Congress of the United States

Washington, DC 20510

October 14, 2020

Jeffrey Bezos President, Chief Executive Officer, and Chairman Amazon.com, Inc. 1200 12th Avenue South, Suite 1200 Seattle, WA 98144

Dear Mr. Bezos:

We are writing to express concern that newly released information reveals that your company's response to our December 20, 2019 letter about serious injuries at the Amazon fulfillment center in Fall River, MA (BOS7)¹ contained misleading statements about Amazon's worker injury record and safety practices, and that this new information suggests that Amazon is not seriously addressing high injury rates at the Fall River and other fulfillment centers. This year, October 13 and 14 are Amazon's "Prime Days,"² reportedly, "the year's most dangerous week for injuries at Amazon fulfillment centers."³ As our last letter noted, injury records show that "peak" periods like Prime Days are particularly dangerous for Amazon warehouse workers, including workers in Massachusetts.⁴ However your response to our offices dissembled about and dismissed these concerning findings.⁵

In fact, Amazon workers face high risks – particularly during peak shipping times. A new report from *Reveal* from the Center for Investigative Report analyzed internal Amazon injury data and found that, "injury rates have spiked during the weeks of Prime Day and Cyber Monday, contrary to Amazon's public claims." Specifically, the *Reveal* report notes Prime Day and Cyber Monday as being the "two weeks [that] had the highest rate of serious injuries for all of 2019." We are gravely concerned that, as evidence mounts of unsafe working conditions for

¹ Reveal News, "Behind the Smiles," Will Evans, November 25, 2019, https://www.revealnews.org/article/behind-the-smiles/.

² Amazon, "Announcing Prime Day 2020," blog, September 27, 2020, https://blog.aboutamazon.com/shopping/announcing-prime-day-2020.

³ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

⁴ Letter from Senators Elizabeth Warren, Ed Markey and Representative Joe Kennedy III to Amazon CEO Jeff Bezos, December 20, 2019,

 $[\]frac{https://www.warren.senate.gov/imo/media/doc/2019.12.20\%20Letter\%20to\%20Mr.\%20Bezos\%20on\%20Fall\%20River\%20Facility.pdf.}{}$

⁵ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

⁶ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

Amazon warehouse workers, Amazon's response continues to be to roll out PR campaigns⁸ and misrepresent workers' injury risk to Congress and the public rather than implement meaningful changes that protect workers. Given that we know Amazon is aware of the increased risk of injury for workers during Prime Days, we are seeking information about what, if any, changes Amazon implemented this year to prioritize the safety of workers on whom your business is fully dependent.

Amazon Data Shows Increased Workplace Safety Hazards During Peak Periods, And Is Not Consistent with Information Provided to Congress and the Public

A new report based on Amazon safety reports and injury numbers finds that, "company officials have profoundly misled the public and lawmakers about its record on worker safety." In particular, *Reveal* found "a mounting injury crisis at Amazon warehouses, one that is especially acute at robotic facilities and during Prime week and the holiday peak – and one that Amazon has gone to great lengths to conceal." The report adds additional evidence to findings that Amazon has industry-high injury rates at fulfillment centers:

In 2019, Amazon fulfillment centers recorded 14,000 serious injuries – those requiring days off or job restrictions. The overall rate of 7.7 serious injuries per 100 employees was 33% higher than in 2016 and nearly double the most recent industry standard.¹¹

At the facility in Fall River, MA, a jurisdiction we represent, *Reveal* found the "warehouse's rate of lost-time injuries, for example, was more than 50% higher in 2019 compared with 2018 and six times the industry average." In January 2020, in response to a letter from us about worker safety concerns, Amazon stated that there was a 34.3% reduction from 2018 to 2019 in the Lost Time Injury rate at Fall River during the "peak season" but failed to note that lost-time injuries were increasing overall. ¹³

Today is one of two Amazon "Prime Days" – periods that are particularly precarious for workers who are regularly pushed to extremes. On Prime Days, "workers get mandatory overtime, with shifts extended from 10 to 12 hours or extra shifts added to an already grueling job." Amazon has told the public: "we know for a fact that recordable incidents do not increase

⁸ CNBC, "Local TV stations air Amazon PR piece on worker safety as if it were a real news story," Annie Palmer, May 26, 2020, https://www.cnbc.com/2020/05/26/local-tv-stations-air-amazon-pr-piece-on-worker-safety.html.

⁹ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

¹⁰ *Id*.

¹¹ *Id*.

¹² *Id*.

¹³ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

¹⁴ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

during peak."¹⁵ But the *Reveal* report based on your internal injury data shows that, in 2019, Prime Day was "the year's most dangerous week for injuries at Amazon fulfillment centers, with nearly 400 serious injuries recorded across the country."¹⁶

In fact, *Reveal* reports that Amazon has implemented several pilot projects intended to promote worker safety – including taking up recommendations made by the Occupational Safety and Health Administration (OSHA) – to "alleviate repetitive stress," but that the company stopped or paused half of these programs during Prime Days.¹⁷ Prime Days are an invention of your company to bolster sales.¹⁸ If pilot programs that help keep workers safe are unworkable during Prime Days, suspending those programs rather than evaluating whether to continue Prime Days is a misguided response that clearly values profit over personnel.

Amazon's Target Performance Expectations and Use of Robotics Appear to Increase Worker Safety Risks

You told our offices that, "The technology we use every day is designed to protect and promote our employees, and keep them healthy and safe." Yet it appears that your use of technology to track and time workers' productivity is part of what puts workers at risk.

As you have informed our offices, "Amazon uses a rate methodology to analyze each job to set a target performance expectation for all job functions." Reports from Amazon employees describe a system in which "production quotas go higher and higher," alongside surveillance and discipline – including having a manger "closely monitor a computer system that tracks how many items an employee scans every hour and write up workers who weren't hitting targets." Reports describe certain workers as having to "grab and scan about 100 items an hour," with that expectation rising to "rates of up to 400 an hour at robotic fulfillment centers." 22

In a letter to my and other Senators' offices, a company spokesperson stated:

Our target performance expectations ... are based on the performance, aggregated over time, across the network and each individual facility's performance. We

¹⁵ Business Insider, "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," Isobel Asher Hamilton and Aine Cain, February 19, 2019, https://www.businessinsider.com/amazon-employees-describe-peak-2019-2.

¹⁶ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

¹⁷ Id.

¹⁸ NBC News, "What is Amazon Prime Day? The history and impact of Prime Day," Zoe Malin, September 21, 2020, https://www.nbcnews.com/shopping/deals-and-sales/amazon-prime-day-history-n1240320.

¹⁹ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

²⁰ *Id*.

²¹ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

have dedicated teams that collect data on performance expectations and study their effectiveness.²³

Overall, it appears your evaluation of effectiveness has less to do with worker safety than with maximizing profit: the *Reveal* report indicated that none of your internal safety reports "propose reducing the intense workload for Amazon's warehouse employees, which is what helps drive Amazon's speed."²⁴ In response to multiple questions we asked your company about how worker safety is considered in developing or revising performance target expectations,²⁵ you discussed training workers to keep up and assessing incidents once they happen, but provided no indication that you had assessed whether the rate expectations themselves are putting workers at risk.²⁶

In fact, based on what you've shared with our offices, target performance expectations appear to have no basis in individual worker safety. Your response to our offices states that "associates' performance expectations for each task are compared to other associates' performance for those same tasks."²⁷ This is a description of a system that pits workers' capacity to keep up at any cost against each other, not a system that incentivizes safety. According to reports, Amazon "changes rates when more than 75 percent of workers at a facility are meeting goals," while "[t]he bottom 5 percent of workers are placed on a training plan."²⁸

In response to our question about how Amazon considers worker safety in the development of these target performance expectations, you stated that "if ... associates struggle to meet our performance expectations, managers provide coaching and training to support their development and success."²⁹ This, again, describes a system that pushes workers to meet expectations regardless of risks rather than assessing whether expectations are safe.

A study of turnover rate in Amazon warehouses found that "the average turnover rate for warehouse workers in counties with Amazon fulfillment centers" is "substantially higher than the turnover rates for warehouse workers overall." The study concludes that Amazon's business

²⁸ The Verge, "How Amazon automatically tracks and fires warehouse workers for 'productivity," Colin Lecher, April 25, 2019, https://www.theverge.com/2019/4/25/18516004/amazon-warehouse-fulfillment-centers-productivity-firing-terminations.

²³ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Sherrod Brown, February 21, 2020, [on file with the Office of Senator Elizabeth Warren.]

²⁴ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

²⁵ Letter from Senators Elizabeth Warren, Ed Markey and Representative Joe Kennedy III to Amazon CEO Jeff Bezos, December 20, 2019,

 $[\]underline{https://www.warren.senate.gov/imo/media/doc/2019.12.20\%20Letter\%20to\%20Mr.\%20Bezos\%20on\%20Fall\%20River\%20Facility.pdf.}$

²⁶ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

²⁷ *Id*.

²⁹ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf

³⁰ National Employment Law Project, "Amazon's Disposable Workers: High Injury and Turnover Rates at

model "views its workers as disposable and designs its operations to foster high turnover," in which, "work pace and repetitive work tasks require a level of physical exertion and strain that takes a high toll on workers' physical health over time, which is why the company needs to constantly replenish its workforce."³¹

Although a top Amazon official stated multiple times in 2019 that robots "make the job safer," the use of robotics in Amazon warehouses appears to be associated with increased safety risks for workers. Internal data published by *Reveal* show that, "[a]t the most common type of Amazon fulfillment center ... the rate of serious injuries from 2016 to 2019 was more than 50% higher at warehouses with robots than ones without." 33

Records Indicate that Amazon Aggressively Avoids Reporting Injuries to Federal Authorities

Your company asserted to our offices that Amazon "differ[s] from companies who take aggressive measures to avoid recording a lost time injury" – despite being cited by OSHA in 2015 for "not recording 26 instances of work-related injuries and illness" at a New Jersey facility³⁴ – and that the company does "not create 'light duty work."³⁵ Yet *Reveal* finds that Amazon has rolled out strategies to "reduce Lost Time Injuries and workers compensation costs" by assigning workers to "temporary light duty" work, which allows the company to evade recording requirements from injuries, but does not prevent them from happening.³⁶ Amazon even contracts with first aid clinics who advertise their services as, "treating injuries such that they are not OSHA recordable, if possible."³⁷

A former employee of an Amazon warehouse first aid clinic told *Reveal*, "I'd have managers sitting there watching these people work very improperly ... and they don't say anything. Because it's about rate and productivity." Your company told our offices: "we constantly survey our leaders and associates about their sentiment around workplace safety, while acting on opportunities to improve." But *Reveal* found that Amazon-conducted surveys

Fulfillment Centers in California," March 2020, https://www.nelp.org/publication/amazons-disposable-workers-high-injury-turnover-rates-fulfillment-centers-california/.

³² PBS Frontline, "Amazon Empire: Jeff Wilke," James Jacoby, September 18, 2019, https://www.pbs.org/wgbh/frontline/interview/jeff-wilke/; Tweet by Jeff Wilke, May 24, 2019, https://twitter.com/jeffawilke/status/1132035105906577408.

³⁹ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

³¹ *Id*.

³³ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

³⁴ OSHA, Citation and Notification of Penalty, Inspection Number 1074833, Issuance Date December 21, 2015, https://www.osha.gov/ooc/citations/Amazon_1074833_Citation.pdf.

³⁵ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

³⁶ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

³⁷ *Id*.

³⁸ *Id*.

from at least one warehouse found workers believed their job "requires [them] to move too quickly, so [they are] forced to either cut corners or not make rate." ⁴⁰

Conclusions and Questions

Reveal reports that your company has set goals to decrease injuries, but fails to meet them. According to the report, "[i]n 2018, Amazon aimed to lower its injury rate by 20%. Instead, injury rates went up. The next year, the goal was more modest: a 5% decrease. But the rate rose again."⁴¹

Every person who works at Amazon deserves to be safe, and no worker's safety should be treated as expendable or secondary to bolstering the company's bottom line. Your misleading responses and public misrepresentations about Amazon's safety record raise concerns about your commitment to the safety of Amazon workers, and to creating a workplace that prioritizes and values worker safety. To address these concerns, we ask that you provide answers to the following questions no later than October 28, 2020:

- 1. In your January 6, 2020 letter to us, you told us that there was a 34.3% reduction from 2018 to 2019 in the Lost Time Injury rate at the BOS7 facility in Fall River "during the peak season." But documents obtained by *Reveal* found that "[t]he Fall River warehouse's rate of lost-time injuries ...was more than 50% higher in 2019 compared with 2018 and six times the industry average." How do you reconcile this information with the statements in your January letter?
- 2. Given Amazon data shows spikes in worker injuries during Prime Days, what changes did Amazon implement this year to protect workers from injury during the October 13-14 Prime Days?
 - a. Does target performance change throughout the year, and if so, what determines that change?
 - b. Did Amazon change target performance expectations for workers during Prime Days this year, and if so, how? Did they increase or decrease?
 - c. Please provide representative examples of target performance expectations for pickers and other warehouse workers in BOS7 throughout the year, including non-peak period and during Prime Days in 2020.
- 3. An Amazon spokesperson said the company will "ensure we have adequate leadership and safety staff on hand during these peak times." 44

⁴⁰ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

⁴¹ *Id*.

⁴² Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

⁴³ Reveal News, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/.

⁴⁴ *Id*.

- a. Did Amazon increase the number of safety staff at warehouses for Prime Days this year? If so, what additional safety staff were at warehouses during Prime Days? How many warehouses had this additional safety staff?
- 4. In a February 21, 2020 response to Senate offices, you stated that the goal of target performance expectations is "to ensure the performance expectations are attainable, while prioritizing safety."⁴⁵
 - a. What specific data does Amazon collect on workers' "rate" and "time off task" during a shift?⁴⁶
 - b. When and how do workers see their "rate" and "time off task" information?
 - c. When and how do managers see this information?
 - d. How long is data retained from any specific workday or about any specific worker?
 - e. How does Amazon use this data to determine whether expectations are "attainable"?
 - f. Has Amazon ever reduced target performance expectations in response to a review of the data?
 - g. What team at Amazon is responsible for "collect[ing] data on performance expectations and study[ing] their effectiveness"?
 - i. In addition to monitoring data, does this team conduct interviews with workers?
 - ii. Does this team monitor intake with Amazon Onsite Medical Representatives?
 - iii. What other data points does this team consider besides monitoring of whether workers meet target performance expectations?
- 5. What are the consequences for workers who do not meet their target performance expectations?
 - a. How do managers respond if a worker goes over "time off task" or makes less "rate" than their colleagues on any given shift?
 - b. What internal policies or documents govern these consequences?
 - c. How are workers informed about these consequences?
 - d. How many workers were terminated for excessive write ups due to "time off task" and "rate" in 2020?
- 6. In your February 21, 2020 response letter, you stated that managers follow up with an associate if "our leaders cannot account for the whereabouts of an associate for a significant amount of time." 47
 - a. What, specifically, does Amazon consider "a significant amount of time"?
 - b. What are the consequences for workers that cannot be accounted for?

⁴⁵ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Sherrod Brown, February 21, 2020, [on file with the Office of Senator Elizabeth Warren.]

⁴⁶ National Employment Law Project, "Packaging Pain: Workplace Injuries In Amazon's Empire," Deborah Berkowitz and Athena Coalition, https://www.nelp.org/publication/packaging-pain-workplace-injuries-amazons-empire/.

⁴⁷ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Sherrod Brown, February 21, 2020, [on file with the Office of Senator Elizabeth Warren.]

- c. What is the internal process for verifying that the information is accurate?
- 7. You told our offices: "we constantly survey our leaders and associates about their sentiment around workplace safety, while acting on opportunities to improve." 48
 - a. What surveys do you conduct of sentiments among warehouse associates?
 - b. Are survey participants guaranteed anonymity?
 - c. Have you ever conducted a survey at BOS7? If so, please provide the results of any surveys.
 - d. Please provide an example of when Amazon "act[ed] on opportunities to improve" based on worker survey responses.
 - e. Did Amazon make any changes at the facility where a worker survey found workers believe their job "requires [them] to move too quickly, so [they are] forced to either cut corners or not make rate"?⁴⁹
- 8. Has Amazon implemented any measures recommended by OSHA after fulfillment center inspections in the past five years? Please provide details.
- 9. How many safety pilot programs does Amazon currently have active? How many safety pilot programs has Amazon started since 2018?
 - a. How many of these pilot programs were active on Prime Days in 2018, 2019, and 2020?
 - b. How many of these pilot programs were paused or not implemented during Prime Days in 2018, 2019, and 2020?
 - c. How many of these pilot programs did Amazon designate to be operational only "during non-Peak"?⁵⁰
- 10. You told our offices that "the Fall River facility conducts workplace audits on a daily basis to proactively identify hazards," and the site "examines their injury data at weekly Safety Review Board meetings and creates injury reduction plans and actions from this data."⁵¹
 - a. What is included in the daily workplace audit?
 - b. Has the Safety Review Board ever recommended or considered decreasing target performance expectations as part of an injury reduction plan?
- 11. You told our offices that, at BOS7, you use a "Safety Leadership Index (SLI)" program, which involves "ask[ing] associates a series of safety questions each day as

⁴⁸ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

⁴⁹ Reveal, "How Amazon hid its safety crisis," Will Evans, September 29, 2020, https://www.revealnews.org/article/how-amazon-hid-its-safety-crisis/. ⁵⁰ *Id*.

⁵¹ Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

they log-in" and that Amazon "use[s] the responses ... to quickly spot potential problems and remediate them." 52

- a. Do any of the questions in the SLI program ask workers about whether their performance target expectations or rate impact their safety?
- b. You stated that through this tool, "we have taken several corrective actions across our network." 53 What are those actions?
- 12. You told our offices, "the Fall River facility has rolled out a micro stretching program to be completed at breaks." ⁵⁴
 - a. What is the goal of this program, and why was it implemented?
 - b. Why is this safety program being implemented during workers' break time, and not during their working time?
- 13. You told our offices that Fall River has an Injury Prevention Specialist who is "available to assist with more intensive stretching and body movement techniques." 55
 - a. Is this available to workers during their working time?
 - b. Is this considered "time off task"?

Sincerely,

Elizabeth Warren

United States Senator

Edward J. Markey

United States Senator

Member of Congress

⁵² Letter from Amazon Vice President, Public Policy Brian Huseman to Senator Elizabeth Warren, January 6, 2020, https://www.warren.senate.gov/imo/media/doc/Amazon%20Response%20to%20Warren%20Markey%20Kennedy%20Letter%2001.06.2020.pdf.

⁵³ *Id*.

⁵⁴ *Id*.

⁵⁵ *Id*.