

Seattle court to Amazon: Time to improve safety at Kent warehouse

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Amazon may be on the hook to make changes to improve worker safety at a Kent warehouse following a new court ruling.

After [state regulators](#) cited Amazon for failing to create a safe work environment, Amazon sued the Department of Labor and Industries in October. Amazon argued the department had stacked the system against employers, in part because the company is expected to implement some of the proposed changes even while Amazon appeals the citation.

A [federal judge](#) in Seattle ruled Tuesday against Amazon, finding the department did not violate Amazon's right to due process.

In this case, the process that requires Amazon to address safety concerns while an appeal is pending is fast, the judge found. But that speed is warranted given concerns about the safety of workers who are still clocking in every day.

The decision "upholds an important Washington state law," L & I director Joel Sacks said in a statement. "Unless they are granted a stay, employers have to fix the hazards that put their workers at risk even while they appeal the underlying citation. The court reaffirmed an important protection for workers in Washington."

Amazon disagrees with the ruling and is evaluating its options, according to spokesperson Maureen Lynch Vogel.

"The reality is that we're already doing many of the things L & I claims to be seeking, and our employees' safety is and always has been our top priority," she said.

The state agency received a complaint in August 2021 from a worker at Amazon's Kent fulfillment center, a nearly 1-million-square foot facility that employs about 2,600 people. The department opened an investigation and later found multiple "willful, serious" violations.

Safety officials found that 10 of the 12 processes inspected "create a

serious hazard" for back, shoulder, wrist and [knee injuries](#). The department said Amazon's pace of work put workers at risk for injuries, including [musculoskeletal disorders](#) often caused by repetitive motions, high strain and long hours with few breaks.

The labor department issued a \$60,000 penalty. That was on top of three other citations and \$21,000 in fines from inspections at other Amazon facilities in the region.

Amazon appealed all four Washington state citations and said it had a "comprehensive, innovative and robust" health and safety program.

The company pointed to its \$300 million investment in [safety improvements](#), including new technology, as well as its \$12 million partnership with the nonprofit National Safety Council focused on reducing injuries.

In the months since, federal workplace safety regulators have opened their own investigations into Amazon warehouses across the country. The Occupational Safety and Health Administration found in February that Amazon had failed to keep workers safe and exposed employees to risk of injuries. It has issued \$152,000 in proposed penalties and inspected seven warehouses.

Amazon plans to appeal those citations as well.

In Washington, companies are expected to make changes to improve safety at its facilities after the Labor Department issues a citation—even while an appeal is pending. Companies can ask to delay that process by requesting a stay. Washington's Board of Industrial Insurance Appeals is expected to approve such requests unless they are "more likely than not that a stay would result in death or serious physical harm to a worker," according to [court documents](#).

In this case, the board denied Amazon's request because the company failed to notify its workers of the ongoing appeals process.

The requirement to notify workers is not a technicality, U.S. District Judge John Coughenour wrote in the most recent court ruling. "It ensures those affected most, employees, have the opportunity to be heard."

After the board denied Amazon's request, the company did notify its workers and asked the board to reconsider. The board upheld its original decision.

Amazon then sued L & I in October, arguing that it had violated Amazon's due process rights by requiring the company to mitigate safety concerns before any violation had been proven. Amazon wrote in its court filing it would be "tremendously disruptive" to make the changes the department had proposed. It would require a "costly study," a "comprehensive redesign" of its facility and new equipment.

On Tuesday, Coughenour ruled against Amazon. Although the procedures are "expedited" and don't provide "the protections that a full hearing would, they are warranted when balanced against the strong state interest in protecting [worker safety](#) and avoiding serious harm to employees," he wrote. "Because there is a clear rational basis in protecting worker safety, [Amazon's] substantive due process challenge must fail."

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