

Fine with fines? Amazon isn't making enough changes to protect warehouse workers, Washington state says

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Amazon and Washington's workplace safety watchdog are trapped in a cycle.

Citation. Appeal. Repeat.

Regulators with the state's Department of Labor and Industries have cited and fined Amazon four times in the past 11 months—a total of \$81,000—for alleged violations of workplace safety laws, accusing the company of setting an unsafe pace that puts employees at risk as they quickly move package after package.

The company disputes the violations, saying it sets a safe and comfortable pace of work and is constantly looking for new technologies and processes to keep workers safe in its warehouses and delivery stations. Amazon appealed the first three citations and plans to appeal the fourth.

Those appeals, the start of an often lengthy legal process, don't mean Amazon can continue operating as usual. But, for the most part, Amazon still is.

Under Washington law, employers are required to address workplace safety violations even while an appeal is pending. Since issuing their first in a string of citations against Amazon last May, [state officials](#) say the company hasn't done enough to satisfy their concerns and risks more injuries each day.

Workers at Amazon's Kent warehouse are asked to repeatedly lift, carry and twist at a pace that drives up injury rates, Labor and Industries officials said in the most recent citation. Ten of the 12 processes the department inspected "create a serious hazard" for back, shoulder, wrist and [knee injuries](#). Because the department has cited Amazon for similar violations in the past at other facilities, the company is aware of these hazards, officials said, and now is "knowingly putting workers at risk."

Most employers facing injury rates similar to Amazon's would end up

facing not just willful violation citations from Labor & Industries, but possible closures, said state Attorney General Bob Ferguson.

"To put Amazon's ergonomic injury rate in perspective, if the Department ever found a large construction company with this rate of falls from elevation per month, or minor amputations per month, orders of immediate restraint shutting down the company would be issued," Ferguson wrote in a July filing requesting a [state board](#) deny a motion from Amazon that it not be required to make changes while its appeal is pending.

Amazon is "unwilling to take any meaningful steps to reduce its high injury rate," while its appeal is tied up in legal proceedings, Ferguson wrote.

The Board of Industrial Insurance Appeals later denied Amazon's request, but the company has yet to fully address the violations, Labor and Industries officials said.

"We really haven't run into that issue before. Historically, businesses are really good at fixing hazards," said Dina Lorraine, a spokesperson for Labor and Industries. "We are still discussing it with Amazon."

Amazon has submitted two plans of abatement, legal paperwork that outlines the steps a company will take to address violations and safety concerns. The plans say the company is testing new technologies and new strategies to reduce injuries at its warehouses, but Labor and Industries says the plans are not enough to ensure worker safety.

When labor officials returned to the Amazon warehouse in DuPont, Pierce County, the site of the first workplace safety violation and one of the company's facilities with the highest injury rate among workers, Lorraine said Amazon had made some changes since the first inspection.

It changed the layout of workstations to reduce how far workers had to reach and hired an injury prevention specialist to start analyzing different jobs in the warehouse.

"This sounds like quite a bit," she said. "But it falls far short of implementing their ergonomic program. It's a big facility with a lot of workers at risk, so they have a lot more to do."

In the meantime, workers are still heading to Amazon facilities in DuPont and Kent, both the subject of citations, to pick, pack and stow packages.

Earlier this month, labor officials issued a "willful serious violation" regarding unsafe working conditions at the Kent warehouse. Because Amazon has been cited for similar violations, the fourth violation is more severe than the past three and comes with a \$60,000 fine, compared to \$7,000.

The escalation shows Amazon hasn't done enough to satisfy the department's concerns, said Eric Frumin, the health and safety director at the Strategic Organizing Center, a coalition of labor unions.

"I think it would have been hard for L&I to issue it as a willful violation if the company had already fixed everything at DuPont," Frumin said.

As it is, "it's very, very unusual for a company of this size and sophistication to create a crisis so bad that [health and safety officials are] willing to take what in legal terms clearly is the most powerful form of action," he said. "How many employers, especially big ones like this, get themselves into that situation?"

Not very many, Lorraine from Labor and Industries said.

The case with Amazon is not a "black-and-white issue," she said. Since it hinges on ergonomics, it's not as easy to say who's right and who's wrong as it might be with other workplace violations.

Historically, cases like this can move slowly, Ferguson said in the July court filing, pointing to the case against Texas-based oil company Tesoro, which operates a refinery in Anacortes.

Twelve years after an 2010 explosion at the Anacortes refinery killed seven workers, the company's request to appeal the \$2.4 million fine and 44 workplace violations is still pending before the Board of Industrial Insurance Appeals.

Tesoro has not yet made changes to its operations in response to the citations, Lorraine said.

In the case with Amazon, Ferguson estimated it could take at least four years to move through legal proceedings.

"Employers have a responsibility to provide a safe work environment. Amazon needs to stop fighting L&I's efforts to protect Washingtonians and do the right thing for its workers," Ferguson said Monday.

Amazon declined to answer questions about its appeals.

Spokesperson Kelly Nantel said "we strongly disagree with L&I's claims and don't believe they are supported by the facts."

In its abatement plans, Amazon said it had already addressed some of Labor & Industries' concerns, didn't understand others and was testing new procedures in a Tampa, Florida, facility to address still others.

To minimize ergonomic risks to its employees, Amazon is testing new

engineering controls including powered cart tuggers, electric pallet jacks and vacuum lifts. If the tests prove these automated solutions are helpful for workers in Tampa, Amazon outlined plans to roll them out in DuPont.

"If Amazon can engineer out a risk, it will," the company wrote in its abatement plan from November.

In response to a citation at its Sumner delivery station, Amazon said it put measures in place to prevent workers from lifting heavy items, including a weight limit on bags and a pilot to test smaller bags with redesigned handles. It also told workers to fill the highest shelf last, if at all.

Amazon transferred operations away from the Sumner facility a month after it received a citation for that location. The [company](#) says it made the decision to best serve Amazon's "business interests," and Labor and Industries said it was aware of the planned transfer early in its investigation.

Amazon said it was also assessing another Labor and Industries recommendation: a formal job rotation program to help avoid injuries from repetitive motions. But it pushed back on the department's assertion that the pace of work in its warehouses and other facilities was leading to injury.

At BF13, its DuPont facility, Amazon said it had "determined that the productivity measurements allow associates to work comfortably and safely."

In Washington, a group of lawmakers have introduced legislation aimed at ensuring companies set a fair pace of work.

The bill, which did not advance in this year's legislative session, would require employers to disclose more information about quotas that workers at large warehouses are expected to fill, part of an effort to ensure those requirements don't put [workers](#) at risk by encouraging them to skip breaks or cut corners to meet the threshold.

It has been nearly a year since the Labor and Industries department issued a violation against Amazon for its DuPont facility.

Four citations, three appeals and two plans of abatement have been filed. One hearing has been scheduled before the Board of Industrial Insurance Appeals for April, Lorraine said.

That conference will set a date for another hearing, this time to determine the merits of Amazon's appeals. There, Amazon and the Attorney General's Office, representing Labor and Industries, will each get to make their case—one side arguing why changes should be made and the other petitioning to keep operations running as they are now.

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