through the frayed netting, and hit a worker on the head. That person was knocked out, sustained a concussion, and ended up in the hospital.<sup>818</sup>

This incident is undoubtedly a failure of the managers at that worker's facility. But multiple workers raised similar concerns about packages falling from overhead conveyor belts and the safety of the protective netting in other facilities.<sup>819</sup> In several of these cases, site managers chose to ignore workers' concerns and risk injuries rather than fixing obvious safety hazards.<sup>820</sup>



A photograph, provided by a worker to the Committee, showing boxes that fell off a conveyor belt caught in protective netting, which workers say sometimes is not properly maintained.<sup>821</sup>

Workers raised similar concerns about the safety hazards created when they stacked items on broken pallets—the wooden stands for piles of boxes or items that often serve as the base for transporting large stacks of products. One worker in Florida told the Committee that a broken

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<sup>817</sup> HELP Committee Majority staff interviews with RS (Sept. 8 & Nov. 8, 2023).

<sup>818</sup> *Id.*

<sup>819</sup> HELP Committee Majority staff interviews with SC (Oct. 17, 2023), Heather Goodall (Nov. 14, 2023).

<sup>820</sup> HELP Committee Majority staff interviews with RS (Sept. 8 & Nov. 8, 2023), AM (Feb. 26, 2024).

<sup>821</sup> Worker Document 21.



pallet in his warehouse snapped, causing a pile of televisions to tumble 25 feet to the ground.<sup>822</sup> Fortunately, no workers were immediately below.<sup>823</sup> “They’re just trying to cut corners every way possible,” the worker said about the company’s refusal to replace broken pallets.<sup>824</sup>

OSHA has, again, observed similar issues. In July 2023, OSHA sent a hazard alert letter to an Amazon warehouse in Jupiter, Florida noting that workers were “exposed to trip, fall and impalement hazards due to stored displaced merchandise, [and] broken wooden pallets with protruding nails.”<sup>825</sup> As reported by OSHA, in August 2020, a worker operating a powered industrial truck was injured when his foot hit a “piece of wood from a broken pallet.”<sup>826</sup> He had to be hospitalized as a result.<sup>827</sup>

## **B. Hazardously stacked materials**

In addition to broken and malfunctioning equipment, workers reported that they regularly encounter shelves and pallets that are overloaded or haphazardly stacked with boxes of merchandise. OSHA regulations require employers to ensure stacked materials are “stable and secure against sliding or collapse.”<sup>828</sup> But workers told the Committee about how dangerously stacked items created persistent safety issues in Amazon warehouses.<sup>829</sup>

This is especially true when such items obstruct lanes where workers are driving PITs. Workers driving on forklifts and other PITs through aisles can run into improperly stacked items with their machines, causing items to fall onto either the PIT drivers or unsuspecting workers in the immediate vicinity.<sup>830</sup> A worker in Louisiana told the Committee that products “stick[ing] out into the aisles” created “multiple incidents of product being caught and falling” when equipment is being driven down the aisles.<sup>831</sup>

Again, decisions by managers make this problem worse. One worker described how managers at their facility in Florida removed the safety buffers at the end of each aisle and replaced them with stacks of inventory, causing forklifts to narrowly miss hitting workers because of the reduced visibility.<sup>832</sup> Christine Manno, who works at a warehouse outside of St. Louis, Missouri,

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<sup>822</sup> HELP Committee Majority staff interview with TM (Oct. 16, 2023).

<sup>823</sup> *Id.*

<sup>824</sup> *Id.*

<sup>825</sup> Letter from Condell Eastmond, Area Dir., Fort Lauderdale Area Off., OSHA, DOL, to Amazon Pbl2, Jupiter, FL, at 1 (July 27, 2023) (on file with Committee).

<sup>826</sup> Committee analysis of data from OSHA’s Severe Injury Reports for NAICS code 493110. OSHA, DOL, *Severe Injury Reports*, <https://www.osha.gov/severe-injury-reports> (last visited Nov. 22, 2024).

<sup>827</sup> *Id.*

<sup>828</sup> 29 C.F.R. § 1910.176(b).

<sup>829</sup> HELP Committee Majority staff interviews with TM (Oct. 16, 2023), Christine Manno (Oct. 10 & Nov. 8, 2023), and LS (Oct. 24, 2023).

<sup>830</sup> HELP Committee Majority staff interviews with KL (Nov. 6, 2023), MB (Oct. 23, 2023), LG (Nov. 14, 2023), and TA (Nov. 9, 2023).

<sup>831</sup> HELP Committee Majority staff interview with Maji Vallot (Oct. 25, 2023).

<sup>832</sup> HELP Committee Majority staff interview with TM (Oct. 16, 2023).

“repeatedly sent management . . . safety messages” about boxes stacked unsafely on the top shelf, putting workers who drive forklifts down these aisles at risk of injury.<sup>833</sup> She also explained that when she reached those unsafe packages, instead of the forklift grabbing the packages, “you have to scoot the boxes toward the edge and let them drop into your arms and hope you catch them.”<sup>834</sup>



A photograph, provided by a worker to the Committee, of product stacked higher than the allowable limit, as noted by the top orange bar with arrows pointing to it. Red arrows added by Committee.<sup>835</sup>

Eventually, the exact issue she had raised to management led to Ms. Manno to be seriously injured. While catching a case stacked too high on the top row, she felt pain in her neck, arms, lower back, and legs.<sup>836</sup> It resulted in a neck injury that plagues Christine with chronic pain and reduced quality of life.<sup>837</sup> When she told management at her facility that she was injured as a result of packages that were stacked too high, she was told that “they’d send someone” to the area where she was hurt.<sup>838</sup> But nothing changed. As she told the Committee: “Safety [team staff] comes and looks, sees what I’m talking about, and they still didn’t do anything. The same pallet that caused my neck injury was still there two to three weeks after my injury.”<sup>839</sup>

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<sup>833</sup> HELP Committee Majority staff interviews with Christine Manno (Oct. 10 & Nov. 8, 2023).

<sup>834</sup> *Id.*

<sup>835</sup> Worker Document 22.

<sup>836</sup> HELP Committee Majority staff interviews with Christine Manno (Oct. 10 & Nov. 8, 2023).

<sup>837</sup> *Id.*

<sup>838</sup> *Id.*

<sup>839</sup> *Id.*

### C. Extreme heat

Workers also regularly experience unsafe heat in Amazon’s warehouses. A number of workers told the Committee about very hot working conditions;<sup>840</sup> air conditioning that is either broken, not sufficient to cool down the space, or not available throughout the warehouse;<sup>841</sup> and fans that do little to counteract the stifling heat.<sup>842</sup> Workers described the high temperatures as particularly bad when loading and unloading trailers that dock from outside.<sup>843</sup>

Not surprisingly, a significant number of workers the Committee interviewed have witnessed at least one colleague pass out due to heat exposure.<sup>844</sup> Several workers have also experienced heat exhaustion themselves.<sup>845</sup>

Once again, several workers described to the Committee how management was unresponsive to employee concerns about heat.<sup>846</sup> One worker shared:

My first summer working there, the AC went out and was out for two days. Everyone was hot, so we asked for cold water from HR. Could they walk around with a cart? They didn’t want to do that. So a coworker went off his station and went and got cold water for everyone.<sup>847</sup>

OSHA has not, as of the release of this report, finalized specific regulations requiring employers to protect workers from extreme heat. However, employers can be liable for failing to keep workers safe from heat under a general duty to have workplaces “free from recognized hazards.”<sup>848</sup> And OSHA has observed heat-related hazards in Amazon warehouses. OSHA issued a hazard alert letter to a warehouse in Colorado stating that “the ventilation provided from the mounted cooling fans is not sufficient to cool employees working in the trucks” and that Amazon has “not implemented an acclimatization program for new employees or for employees

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<sup>840</sup> HELP Committee Majority staff interviews with JP (Nov. 1, 2023), DR (Nov. 17, 2023), KH (Oct. 24, 2023), SC (Oct. 17, 2023), Connell Crooms (Oct. 10, 2023), LQ (Nov. 13, 2023), James Enright (Oct. 19, 2023), SJ (Oct. 25, 2023), Christine Manno (Oct. 10 & Nov. 8, 2023), EM (Oct. 23, 2023), JG (Oct. 27, 2023), and JM (Nov. 7, 2023).

<sup>841</sup> HELP Committee Majority staff interviews with LQ (Nov. 13, 2023), WT (Nov. 7, 2023), TM (Oct. 16, 2023), KV (Oct. 9, 2023), AR (Sept. 13, 2023), RS (Sept. 8 and Nov. 8, 2023), James Enright (Oct. 19, 2023), TF (Oct. 6, 2023), DH (Oct. 23, 2023), JI (Nov. 7, 2023), DM (Nov. 6, 2023), RN (Oct. 31, 2023), and LG (Nov. 14, 2023).

<sup>842</sup> HELP Committee Majority staff interviews with AW (Oct. 27, 2023), TA (Nov. 9, 2023), TF (Oct. 6, 2023), and DM (Nov. 6, 2023).

<sup>843</sup> HELP Committee Majority staff interviews with KW (Nov. 9, 2023), Dan Vallot (Oct. 25, 2023), KV (Oct. 9, 2023), Heather Goodall (Nov. 14, 2023), Nannette Plascencia (Oct. 13, 2023), and CP (Nov. 2, 2023).

<sup>844</sup> HELP Committee Majority staff interviews with KA (Nov. 2, 2023), AW (Oct. 27, 2023), DP (Dec. 19, 2023), Chiffon Wilson (Nov. 7, 2023), Maji Vallot (Oct. 25, 2023), KV (Oct. 9, 2023), AR (Sept. 13, 2023), James Enright (Oct. 19, 2023), TF (Oct. 6, 2023), Heather Goodall (Nov. 14, 2023), SJ (Oct. 25, 2023), JG (Oct. 27, 2023), LG (Nov. 14, 2023), RN (Oct. 31, 2023), CP (Nov. 2, 2023), and LQ (Nov. 13, 2023).

<sup>845</sup> HELP Committee Majority staff interviews with MS (Nov. 8, 2023), SJ (Oct. 25, 2023).

<sup>846</sup> HELP Committee Majority staff interviews with DH (Oct. 23, 2023), SJ (Oct. 25, 2023).

<sup>847</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023)

<sup>848</sup> 29 U.S.C. § 654(a)(1).

returning to work after an extended period of leave.”<sup>849</sup> Heat acclimatization for new employees is critical for worker safety. One study found more than 70 percent of heat-related deaths take place in the first week on the job.<sup>850</sup>

At the state level, California’s workplace safety office has implemented a “heat standard” to protect workers, and in January 2024 cited an Amazon air hub in San Bernardino for failing to implement worker protections when the temperature was at or above 95 degrees Fahrenheit, failing to provide sufficient training for workers on exposure to heat illness, failing to provide water for employees working inside airplanes, and failing to provide access to shade as required under the law.<sup>851</sup>

These hazards are each indicative of a company that does not take seriously its commitment to safety. Each hazard—broken equipment, hazardously stacked materials, and extreme heat—can be mitigated. And Amazon is aware of the solutions: OSHA has repeatedly identified methods of addressing these physical hazards and keeping workers safe. But just like the injury-reducing changes to its speed requirements, Amazon chooses not to implement them.

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<sup>849</sup> Letter from Amanda Kupper, Area Dir., Denver Area Off., OSHA, DOL, to Amazon.com Services LLC – Den5, Aurora, CO, at 2 (Sept. 19, 2022) (on file with Committee).

<sup>850</sup> OSHA, DOL, *Heat: Prevention: Protecting New Workers*, <https://www.osha.gov/heat-exposure/protecting-new-workers> (last visited Nov. 22, 2024).

<sup>851</sup> Cal. Dep’t of Indus. Rels., Cal/OSHA, Inspection No. 1687268 (Jan. 19, 2024), <https://warehouseworkers.org/wp-content/uploads/2024/02/KSBD-CalOSHA-Heat-Citations-01-31-24.pdf>.

## **APPENDIX B: AREAS FOR FURTHER INVESTIGATION**

Throughout the course of its investigation, the Committee heard about a wide array of topics that were related to the company's injury crisis and the treatment of workers once they were injured. While the Committee could not make findings on all of these topics, the Committee finds them to be important components of Amazon's operations and workers' experience that warrant further examination. This appendix highlights several areas ripe for additional investigation.

### **A. Concentra, with whom Amazon contracts to provide outside medical care, also fails to provide adequate care to workers**

When AMCARE staff refer injured workers for outside medical care—which this report reveals routinely does not happen (see Section VIII)—they often send workers to Concentra, an external medical provider with whom Amazon contracts. Even though Concentra is not part of Amazon, the Committee received troubling evidence from workers about their challenges receiving appropriate care for their injuries at Concentra. Workers reported that medical staff at Concentra regularly downplay the severity of workers' injuries, pressure workers to return to work before they are ready, and provide inadequate treatment—all of which raises concerns about whether Concentra is prioritizing Amazon's interests over the interests of the workers under their care. These concerns about the impact of Concentra's financial relationship to Amazon on the care it provides to Amazon workers are particularly alarming given past allegations against Concentra and another large employer for just that type of conduct.<sup>852</sup>

Concentra's business model relies heavily on partnerships with major corporations, including 95 percent of the world's Fortune 500 companies.<sup>853</sup> These corporations send their injured workers to Concentra, which provides those workers with a range of medical care, from urgent care to physical therapy. This business model has been incredibly lucrative for Concentra; it operates the largest number of occupational health facilities in the United States<sup>854</sup> and treats one of every five workplace injuries in the United States—more than 50,000 patients per day.<sup>855</sup> Concentra made more than \$1.8 billion in revenue in 2023, the majority of which was from the diagnosis and treatment of work-related injuries.<sup>856</sup>

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<sup>852</sup> In 2012, Concentra settled a lawsuit brought by Walmart workers alleging that Walmart had a set of agreements with Concentra that led to: Concentra improperly dictating the type and duration of treatment injured employees received; restrictions on Concentra doctors prescribing certain types and durations of medical treatments; delay or denial of authorization of treatment referrals from Concentra doctors; and interference with physicians' exercise of independent medical judgment. Aldo Svaldi, *Injured Walmart workers win \$8 million settlement*, THE DENVER POST (Nov. 13, 2012), <https://www.denverpost.com/2012/11/13/injured-walmart-workers-win-8-million-settlement/>; Compl., *Gianzero v. Wal-Mart Stores, Inc.*, No. 1:09-cv-00656-REB (D. Colo. Mar. 24, 2009), [https://www.lexisnexis.com/documents/pdf/20090728102108\\_large.pdf](https://www.lexisnexis.com/documents/pdf/20090728102108_large.pdf).

<sup>853</sup> Concentra, About Concentra, Concentra.com, <https://www.concentra.com/about-us/> (last visited Dec. 3, 2024).

<sup>854</sup> *Annual Report (2023)*, SELECT MEDICAL HOLDINGS CORP., at 9 (2024), <https://www.sec.gov/Archives/edgar/data/1320414/000162828024006385/sem-20231231.htm>.

<sup>855</sup> Concentra, About Concentra, Concentra.com, <https://www.concentra.com/about-us/> (last visited Dec. 3, 2024).

<sup>856</sup> In 2023, 60 percent of Concentra's revenue was generated from workers' compensation claims. Select Medical Holdings Corp., 2023 Annual Report, *supra* note 854 at 10.

Amazon workers across the country report poor care at Concentra’s facilities:

First, workers report that Concentra staff blame injuries on workers—much like the Amazon managers and AMCARE staff do.<sup>857</sup> A worker in New Jersey, with an injury that developed from repeatedly reaching to the ground to pick up bins, was told that he did not need physical therapy, he just needed to lose weight.<sup>858</sup> After sustaining a wrist injury, another worker was told that the problem was arthritis, despite an MRI showing that she had a torn ligament.<sup>859</sup> Similarly, Concentra told Rochelle Cronan that her hip pain had nothing to do with Amazon; instead, a staff member blamed her pain on her age, provided no treatment, and told her to see a personal doctor.<sup>860</sup> When she went to an Emergency Room on her own and got an x-ray, a doctor diagnosed her with avascular necrosis—bone death—which he said could be a result of overuse of the hip. She has had to endure three hip surgeries and may require a full hip replacement.

Second, Concentra staff have pressured workers to return to work before they are ready. The Committee heard from a worker in Delaware that Concentra staff sent her back to work the same night she was first seen for neck pain; at the time, the worker said her neck was stiff and that her pain, which had started on the left side of her neck and back, had spread to the right side.<sup>861</sup> The worker later required an anterior cervical discectomy and fusion—a major surgery of the neck.

Third, workers have experienced delays in their care at Concentra facilities. One worker, with a foot injury, reported to the Committee that she called Concentra every day to get an MRI and was only able to obtain an appointment after hiring a lawyer. That worker told the Committee: “Delays are risking my health. They keep pushing off hoping I’ll either give up—I feel like they think I’m just going to give up.”<sup>862</sup>

OSHA has documented such a delay and raised concerns that it may have exacerbated workers’ injuries. OSHA’s 2023 investigation of an Amazon warehouse outside of St. Louis, Missouri found “an example of extreme delay caused by Amazon’s presumed provider choice, Concentra, that may have led to worsening of the injury.”<sup>863</sup> In that example, a worker was injured while maneuvering a container. Though the worker was originally diagnosed with a back strain, later evidence showed signs that they had a spinal nerve compression. It took more than a month for

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<sup>857</sup> HELP Committee Majority staff interviews with WT (Nov. 7, 2023) (after receiving an MRI, told that her injury was because of a previous surgery—but she had never previously undergone surgery), Denise Briggs (Nov. 8, 2023) (Concentra staff said they could not tell if her foot fracture was new or old, even though she had never had a foot fracture before she was injured at Amazon), Christine Manno (Oct. 10 & Nov. 8, 2023) (describing how she was told, regarding her neck injury: “I don’t think this happened at work; I think you’re just getting old.”), and Nannette Plascencia (Oct. 13, 2023) (worker with ongoing back pain from a work-related injury was told her pain was due to aging; she is 45).

<sup>858</sup> HELP Committee Majority staff interview with James Enright (Oct. 19, 2023).

<sup>859</sup> HELP Committee Majority staff interview with JC (Nov. 7, 2023).

<sup>860</sup> HELP Committee Majority staff interview with Rochelle Cronan (Nov. 8, 2023).

<sup>861</sup> HELP Committee Majority staff interview with Tiffany Skinner (Oct. 13, 2023).

<sup>862</sup> HELP Committee Majority staff interviews with Denise Briggs (Nov. 8, 2023 & Jan. 19, 2024). *See also* HELP Committee Majority staff interview with TM (Oct. 16, 2023) (took two months to get an MRI).

<sup>863</sup> Letter from William D. McDonald, OSHA, to Amazon Services LLC, *supra* note 651 at 1.

the worker to be referred for an MRI.<sup>864</sup> Concentra staff also “chose to repeat [earlier imaging] almost three weeks later without reviewing the results of the initial imaging.”<sup>865</sup> Inexplicably, Concentra then treated the worker for a back strain, the original diagnosis, despite the worker receiving a more serious subsequent diagnosis of intervertebral disc displacement and radiculopathy—commonly known as a herniated disc and sciatica.<sup>866</sup> In its investigation, OSHA stated: “It is very likely that the offsite care delay . . . may have led to a more severe presentation in October, months after the initial injury.”<sup>867</sup>

therapist was even aware of the more specific August 30, 2023, diagnosis. It is very likely that the offsite care delay (which apparently included earlier imaging that Concentra chose to repeat almost three weeks later without reviewing the results of the initial imaging) may have led to a more severe presentation in October, months after the initial injury.

Excerpt related to Concentra from OSHA hazard alert letter issued to Amazon’s warehouse outside St. Louis, Missouri. Highlighting by Committee.<sup>868</sup>

And fourth, Concentra staff have misdiagnosed and minimized workers’ injuries. Several workers told the Committee that Concentra staff said their injuries were not serious—but non-Concentra doctors disagreed and prescribed surgery or other medical interventions for those injuries.<sup>869</sup>

Chiffon Wilson, who works at an Amazon warehouse outside of St. Louis, Missouri, is just one example of the egregious treatment deficiencies. After she injured her finger on the job, Ms. Wilson sought treatment at AMCARE; the staff at AMCARE did not refer her to an outside doctor, so she went to urgent care on her own. Urgent care staff took an image of her finger and diagnosed her with a fracture. When she returned to work, Amazon sent her to Concentra—where a staff member took an x-ray and told Ms. Wilson that nothing was broken. When Ms. Wilson handed the Concentra employee her paperwork from urgent care diagnosing a fracture, the Concentra employee said her finger must have healed in the several days since her urgent care visit.<sup>870</sup>

Another worker told the Committee that Concentra staff said the lower back injury she sustained at an Amazon warehouse was healed and cleared her to return to work without accommodations. When she went to her own doctor, the doctor “laughed and said, ‘that sounds like Amazon,’” and instructed her that she “should not be working like that with this kind of injury.”<sup>871</sup>

<sup>864</sup> The relevant OSHA hazard alert letter does not specify whether it was Concentra that delayed the worker’s MRI.

<sup>865</sup> Letter from William D. McDonald, OSHA, to Amazon Services LLC, *supra* note 651 at 1.

<sup>866</sup> *Id.* at 1-2.

<sup>867</sup> *Id.* at 2.

<sup>868</sup> *Id.*

<sup>869</sup> HELP Committee Majority staff interviews with DH (Oct. 23, 2023) (after being hit in the back by a box, Concentra told her that her ongoing pain was just muscle cramping; her personal doctor later diagnosed her with an injury-related overactive nerve requiring treatment), DL (Oct. 24, 2023) (after moving a 100-pound entertainment center, she felt neck pain and went to Concentra. A doctor told her she had fibromyalgia and gave her an order to return to work at full duty. Her own doctor diagnosed her with a two-level rupture in her neck requiring surgery).

<sup>870</sup> HELP Committee Majority staff interview with Chiffon Wilson (Nov. 7, 2023).

<sup>871</sup> HELP Committee Majority staff interview with Nannette Plascencia (Oct. 13, 2023).

The Committee is particularly concerned about the apparent gulf between Concentra’s and other medical professionals’ evaluation of the same injuries. Concentra’s practices appear to demonstrate a pattern of providing care that is aligned with Amazon’s interests, at the expense of workers’ health. Workers shared with the Committee their fear that Concentra would not provide them with accurate and timely care and would instead prioritize what is advantageous for Amazon: returning workers to their jobs quickly and with the minimal necessary amount of medical care.

One worker in Florida told the Committee: “Concentra will just do whatever the company tells them to.”<sup>872</sup> Another worker relayed a conversation where a Concentra provider said she has to write “whatever Amazon wants me to write” related to workplace restrictions, like limiting the weight a worker can lift—indicating a concerning lack of independent medical judgment.<sup>873</sup>

Concentra’s apparent failures to provide adequate care are particularly challenging for workers because, under state law in many states, they must go to a doctor of their employer’s choosing in order for their care to be covered by workers’ compensation. Nevertheless, the Committee heard from several workers that they chose to bypass AMCARE and Concentra because of the quality of care and obstacles to receiving it, even when that meant they would have to pay for their care themselves.<sup>874</sup>

An Amazon safety specialist told the Committee that, in his role, he met with many employees whose injuries, sustained while working at the company’s warehouses, remained unresolved six to eight months later. “It’s a real mess for employees to get proper care for their injuries,” he said. “If an injury required surgery, when trying to get the injury diagnosed, workers were jerked around at every turn.”<sup>875</sup> He worked with one employee who suffered a tear in their shoulder and was not able to obtain care for more than ten months. That employee ended up going to doctor on her own and paying for her own medical treatment, giving up on getting workers’ compensation, so that she could have the surgery she needed rather than remaining in limbo while dealing with a painful injury.<sup>876</sup>

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<sup>872</sup> HELP Committee Majority staff interview with TM (Oct. 16, 2023).

<sup>873</sup> HELP Committee Majority staff interview with MS (Nov. 8, 2023).

<sup>874</sup> HELP Committee Majority staff interviews with AP (Nov. 1, 2023), James Enright (Oct. 19, 2023) (after injuring his back at work, he had to visit Concentra multiple times, where he was misdiagnosed with a back sprain and ultimately released from treatment. He had to see his own doctor to receive appropriate medical care, where he was correctly diagnosed with bulging discs, slipped discs, and a pinched nerve); Rochelle Cronan (Nov. 8, 2023) (“I eventually went to my own doctor after poor advice from Concentra so it was ultimately not [covered by workers compensation]”), and Connell Crooms (Oct. 10, 2023) (after a bad experience with AMCARE during a prior injury, he skipped AMCARE altogether when he had a second injury, even though he knew doing so meant he did not receive workers’ compensation.).

<sup>875</sup> HELP Committee Majority Staff interview with SF (Aug. 14, 2023).

<sup>876</sup> *Id.*



## **B. Amazon’s workers’ compensation process appears designed to ensure workers give up before receiving their entitled compensation**

As explained previously, many workers go to Concentra for their work-related injuries because it is a requirement to qualify for workers’ compensation. But even when they carefully follow the rules, many workers still face serious obstacles to accessing and receiving workers’ compensation.

Workers’ compensation provides payments and medical care coverage to workers who are injured on the job. It constitutes workers’ exclusive remedy for these injuries. Workers’ compensation is determined almost entirely by state policy and is largely outside the scope of the Committee’s investigation. However, because the Committee heard so many stories from Amazon workers about their struggles to receive workers’ compensation, the Committee notes several key concerns ripe for additional investigation.

The Committee heard repeatedly about Amazon’s third-party workers’ compensation administrator, a private equity-backed worker compensation administration company called Sedgwick,<sup>877</sup> and how its efforts impeded or delayed workers’ access to compensation. The story of one Amazon worker, Edward, illustrates the difficulties workers face in accessing workers’ compensation.<sup>878</sup> Edward injured his foot while navigating boxes falling off of a conveyor belt in an Amazon warehouse in Idaho. He sought a diagnosis and care plan for months while dealing with extreme pain. To receive workers’ compensation for his injury, Sedgwick required him to get an independent medical exam. Edward told the Committee that the doctor conducting that exam spent “maybe three minutes” with him before reporting to Sedgwick that Edward’s foot was fine and that he could return to work.<sup>879</sup> As a result, Sedgwick refused to pay for Edward’s medical care. But that doctor’s diagnosis proved incorrect: Edward ultimately had to have his foot amputated as a result of his original injury. To this day, he is still fighting for workers’ compensation to pay for that surgery and the related treatment.<sup>880</sup>

There were a few other common themes in workers’ stories about their efforts to obtain compensation for work-related injuries. First, workers told the Committee that they lacked information or were misinformed by Amazon about the process to file for workers’ compensation. One worker with an injured rotator cuff recalled that “[n]o one ever mentioned workers’ comp or asked if I wanted to file a claim” when she got injured.<sup>881</sup> Another worker was never told about workers’ compensation after suffering a work-related injury. He had to escalate questions about his injury multiple times before a senior Amazon Human Resources representative gave him the contact information for Sedgwick.<sup>882</sup>

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<sup>877</sup> Press Release, Sedgwick, Sedgwick announces closing of \$1B equity investment from Altas Partners (Nov. 12, 2024), <https://www.sedgwick.com/press-release/sedgwick-announces-investments-from-altas-partners-carlyle-and-stone-point>.

<sup>878</sup> HELP Committee Majority staff interview with Edward Murphy (Oct. 31, 2023).

<sup>879</sup> *Id.*

<sup>880</sup> *Id.*

<sup>881</sup> HELP Committee Majority staff interview with MC (Sept. 29, 2023).

<sup>882</sup> HELP Committee Majority staff interview with GP (Oct. 16, 2023).

Second, even for workers who do receive information about filing for workers' compensation, they struggle navigating Amazon and Sedgwick's processes for applying for it. A number of workers reported that there is minimal information provided about who to contact to initiate the process. One worker reported finding a phone number for Sedgwick on a bulletin board, rather than through any official channels, and could not get someone to answer for days.<sup>883</sup> Another employee in New Mexico who was injured at work, first reached out to Human Resources on Amazon's "AtoZ" phone application for workers. The person who responded to her on the application told her to speak to Human Resources in her facility. The on-site Human Resources representative directed her to AMCARE. When she told AMCARE she needed her injury report to give to Sedgwick, AMCARE staff "acted like they didn't know what to do at all" and told her to just keep returning to AMCARE.<sup>884</sup>

Once workers are provided a way to contact the workers' compensation company, they report that the process continues to be onerous. A worker told the Committee that workers' compensation "wouldn't respond to phone calls" and that she could "never get anyone you can actually talk to"<sup>885</sup>:

You call now, and whoever answers assigns you to somebody, but you're never given an email address, a phone number, or anything to directly contact that person that they say is the case manager. So you end up calling, you have to leave a message, and the case manager is supposed to call you back, which very seldom happens. You continue to call until you get discouraged . . . you have to explain it to 15 people, but you never get to the one you need. It's frustrating.<sup>886</sup>

Third, even when workers are able to successfully navigate the process, their claims appear to be wrongfully denied. The Committee heard from several workers whose claims were denied because Sedgwick incorrectly decided that their injuries were "pre-existing conditions."<sup>887</sup> One worker had her workers' compensation case closed "because [Sedgwick] didn't receive enough data in time," despite her recently undergoing an MRI.<sup>888</sup> The Committee is particularly concerned by this rationale, given the reports of AMCARE and Concentra delaying workers' care.

Workers also told the Committee about instances of Amazon denying claims by incorrectly finding that workers' injuries are not work-related. The Committee heard from one worker in Maryland, who was hit in the back by a box that another employee tried to throw onto a conveyor belt. In the middle of receiving treatment for her injury, she received a generic email from an Amazon workers' compensation liaison she had never heard from before. That email informed her that Amazon deemed her injury to be non-work-related and would no longer

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<sup>883</sup> HELP Committee Majority staff interview with Edward Murphy (Oct. 31, 2023).

<sup>884</sup> HELP Committee Majority staff interview with SJ (Oct. 25, 2023).

<sup>885</sup> HELP Committee Majority staff interview with SC (Oct. 17, 2023).

<sup>886</sup> *Id.*

<sup>887</sup> HELP Committee Majority staff interviews with KA (Nov. 2, 2023), FA (Nov. 28, 2023).

<sup>888</sup> HELP Committee Majority staff interview with AS (Sept. 29, 2023).

provide workers' compensation.<sup>889</sup> Another worker told the Committee that he was denied workers' compensation for carpal tunnel syndrome, which involves a compressed nerve in the wrist, because "the insurance company is denying the carpal tunnel is work-related."<sup>890</sup>

One worker, who pushed back on incorrect denials of his worker compensation claim, faced retaliation. He told the Committee that he was denied workers' compensation because Amazon blamed him for his injury.<sup>891</sup> He appealed the denial and won, but his victory was short lived: shortly after he won his appeal, Amazon fired him.<sup>892</sup>

Lastly, workers reported experiencing long delays in receiving care while waiting for Sedgwick to authorize their benefits. Sedgwick took nine weeks to approve physical therapy for a worker in Kentucky with a torn plantar fascia and broken foot bone.<sup>893</sup> RS, a worker in Missouri, did not receive approval for spinal surgery for **nearly two years** after her injury. She had multiple bulged disks, including complete degeneration in the lumbosacral joint of her spine.<sup>894</sup> Her injuries left her in significant pain—and the delays from Amazon and Sedgwick forced her to endure that for far longer than necessary.<sup>895</sup>

Not only does Amazon hinder workers' ability to obtain care for injuries they sustain in the company's facilities, but the company also makes it extremely difficult for workers to obtain worker's compensation. As a result, workers, rather than their \$2 trillion employer, must pay for the costs of injuries suffered at Amazon warehouses.

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<sup>889</sup> HELP Committee Majority staff interview with DH (Oct. 23, 2023).

<sup>890</sup> HELP Committee Majority staff interview with FA (Nov. 28, 2023).

<sup>891</sup> HELP Committee Majority staff interview with AW (Oct. 27, 2023).

<sup>892</sup> *Id.*

<sup>893</sup> HELP Committee Majority staff interview with RI (Oct. 27, 2023).

<sup>894</sup> HELP Committee Majority staff interviews with RS (Aug. 9, & Nov. 8, 2023).

<sup>895</sup> *Id.*

*A worker in Illinois, who joined Amazon in 2017, injured her neck during her first month on the job. While moving a wooden entertainment center weighing around 100 pounds, she felt a pain in her neck that shot through her arms and into her hands. A doctor later diagnosed her with two ruptured discs in her neck.*

*It took Amazon and Sedgwick one year to approve her first surgery, which involved putting a prosthetic in her neck. The prosthetic was infected, resulting in a spine infection and requiring a long hospitalization and subsequent medical interventions that caused damage to multiple internal organs.*

*Dealing with Amazon's workers' compensation system prevented her from getting the infected prosthetic removed swiftly. "Instead of turning around and approving the surgery to remove the prosthetic, workers' comp wanted all these opinions, board certified people to look into it," she said. It took more than a year and half for the second surgery to be approved.*

*She is now severely immunocompromised and "lives in a bubble." She requires home assistance and is constantly ill. Her hands are partially paralyzed. She does not sleep. Her doctors say she may one day have a catastrophic esophagus rupture. A doctor wrote that "due to her debilitated condition, she is for all intents and purposes housebound."<sup>896</sup>*

*She told the Committee that she feels like her life was ripped away from her: she cannot hold her grandchildren or enjoy the activities she used to enjoy. She lost the financial stability she'd built her entire life.*

*Incredibly, despite her medical condition, Amazon and Sedgwick told her that she needs to return to work and ceased paying her workers' compensation. She told the Committee: "I don't know if they're just waiting for me to keel over. My attorney said at this point he doesn't think I'll outlive my case. And now financially they're going to force me to go to work?"<sup>897</sup>*

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<sup>896</sup> Worker Document 23 (on file with Committee).

<sup>897</sup> HELP Committee Majority Staff interview with DL (Oct. 24, 2023).

### **C. Workers faced unlawful retaliation for participation in investigations**

Multiple workers alleged that Amazon unlawfully retaliated against them for engaging in protected conduct, such as filing complaints with enforcement agencies or seeking accommodations.<sup>898</sup> The Committee is particularly concerned by Amazon’s decision to fire Heather Goodall, the only worker named in the Committee’s July 2024 interim report. In October 2024, Amazon terminated Ms. Goodall, allegedly for actions taken in May 2024—five months prior to her dismissal. The Committee has serious concerns that Amazon may have retaliated against Ms. Goodall for her participation in this investigation. A number of other workers expressed fears that they would face similar discipline from the company for their participation in this investigation—a pattern the Committee finds alarming.<sup>899</sup>

### **D. Workers faced unlawful interference with their right to organize**

The Committee also heard troubling accounts of Amazon interfering with and retaliating against workers who are talking to their colleagues about taking action together to address working conditions or seeking to form a union.<sup>900</sup> Those discussions are protected by federal law.<sup>901</sup>

One particularly egregious report involved Amazon’s response to a worker’s tragic on-the-job death. Following the incident, Amazon brought in a group of new managers, purportedly to help workers “feel more safe.”<sup>902</sup> However, workers suspected the real purpose may have been to monitor their behavior and assess whether there was any momentum toward forming a union. As one worker described, “They weren’t there to comfort people or make them feel safe . . . they were there to see if we were going to start a union.”<sup>903</sup> The same worker recounted being approached by one of the new managers, who asked, “Do you happen to know by chance what a union is? Do you know if anyone is interested in starting a union?”<sup>904</sup> This concerning example of managers focusing on how to suppress worker organizing, rather than addressing workers’ concerns about safety and well-being, is another area where the Committee hopes others will continue to investigate.

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<sup>898</sup> HELP Committee Majority staff interviews with Trent Jensen (Oct. 25, 2023), JP (Nov. 1, 2023).

<sup>899</sup> The Committee heard this fear from multiple workers during the course of the investigation, but is choosing not to list individual workers who expressed that concern.

<sup>900</sup> HELP Committee Majority staff interviews with Drew Duzinskas (Oct. 27, 2023), Connell Crooms (Oct. 10, 2023), HK (Oct. 11, 2023), and Helene P. de Boissiere (Oct. 16, 2023).

<sup>901</sup> 29 U.S.C. § 157 (“Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.”).

<sup>902</sup> HELP Committee Majority staff interview with KW (Jan. 19, 2024).

<sup>903</sup> *Id.*

<sup>904</sup> *Id.*

### **E. Amazon’s treatment of pregnant workers raises Pregnant Workers Fairness Act compliance concerns**

The Pregnant Workers Fairness Act (PWFA) requires employers to provide reasonable accommodations to pregnant workers, unless doing so would impose undue hardship on the employer.<sup>905</sup> Although the Committee primarily heard from workers whose experiences occurred before the PWFA went into effect, their accounts raise concern about how prepared Amazon is to comply with this law.<sup>906</sup>

One worker shared a story about informing her managers of her pregnancy and requesting accommodations. Management demanded “proof” of her pregnancy from a doctor and refused to accept “a picture of a pregnancy test or ultrasound” as evidence.<sup>907</sup> Unable to schedule a doctor’s appointment for another month, she was forced to go on leave while she waited.<sup>908</sup> Even after obtaining accommodations, Amazon failed to follow them.<sup>909</sup>

Other pregnant workers described being assigned to physically demanding tasks incompatible with their restrictions. One worker was directed to move multiple large and bulky items weighing more than 50 pounds by herself.<sup>910</sup> A safety manager told the Committee about another pregnant worker who was assigned, as an accommodation, to a Stowing role that required frequent bending—even though she had a specific restriction on bending.<sup>911</sup> A third worker, hired while pregnant, began overheating while entering trailers being loaded with packages, which can be very hot.<sup>912</sup> Amazon informed her that the warehouse could not accommodate her doctor-ordered restrictions to be able to sit down and be in the heat less.<sup>913</sup> Another worker, who worked in Human Resources, told the Committee about seeing multiple pregnant workers being put on leave shortly after being hired because Amazon allegedly could not accommodate them.<sup>914</sup> These examples suggest significant shortcomings in the company’s accommodations process for pregnant workers that may still exist even with PWFA in effect.

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<sup>905</sup> Pregnant Workers Fairness Act, 42 U.S.C. § 2000gg–1(1).

<sup>906</sup> The Pregnant Workers Fairness Act went into effect on June 27, 2023. U.S. Equal Emp. Opportunity Comm’n, *What You Should Know About the Pregnant Workers Fairness Act*, <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act> (last visited Nov. 22, 2024).

<sup>907</sup> HELP Committee Majority staff interview with KW (Jan. 19, 2024).

<sup>908</sup> *Id.*

<sup>909</sup> *Id.*

<sup>910</sup> HELP Committee Majority staff interview with KH (Oct. 24, 2023).

<sup>911</sup> HELP Committee Majority staff interview with MK (Sept. 20, 2023).

<sup>912</sup> HELP Committee Majority staff interview with JI (Nov. 7, 2023).

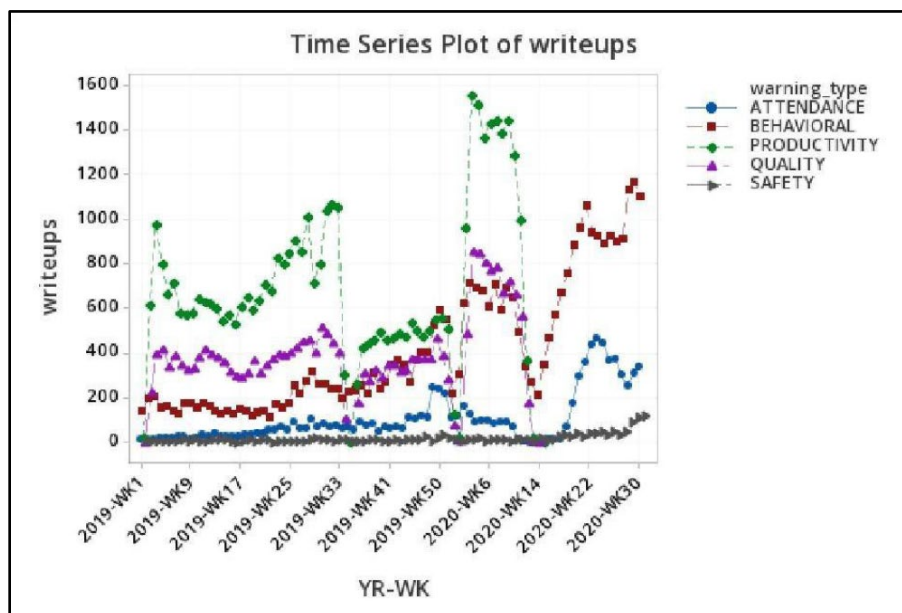
<sup>913</sup> HELP Committee Majority staff interview with JI (Nov. 7, 2023).

<sup>914</sup> HELP Committee Majority staff interview with MN (Nov. 21, 2023).

## F. Amazon uses discipline to manipulate headcount

The Committee heard from workers that discipline can feel arbitrary—something management decreases leading into and during “peak” periods when more headcount is needed, and increases to create attrition when peak periods conclude.<sup>915</sup>

Amazon told the Committee that during “peak holiday period,” “non-automated warnings, reprimands, write-ups, and improvement plans are paused.”<sup>916</sup> The Committee reviewed a graph of disciplinary writeups at Amazon showing this dip in writeups during peak periods, which is reproduced below.



A chart from an August 2020 Amazon report showing disciplinary writeups from first week of 2019 through the 30<sup>th</sup> week of 2020. The chart shows speed-related writeups (in green, labeled “productivity”) are by far the most common form of discipline. The chart shows productivity (in green) and quality (in purple) writeups stopping at the beginning of the COVID-19 pandemic in March 2020, when Amazon temporarily paused speed- and quality-related discipline.<sup>917</sup>

This chart shows a significant drop in speed- and quality-related discipline (green and purple lines, respectively) from mid-August of 2019 through the end of the year—the period that includes the “peak” periods from October through the New Year. Writeups in both categories increased significantly in the first week of January, once the peak period ended.

Multiple workers told the Committee that management can code workers’ time when the volume of work in the warehouse is slower than anticipated so that the lower volume does not impact

<sup>915</sup> HELP Committee Majority staff interviews with Tommy Simril (Nov. 7, 2023), MS (Nov. 8, 2023), and Maji Vallot (Oct. 25, 2023).

<sup>916</sup> Letter from Karen Dunn, Counsel, Paul, Weiss, on Behalf of Amazon, to HELP Committee staff at 2 (April 5, 2024).

<sup>917</sup> AMAZON\_00004092.

workers' rate.<sup>918</sup> One low-level manager reported that management had discretion regarding whether to terminate workers after hitting a certain number of writeups, and that management would not terminate workers when they were low on headcount, but only if Human Resources permitted the deviation from protocol.<sup>919</sup> This raises the question of whether facility-level management can exercise discretion over who receives discipline, which could allow for discrimination or retaliation.

#### **G. Amazon planned to automate its warehouses by 2025**

The Committee learned that Amazon had plans to automate its warehouses by 2025.<sup>920</sup> In addition, the Committee heard an account that Amazon has not always followed its own safety guidelines when releasing new robotics into warehouses, including releasing robotics that failed testing.<sup>921</sup>

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<sup>918</sup> HELP Committee Majority staff interviews with Tommy Simril (Nov. 7, 2023), MS (Nov. 8, 2023).

<sup>919</sup> HELP Committee Majority staff interview with Maji Vallot (Oct. 25, 2023).

<sup>920</sup> HELP Committee Majority staff interview with DT (Nov. 17, 2023).

<sup>921</sup> *Id.*