

HOW THE NY HERO ACT WILL PROTECT AMAZON'S WORKERS



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A Report by ALIGN NY, Make the Road NY, New York Communities for Change, Retail, Wholesale and Department Store Union (RWDSU), and Teamsters Joint Council 16.

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EXECUTIVE SUMMARY

AND OVERVIEW

In 2020, Amazon’s e-commerce operations saw rapid growth with a record 84 percent increase in its net profits and over \$386 billion in net sales.¹ During this same period, nearly 20,000 Amazon workers contracted COVID-19, and at least ten workers died from complications related to the virus as reported thus far.^{2 3 4}

In the absence of enforceable health and safety standards, Amazon was able to set high efficiency targets to yield large profits at the expense of their workers’ health. Reports show Amazon has caused serious worker injuries and death; disincentivized workers from following hygiene, sanitation, social-distancing, and other safety protocols; and engaged in union-busting and retaliation efforts to curb safety activism.^{5 6} The world witnessed Amazon’s brutal anti-union tactics when workers tried to form a union in Bessemer, Alabama – an effort that was motivated in part because of concerns over health and safety issues during the pandemic. As Amazon’s mishandling of the COVID-19 crisis came to light, New York Attorney General Letitia James filed a lawsuit against the e-commerce giant, alleging Amazon’s “flagrant disregard for health and safety requirements has threatened serious illness and grave harm to the thousands of workers in these facilities and poses a continued substantial and specific danger to the public health.”⁷

Others also took action against Amazon over the past year.

At the start of the pandemic, the NY Essential Workers coalition, a group of over 70 labor unions, community groups, workers leaders, and advocates, formed to secure health and safety worker protections across industries and occupations. The coalition is behind the recent passage of the NY HERO Act – the first state law in the country that would require all businesses, including Amazon, to adopt permanent enforceable health and safety standards to protect workers against the spread of COVID-19 and other airborne infectious diseases.

Frontline workers, especially those at Amazon, continue to risk their lives to protect New York and help the economy re-open safely. But as COVID variants continue to spread, vaccines alone will not be enough to fully protect all workers and their communities. Indeed, COVID vaccines are not a substitute for enforceable workplace health and safety protections that the NY HERO Act will provide.

This report highlights how Amazon’s e-commerce warehouse employees in New York will be among the biggest beneficiaries of the workplace health and safety protections the NY HERO Act will create. But the law cannot be implemented until Governor Cuomo signs it. That’s why Amazon workers and other frontline essential workers across New York are urging Cuomo to sign the NY HERO Act immediately, and implement it as part of COVID recovery efforts.



Rina Cummings, Amazon warehouse worker in Staten Island speaks at a vigil in front of Jeff Bezos' apartment on 5th Avenue.

KEY FINDINGS AND HIGHLIGHTS OF THIS REPORT

- Amazon made \$21.3 billion in net profits and \$386 billion in net sales in 2020. Meanwhile almost 20,000 Amazon workers have contracted COVID-19 and at least ten workers have died, as reported thus far.⁸
- In New York and nationally, Amazon's e-commerce warehouse associates are getting injured more frequently, and seriously, while on the job. This trend has been exacerbated during the COVID-19 pandemic.
- Enforceable workplace standards can mean the difference between life and death. The NY HERO Act would be the first state law in the country to require all businesses, including Amazon, to adopt permanent and enforceable workplace standards to protect workers against the spread of COVID-19 and other airborne infectious diseases.
- Thousands of Amazon's warehouse workers would be among the biggest beneficiaries of the NY HERO Act. If implemented quickly and aggressively, the NY HERO Act will function as an effective workplace safety law for thousands of New Yorkers employed by Amazon.

INTRODUCTION

Every day, New York's frontline workers are facing the risks of COVID-19 on the job.

More than a year into the pandemic, there are still few enforceable occupational safety and health standards at the federal level and in New York State to protect workers from infection.

More than 48,000 New Yorkers have died due to complications associated with the novel coronavirus.⁹ Black, Indigenous, and frontline workers of color continue to put their lives on the line – without adequate protections from their employers, the state, or the federal government. Mega-corporations like Amazon have made billions in profits on the backs of their low-wage workers. As new contagious strains of COVID continue to spread, essential workers at Amazon remain especially vulnerable to getting sick. COVID vaccines are not a substitute for enforceable health and safety standards. Without clear, enforceable standards for workplace health and safety, Amazon employees will continue to work under unsafe conditions that lead to preventable workplace outbreaks,¹⁰ community spread,¹¹ and the unfortunate deaths of workers.^{12 13}

During unprecedented public health and economic crises when small businesses struggle to stay afloat, Amazon continues to expand its e-commerce operations rapidly. The e-commerce giant's rapid expansion comes as more Americans opt for socially distant shopping alternatives. In New York, Amazon is fast-becoming one of



the largest employers. In the past few years, Amazon has opened e-commerce warehouses across the state, especially in New York City, where demand for online shopping has surged.

Reports show Amazon delivering roughly 2.4 million packages across New York City every day, nearly half a million more than before the pandemic.¹⁴ In 2020, Amazon saw a record 84 percent increase in its net profits and earned over \$386 billion in net sales—that’s a 37 percent increase from 2019 (\$280.5 billion).¹⁵ During this same period Amazon purchased at least nine new warehouses in New York City, adding to 12 existing facilities in the five boroughs and another 24 warehouses in the surrounding areas.¹⁶ None of Amazon’s major competitors have a single warehouse in New York City.¹⁷

For Amazon’s almost 810,000 workers in the United States – a majority of whom are Black and brown warehouse and operations associates¹⁸ – the company’s rapid expansion means working at break-neck speed to keep up with rate requirements, often at the expense of their health and wellbeing. In March 2020, Amazon was scrambling to provide basic personal protective equipment (PPE) and implement safety protocols in its facilities. In the following months, workers across the country spoke out about the unsafe working conditions at Amazon’s facilities, warning the company’s deficient response to COVID-19 was merely “a facade of compliance.”¹⁹ By October 2020, nearly 20,000 Amazon workers had contracted COVID-19,²⁰ and at least ten workers died from the virus as reported thus far.^{21 22}

Amazon Rapid Facility Expansion in NYC by Year

Facility Purchase Year

- 2014 (1)
- 2015 (2)
- 2016 (1)
- 2018 (2)
- 2019 (1)
- 2020 (14)
- 2021 (1)

Environmental Impact: Many current or potential Amazon facilities are located in Environmental Justice communities, or locations that are burdened by environmental stresses such as air pollution or heatwaves. In Manhattan, Staten Island, and the Bronx, 100% of Amazon facilities or potential facilities are located in Environmental Justice communities. In Brooklyn, that number is 70%.



THE NY HERO ACT AND AMAZON

Enforceable health and safety standards can mean the difference between life and death. Under President Biden, the Occupational Safety and Health Administration (OSHA) has yet to create and enforce real protections for workers against COVID and other airborne infectious diseases— despite the administration announcing its intention to release an emergency temporary standard in March 2021.²³

Instead, OSHA has relied on non-enforceable federal guidelines from the Centers for Disease Control (CDC) as the only means of protection in the workplace. That means businesses, workers, and communities are left to navigate a confusing and unclear patchwork of guidelines on their own.

It's clear that the current executive orders and guidelines have not provided adequate protection for New York's low-wage frontline workers, including those working in Amazon facilities. That makes implementing the NY HERO Act all the more urgent and necessary. The NY HERO Act would require all businesses to adopt permanent enforceable health and safety standards to protect workers from the spread of airborne infectious diseases. The bill also incorporates enforcement structures for noncompliance, and would directly empower low wage frontline workers, like Amazon warehouse associates, to speak up about unsafe working conditions. As the first state law to create permanent, enforceable protections against COVID and other airborne infectious disease in the workplace, the NY HERO Act would immediately establish a new national precedent. Thousands of Amazon workers will be among the biggest beneficiaries of the NY HERO Act.

Amazon's workers and other frontline workers are counting on Governor Cuomo to sign the NY HERO Act into law, and implement it as part of New York's COVID recovery efforts.

ENFORCEABLE WORKPLACE HEALTH AND SAFETY STANDARDS AT AMAZON'S WAREHOUSES

Amazon's deficient response to COVID-19 created a dangerous environment for its employees, especially in e-commerce warehouses. Barbara Chandler – a warehouse associate at JFK8, Amazon's Staten Island distribution center – contracted COVID-19 in March 2020 at work. According to Chandler, workers “were explicitly or implicitly encouraged to continue attending work and prevented from adequately washing their hands or sanitizing their workstations.” Within a month of getting infected, Chandler's cousin – whom she lived with – died after experiencing COVID-19 symptoms.²⁴ One year later, Poushawn Brown dies after months of working in the COVID testing area at DDC3, an Amazon facility in Virginia.²⁵ Rather than employing doctors and nurses, Amazon cut corners and directed Brown – who was not medically trained – to administer COVID-19 nasal swab tests on co-workers. Despite her repeated requests to supervisors and human resources, Poushawn Brown was never provided proper PPE like N-95 masks, surgical gloves, gowns, or goggles.

Even before the COVID-19 pandemic, Amazon had a well-documented history of abusing workers, especially those employed its e-commerce distribution centers. The New York Committee for Occupational Safety and Health's (NYCOSH) [“Time Off Task: Pressure, Pain,](#)

[and Productivity at Amazon](#)” report reveals Amazon’s productivity-obsessed culture and how its prioritization of profits over safety impacts worker health. NYCOSH’s research reports 80 percent of Amazon associates were pressured to work harder or faster at their facility, and 66 percent experienced pain while working.²⁶ NYCOSH also found that nearly 1 in 2 Amazon workers (42 percent) have sustained a physical injury on the job, and 10 percent of workers have been injured more than once.²⁷ This is a familiar trend at Amazon. In 2018 OSHA data reported Amazon’s total recordable injury rate (15.2 per 100 workers) was three times higher than the general warehouse industry average (5.2 per 100 workers) – highlighting the fact that Amazon workers are not only getting injured more frequently, but also more severely on the job compared to warehouse workers at other companies across the country.²⁸

NYCOSH’s research shows Amazon’s workplace surveillance policies like “time off task” penalizes workers for taking breaks – even for hand washing. Amazon’s use of product storage optimization software prioritizes efficiency at the expense of human factors including worker health and safety. Workers who did not meet their rate requirements were frequently reprimanded and threatened with termination. These penalties served as a chilling effect that led to workers concealing pain and COVID-19 symptoms in order to keep their jobs. More specifically, the policies provided workers



Poushawn Brown worked in the COVID testing area at DDC3 – an Amazon facility in Alexandria, Virginia – without proper PPE in the months leading to her death. Poushawn Brown is survived by her 12-year-old daughter Gabrielle, her sister, and her grandmother who is paralyzed.

Photo of Poushawn Brown. Source: The Coup

a disincentive to practice health and safety protocols that not only protect workers from injuries, but also curb transmission of COVID-19.

Suggested guidelines are not enough to protect Amazon workers in New York or anywhere else in the country. Under the NY HERO Act, Amazon would need to adopt health and safety standards developed by the Department of Labor on testing, face masks, PPE, social distancing, hand hygiene, disinfection, and engineering controls. Clear, enforceable standards are critical to protecting frontline workers during this current pandemic, and for future airborne infectious disease outbreaks.

EXPANDING THE ROLE OF WORKERS IN ENSURING SAFE CONDITIONS AT AMAZON

Highly contagious airborne infectious diseases like COVID-19 require constant vigilance to prevent their spread. Workers are well-positioned to identify the risks in their workplace, and research shows worker voice has a positive impact on worker safety.²⁹³⁰ This proved true with Amazon, especially during the COVID-19 pandemic. Critical safety protocols like temperature readings and social distancing were implemented by Amazon only after warehouse workers organized a walkout in March 2020.³¹ Workers warned the company's operational changes in light of COVID-19 merely served as "a facade of compliance," and that the company has continued with unsafe practices.³²

Leaked messages from the beginning of the pandemic show how unprepared Amazon was to protect its workers, sending warehouse managers to stores like Costco and 7-Eleven to buy out full stocks of disinfectant wipes during the days leading up to the closure of the Queens facility DBK1.³³ During the height of the pandemic, Amazon pushed its associates "to work at dizzying speeds, even if doing so prevent[ed] them from socially distancing, washing their hands, and sanitizing their workspaces."³⁴ Workers reported Amazon restricted contact tracing information. Workers were only able to stay updated by forming networks led by their colleagues.³⁵³⁶ In fact, workers claim they were not informed of any updated policies until the week of July 17, 2020, almost three months after New York declared a state of emergency, and after Amazon supposedly instituted operational changes.³⁷

For years, Amazon warehouse associates have been organizing to secure stronger protections in the workplace. In 2017 Hibaq Mohamed, a former MSP1 Amazon warehouse associate in Shakopee Minnesota, started organizing worker meetings in Minneapolis to protest against Amazon's inhumane working conditions. Since then, East African Amazon workers have led successful protests that won workers accommodations including quarterly meetings with management and managers committing to respond to safety complaints within 5 days.³⁸ The COVID-19 pandemic brought workers back to the picket line, with 50 MSP1 workers walking out in April 2020 amid concerns around safety and retaliation.³⁹ Three months later, 90 MSP1 workers tested positive for COVID-19.⁴⁰ Reports later showed Amazon's warehouses in Minnesota had infection rates that were three times higher than their surrounding communities.⁴¹

It's clear that workers know what they need to do their jobs safely. Amazon associates have already shown how critical worker networks and organizing can be for increasing health and safety on the job during moments of crisis. The NY HERO Act authorizes the creation of worker health and safety committees to allow designees representing non-supervisory workers and management to perform committee duties that include raising safety complaints, reporting violations, reviewing policies, and participating in any site visits conducted by a governmental agency. Health and safety committees will support what's already been happening on the ground, by empowering warehouse workers to raise complaints and report violations directly to management, and ensure their voices are heard.

HOLDING AMAZON ACCOUNTABLE AND PROTECT WORKERS AGAINST RETALIATION

The NY HERO Act would not only target noncompliant businesses that fail to prioritize worker safety, but also protect workers against retaliation – a safeguard that is increasingly needed during the COVID-19 pandemic. National survey data shows that whistleblower retaliation has been prevalent in the workplace since the beginning of the pandemic; with Black workers being more than twice as likely as white workers to have seen retaliation by their employer.⁴² This is particularly true for Amazon’s warehouse associates.

Since the start of the pandemic, Amazon’s workers have been collectively advocating for workplace health and safety protocols including demands like providing masks. Amazon responded to these actions by targeting whistleblowers.⁴³ Reports show Amazon fired at least five of its employees during the start of the pandemic who were outspoken about unsafe working conditions.⁴⁴ Chris Smalls, a former Amazon worker in Staten Island, was fired for organizing one of the first actions protesting Amazon’s handling of the crisis in March 2020.⁴⁵ Gerald Bryson, another worker at the same facility, was also fired in April 2020 for protesting poor working conditions.⁴⁶ ⁴⁷Bashir Mohamed, a warehouse employee in Minnesota, was fired in April 2020 after organizing his fellow workers to contest the company’s safety protocols.⁴⁸ The company also fired Emily Cunningham and Maren Costa, both user experience designers, who were outspoken in their support for warehouse workers and their safety demands.⁴⁹



Hibaq Mohamed is a former warehouse employee at MSP1, an Amazon facility in Shakopee, Minnesota. Mohamed’s advocacy efforts have resulted in a hub of grassroots, worker-centered organizing efforts based out of Minnesota led by East African worker leaders.

Photo of Hibaq Mohamed. Source: MPR News.

Amazon’s retaliation against its workers for speaking out about their safety concerns is against the law. In a recent lawsuit filed by New York Attorney General Letitia James against Amazon, Attorney General James alleges that Amazon has consistently failed to protect its workers from the spread of the virus and it’s “flagrant disregard for health and safety requirements has threatened serious illness and grave harm to the thousands of workers in these facilities and poses a continued substantial and specific danger to the public health.”⁵⁰

Attorney General James further alleges Amazon violated Labor Law § 200 by failing to provide reasonable and adequate protection to the lives, health, and safety of their employees; in addition to Labor Laws § 215 and § 740 for retaliating against workers and for targeting whistleblowers.

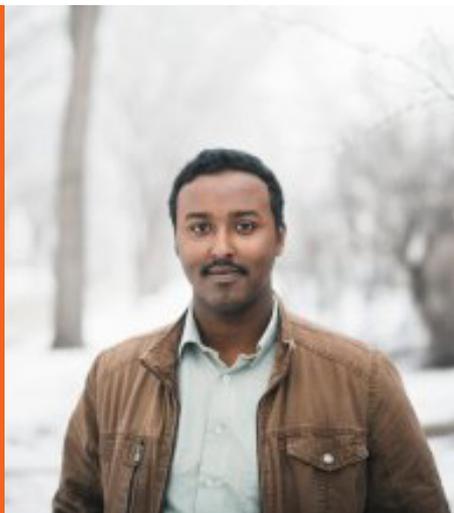
The suit outlines how Amazon has continuously failed to comply with requirements for cleaning and disinfection, when infected workers had been present in its facilities. It states that Amazon failed to adequately identify and notify potential contacts of such infected workers, and it also failed to ensure that its discipline and productivity policies, like “time off task,” permitted its workers to engage in hygiene, sanitation, social-distancing, and necessary cleaning practices.

James’ suit makes the case that the e-commerce giant has been cutting corners in complying with safety requirements that would mostly jeopardize its sales volume and productivity rates, “ensuring outside profits at an unprecedented rate of growth for the company” at the expense of its frontline workers who already experience significant risks of COVID-19 infection while working at Amazon.⁵¹

While the Attorney General’s workplace health and safety case against Amazon is a good step forward, New York cannot afford to wait any longer to protect thousands of Amazon workers.

As Amazon continues to open more warehouses in New York City and the state, its workers need and deserve the permanent protections that the NY HERO Act was designed to provide.

Enforceable health and safety standards at Amazon warehouses should be a key component of COVID recovery in New York. At the same time, the state must make it clear that Amazon will face penalties if the e-commerce giant refuses to comply with this vital new law



Bashir Mohamed is a former warehouse employee at MSP1, an Amazon facility in Shakopee, Minnesota. As a “stower” at MSP1, Mohamed was responsible for registering inventory and storing it onto shelves. In April 2020 Bashir Mohamed was fired after organizing his fellow workers for contesting Amazon’s COVID safety measures.

Photo of Bashir Mohamed. Source: CNN.

CONCLUSION

Here in New York and nationally, Amazon has prioritized profits over worker safety, and retaliated against workers organizing efforts to improve health and safety conditions in e-commerce warehouses during the pandemic. [52](#) [53](#) Amazon's e-commerce warehouse associates continue to risk their lives to protect New Yorkers. The NY HERO Act will help ensure that Amazon workers can continue to do their jobs safely as the economy re-opens.

That's why Governor Cuomo must immediately sign and implement this law. The NY HERO Act would set an immediate national precedent for how to protect workers in occupations and industries on the frontlines of the COVID pandemic. Given how dangerous Amazon's e-commerce warehouses have become, the NY HERO Act can and should function as an effective workplace safety law for thousands of New Yorkers employed by Amazon.

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