

**Remarks by**

**Courtenay Brown**

**United for Respect Leader**

**Testimony before the Senate Finance Subcommittee on Fiscal Responsibility and Economic Growth**

**Public Hearing on: Promoting Competition and Economic Growth in the Technology Sector**

Thank you for inviting me to share my experience with you today, Senator Warren and members of the committee. My name is Courtenay Brown and I live in Newark, New Jersey. I'm currently working at an Amazon fulfillment center and have been for three and a half years.

Before working at Amazon, I served my country as a service member in the U.S. Navy. In my time of service, I vowed to uphold the core values of the Navy, which included the commitment to care for the safety, professional, personal and spiritual well-being of our people. It was my duty, and that of my fellow Navy men and women, to work together as a team to improve the quality of our work, our people and ourselves.

I took seriously the commitment I made to my country then, and I take it seriously now as a Member Leader with United for Respect.

I'm here today, Senators, to raise the alarm about Amazon's business model, its threat to working people, and its threat to our economy. 1 out of every 153 American workers

is an Amazon employee<sup>1</sup> and this multi-billion dollar corporation grew on the back of its workers by exploiting them. I'm looking to you to stand up to corporations like Amazon and protect us.

The job I do is a much-needed service, especially since the COVID-19 pandemic began. As a Process Guide, I sort over 2,000 groceries for delivery to thousands of homes in New York City and New Jersey every day. I'm in and out of our cooler constantly, picking up and setting down items as heavy as a TV monitor with little to no rest. The work that I do is supposed to be done with a team of 30-40 people but we are operating with 28 people or less. Because our work is so essential, we need more hands on deck, not less, so that we can take turns getting breaks and much-needed rest. But, Amazon does not retain its workers.

The work is physically and mentally exhausting and on top of that, we are monitored every single second as we scan items. So pausing even to wipe the sweat off our forehead can lead to a write up as managers monitor our locations and times we spend doing work. If we fall behind in any way during our 12 hour shift, we risk being disciplined. We are pushed to our limit to the point where we can't even take regular bathroom breaks. Often we literally have to run to and from the bathroom in under 2 minutes so we don't get in trouble. The constant pressure and surveillance is one

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<sup>1</sup> <https://www.businessinsider.com/amazon-employees-number-1-of-153-us-workers-head-count-2021-7>

reason why Amazon has twice the level of injuries and turnover compared to similar employers.<sup>2</sup>

Very few people survive Amazon for more than six months. I used to be a trainer at Amazon and I saw firsthand how, out of 50 new hires, for example, only 5 would make it to the 6 month mark, and many quit soon after due to injuries and overexhaustion. Unfortunately, many are often so bruised and battered that they have to turn to disability or unemployment because they can't work anymore.

We are living in a country where **machines** are getting better treatment than people. The machines at my facility undergo routine maintenance checks to ensure they don't burn out. Meanwhile, research has shown that workplace injury rates are higher at Amazon facilities with more robotic and automated technology<sup>3</sup>.

Yet the one time I needed time off to be with my family to recover from my mother's passing -- I was told I wouldn't be able to get the allotted three days off for bereavement, I was only getting two. As you can imagine, two days to plan for funeral arrangements and process **my mother's death** was not nearly enough so I had to take

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<sup>2</sup> <https://revealnews.org/article/behind-the-smiles/>;  
<https://www.seattletimes.com/business/amazon/amazons-turnover-rate-amid-pandemic-is-at-least-double-the-average-for-retail-and-warehousing-industries/>

<sup>3</sup> <https://humanimpact.org/wp-content/uploads/2021/01/The-Public-Health-Crisis-Hidden-In-Amazon-Warehouses-HIP-WWRC-01-21.pdf>

a month off unpaid because that's the only option I had. A month of unpaid time off, while Jeff Bezos made \$75 billion<sup>4</sup> last year thanks to me and my coworkers.

Amazon's multi billion-dollar wealth is made possible by offering one and two-day delivery and the corporation has achieved this speed and scale through sheer brutality — watching, timing, and punishing associates like me and my coworkers for not working fast enough and not allowing associates to take time off to adequately recover, rest, and prevent burn out.

Amazon's high-tech sweatshop caused me to develop plantar fasciitis - a debilitating pain in my heel - because I'm having to stand up for long periods of time at work with little to no rest. The burning sensation around my heels is so painful that I take what little time I have to run to the bathroom just to cry. One time the pain got so intolerable I broke down and went to the emergency room. I begged the doctors not to keep me longer than a few hours because I had to go back to work. I was more concerned that I'd get punished at work for calling out than prioritizing my own health. This kind of exploitation isn't just happening to me -- I know a coworker of mine who wasn't provided the accommodations needed to pump her breast milk at work after giving birth to her child. *This* is the type of work environment Amazon is perpetuating across the country.

Amazon associates have been fighting back against these dangerous conditions for years. Instead of fixing the problem, Amazon is only doubling down on its exploitative

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<sup>4</sup> <https://www.businessinsider.com/amazon-ceo-jeff-bezos-net-worth-explodes-in-2020-chart-2020-12>

model. Jeff Bezos himself recently told shareholders that he plans to use *more* automated control of workers in the warehouses.<sup>5</sup> As Amazon Associates, we know what more automated control looks like -- dehumanizing tactics designed to break our bodies.

Amazon has built an empire on our backs, and now other employers, like Walmart, are racing to copy it's inhumane, exploitative model that demands we work nonstop.

The worst part of all is that Amazon is setting up its high-tech sweatshop in Black and Brown communities desperate for work. The pandemic has closed a lot of businesses in my area so even someone like me who has considered looking for another job -- I can't because there are no jobs available or the pay isn't enough to make rent and put food on the table.

This committee is considering competition and economic growth in the tech sector. When corporations write the rules to maximize their profit, they ensure they win by all means necessary -- including exploiting workers and gutting small businesses.

Senators -- I'm looking to you to stop corporations like Amazon from ruining our economy and dictating the workplace standards for hundreds of millions of workers like me. I'm asking **you** to help me put an end to inhumane, exploitative processes that leave America's workers injured, exhausted, and mentally battered each day.

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<sup>5</sup> <https://www.aboutamazon.com/news/company-news/2020-letter-to-shareholders>

Our country needs elected leaders to side with working people -- to side with essential workers -- not big corporations.

Thank you.

## APPENDIX I

### Public Hearing on: Promoting Competition and Economic Growth in the Technology Sector

United for Respect, December 2021

We cannot have a thriving economy or democracy when the most powerful tech corporations in the world profit, grow, and outcompete small businesses by finding innovative ways to exploit working people. When success is the result of low-road labor practices, workers, communities, and responsible businesses are undermined and left facing the consequences.

Over the past decade, Amazon has grown from a company with 56,000 workers to one with 1.47 million.<sup>6</sup> <sup>7</sup> Amazon is now the second largest employer in the United States, and relies on thousands more third-party contractors to complete its distribution network.<sup>8</sup> Today, Amazon dominates multiple markets and industries: it's projected to capture 41.4% of U.S. retail e-commerce in 2021, 40.8% of the cloud computing market through Amazon Web Services, and 21% of the streaming market with Prime Video.<sup>9</sup> <sup>10</sup> <sup>11</sup> Recently, Amazon's CEO of World Consumer predicted that by early 2022, Amazon would surpass UPS and FedEx to become the U.S.' largest package delivery service.<sup>12</sup>

Amazon has achieved this growth and dominance by creating a high-turnover, high-pressure system that offloads the costs of injuries, employment precarity, and deskilling onto the public, workers, and their families. This is Amazon's great innovation. Monitored at every minute, Amazon warehouse workers and drivers report running to the bathroom or even peeing in bottles, suffering from mental stress and fatigue, workplace injuries, and being driven to unemployment. With turnover of 150%, or higher, Amazon itself worries that it will churn through the entire workforce in some regions.<sup>13</sup>

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<sup>6</sup> [https://s2.q4cdn.com/299287126/files/doc\\_financials/annual/269317\\_023\\_bmk.pdf](https://s2.q4cdn.com/299287126/files/doc_financials/annual/269317_023_bmk.pdf)

<sup>7</sup> <https://ir.aboutamazon.com/news-release/news-release-details/2021/Amazon.com-Announces-Third-Quarter-Results/>

<sup>8</sup> <https://www.nbcnews.com/business/business-news/amazon-now-employs-almost-1-million-people-u-s-or-n1275539>

<sup>9</sup> <https://www.cnbc.com/2021/06/18/as-e-commerce-sales-proliferate-amazon-holds-on-to-top-online-retail-spot.html>

<sup>10</sup> <https://www.wsj.com/articles/amazons-cloud-boss-is-girding-to-defend-turf-in-the-field-company-pioneered-11636300800>

<sup>11</sup> <https://www.tvtechnology.com/news/amazon-apple-hbo-max-grow-us-streaming-shares-in-q3>

<sup>12</sup> <https://www.cnbc.com/2021/11/29/amazon-on-track-to-be-largest-us-delivery-service-by-2022-exec-says.html>

<sup>13</sup> <https://www.nytimes.com/interactive/2021/06/15/us/amazon-workers.html>

Amazon’s extensive worker surveillance and productivity metrics, commonly known as *Rate and Time Off Task*, have been repeatedly linked to the high injury rates at its warehouses.<sup>14</sup><sup>15</sup> In 2020, Amazon reported 27,178 workplace injuries, of which 90% were serious enough that workers were unable to perform their regular duties or were forced to miss work entirely.<sup>16</sup> Studies have found that not only are serious injuries more frequent at Amazon warehouses—nearly 80% higher than for all other employers in the warehouse industry— but that they are more severe as well, with injured Amazon workers taking, on average, a week longer than the recovery time for workers injured in the general warehouse industry.<sup>17</sup> <sup>18</sup> A study by Human Impact Partners also found that injury rates at Amazon warehouses were higher during the peak rush seasons associated with holidays, Cyber Monday, and Prime Day.<sup>19</sup> Similarly, elevated injury rates were found at Amazon facilities with higher levels of robotic and automated technology.<sup>20</sup>

Amazon has also come to dominate the logistics industry by undercutting wages.<sup>21</sup> A study by Bloomberg found that when Amazon opens new facilities, the average warehouse industry wages fall in that county, reaching their pre-Amazon level only after five years.<sup>22</sup> The same study found Amazon’s employee promotion rate to be far below that of the industry average, reflecting the high turnover rate and lack of advancement opportunities facing most associates.<sup>23</sup>

Black workers disproportionately bear the brunt of Amazon’s model. At one of Amazon’s largest warehouses in New York, Black workers were fifty percent more likely to be fired than their white peers.<sup>24</sup> And during the pandemic, Amazon fired several Black workers who spoke out about unsafe conditions.<sup>25</sup> This mirrors findings that Black people are more likely to have dangerous jobs, less likely to have their concerns heard, and more likely to be retaliated against.<sup>26</sup> Further, Amazon actively discourages the promotion of hourly workers in warehouses, the majority of whom are Black and brown.<sup>27</sup>

Meanwhile, other employers are forced, lest they be undercut, to compete using the same methods that economist Daron Acemoglu calls “so-so” tech innovation<sup>28</sup>. This so-so or low-road innovation contributes little to economic growth, while destabilizing the lives of working people and lowering wages. This race

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<sup>14</sup> <https://humanimpact.org/wp-content/uploads/2021/01/The-Public-Health-Crisis-Hidden-In-Amazon-Warehouses-HIP-WWRC-01-21.pdf>

<sup>15</sup> <https://thesoc.org/wp-content/uploads/2021/02/PrimedForPain.pdf>

<sup>16</sup> <https://thesoc.org/wp-content/uploads/2021/02/PrimedForPain.pdf>

<sup>17</sup> <https://thesoc.org/wp-content/uploads/2021/02/PrimedForPain.pdf>

<sup>18</sup> <https://thesoc.org/wp-content/uploads/2021/02/PrimedForPain.pdf>

<sup>19</sup> <https://humanimpact.org/wp-content/uploads/2021/01/The-Public-Health-Crisis-Hidden-In-Amazon-Warehouses-HIP-WWRC-01-21.pdf>

<sup>20</sup> <https://humanimpact.org/wp-content/uploads/2021/01/The-Public-Health-Crisis-Hidden-In-Amazon-Warehouses-HIP-WWRC-01-21.pdf>

<sup>21</sup> <https://www.bloomberg.com/news/features/2020-12-17/amazon-amzn-job-pay-rate-leaves-some-warehouse-employees-homeless?sref=AuDcg4ag>

<sup>22</sup> <https://www.bloomberg.com/news/features/2020-12-17/amazon-amzn-job-pay-rate-leaves-some-warehouse-employees-homeless?sref=AuDcg4ag>

<sup>23</sup> <https://www.bloomberg.com/news/features/2020-12-17/amazon-amzn-job-pay-rate-leaves-some-warehouse-employees-homeless?sref=AuDcg4ag>

<sup>24</sup> <https://www.nytimes.com/interactive/2021/06/15/us/amazon-workers.html?referringSource=articleShare>

<sup>25</sup> <https://sahanjournal.com/business-economy/amazon-shakopee-minnesota-protest/>

<sup>26</sup> <https://www.nelp.org/publication/silenced-covid-19-workplace/>

<sup>27</sup> <https://www.nytimes.com/interactive/2021/06/15/us/amazon-workers.html>

<sup>28</sup> <https://fairgrowth.house.gov/sites/democrats.fairgrowth.house.gov/files/documents/Acemoglu%20Testimony.pdf>

to the bottom wastes our enormous shared technological potential, while exacerbating economic inequality.

This is not a natural outcome of progress in the tech sector, but a reflection of economic policy decisions that we have the power to change. Our current policies incentivize the wrong kind of innovation and growth, and we must turn that around.

States are already beginning to take action in this direction. Recently, California passed a state bill regulating warehouse performance metrics such as those utilized by Amazon.<sup>29</sup> In 2020, Washington state, citing the high workplace injury rates at Amazon warehouses, raised the company's Worker Compensation premium rates by 15% and proposed placing fulfillment centers in a risk class of their own.<sup>30</sup> Worker surveillance practices like those Amazon uses to monitor associates and drivers, have also led to introduced legislation in Massachusetts and Illinois.<sup>31</sup> <sup>32</sup> Meanwhile, as Reuters reported last month, Amazon has used its massive lobbying and policy team to kill or undermine over 36 state bills that would impact the company.<sup>33</sup>

As this committee studies actions to ensure we have a healthy tech sector, it should consider a new generation of economic policies and labor rights that prevent tech corporations like Amazon from leveraging worker exploitation into growth, and outcompeting rivals by taking the low road. Establishing robust worker protections and rebalancing power between workers and employers would not only benefit hundreds of thousands of Amazon workers, but could reorient the economy and tech innovation toward more equitable and sustainable outcomes that lead to productive growth. In order to do this, we must establish policies that prioritize worker health and safety, protect against predatory surveillance and automated management practices, fortify the rights of workers to speak out and organize, guard against low-road business models, and incentivize innovation that enhances worker well-being and shared economic prosperity.

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<sup>29</sup> <https://www.latimes.com/business/story/2021-09-08/california-bill-ab701-passes-senate-warehouse-work-metrics-algorithms-regulation>

<sup>30</sup> <https://www.seattletimes.com/business/because-of-injury-claims-state-wants-amazons-automated-warehouses-to-pay-higher-workers-comp-premiums-than-meatpacking-or-logging-operations/>

<sup>31</sup> <https://www.bostonglobe.com/2021/10/07/opinion/massachusetts-has-chance-clean-up-our-national-privacy-disaster/>

<sup>32</sup> <https://inthesetimes.com/article/at-will-just-cause-employment-union-labor-illinois>

<sup>33</sup> <https://www.reuters.com/investigates/special-report/amazon-privacy-lobbying/>

## Appendix II

### Worker Letter to Shareholders

#### United for Respect and Warehouse Worker Resource Center

November 29, 2021

Dear Amazon Shareholder,

We are Amazon Associates and leaders with United for Respect (UFR) and the Warehouse Worker Resource Center (WWRC). We are part of a multiracial movement of working people advancing a vision of an economy where our work is respected and our humanity recognized. We write to you today to share an important [letter](#) from Human Impact Partners and over 200 public health practitioners calling on Amazon CEO, Andy Jassy, to end the inhumane and unsafe workplace quotas and surveillance that are currently ubiquitous throughout Amazon's logistics network.

Based on the findings of a [study](#) by Human Impact Partners and the WWRC, this letter outlines the dangerous reality we experience going to work every day. The high productivity quotas at Amazon facilities, commonly known as *rate* and *time off task*, have led to injury rates twice that of the general warehouse industry, and three times that of the average private employer. During peak rush times, and in Amazon's most automated facilities, workplace injury rates are even higher.

As the very people at-risk from Amazon's unsafe warehouse practices, we urge you to read the letter and consider the included recommendations. Commonsense improvements such as doing away with *rate* and *time off task*, adopting ergonomic standards, and strengthening COVID-19 precautions would not only make Amazon facilities safer workplaces, but might lessen the worker shortage and high turnover rate seen presently at Amazon warehouses. As an Amazon shareholder, you can help mitigate any short-sighted mismanagement of human capital at the company and support any shareholder proposals that seek to review workplace health and safety issues.

In our capacity as Amazon, UFR, and WWRC worker-leaders, we would also welcome the chance to speak directly with you, answer any questions, and share our vision of a better and safer Amazon.

Sincerely,

United for Respect Member Leaders & the Membership of WWRC

## Appendix III

### Joint Statement

#### Stop Amazon's Injury Crisis: End Amazon's Dangerous and Punitive Worker Surveillance

June 21, 2021

Amazon injures and discards warehouse workers and delivery drivers at double the industry average. There were a record 24,000 serious injuries at Amazon facilities last year. It is time for lawmakers and regulators to step-in and end the punitive system of constant surveillance that drives the dangerous pace of work at Amazon.

Amazon's business model is a calculated exploitation of workers, the majority of whom are Black and brown. Amazon's punishing system monitors workers' speed or *rate*, tracks their movements each second with a metric called *time off task*, and imposes a constant threat of termination. Amazon claims to simply monitor workflow — but in reality, *rate* and *time off task* is used to control physical movements and discipline workers, dictate when or if they can use the bathroom, and has been used to retaliate against worker organizing. A recent investigation in Washington State concluded that this high-pressure system violates the law.

Discarding workers after they are injured or too exhausted, Amazon churned through over half a million workers in 2019. Amazon's model breaks people's bodies, taking their health and sometimes livelihoods. The cumulative costs of this exploitative business model are offloaded onto workers, their families, and the public.

Black workers disproportionately bear the brunt of Amazon's model. At one of Amazon's largest warehouses in New York, Black workers were fifty percent more likely to be fired than their white peers. And during the pandemic, Amazon fired several Black workers who spoke out about unsafe conditions. This mirrors findings that Black people are more likely to have dangerous jobs, less likely to have their concerns heard, and more likely to be retaliated against. Further, Amazon actively discourages the promotion of hourly workers in warehouses, the majority of whom are Black and brown.

Warehouse workers and delivery drivers cannot wait for Amazon to fix its broken system. To ensure Amazon's model does not become the standard for our entire economy, regulators and lawmakers must intervene:

- **End *rate* and *time off task* tracking:** State and federal electeds should enact laws that ban this surveillance-driven discipline and control to ensure that workers are protected from abusive conditions.
- **Update OSHA standards and enforcement to end *rate* and *time off task*:** As evidence mounts that Amazon's model creates an unsafe workplace, state and federal OSHA programs should enforce existing standards and create new rules that address practices like *rate* and *time off task* that monitor workers and increase the pace of work.

**- Investigate Amazon's abuses:** Agencies tasked with safeguarding workers should investigate Amazon for these widespread and long-standing abuses, including: injuries, retaliation, and discrimination.

For years, workers have spoken out and protested against these conditions. Most recently, in Bessemer, Alabama, Black warehouse workers led a unionization effort, citing the punishing conditions created by Amazon's system of surveillance, control, and threat of termination.

Last year, civil society organizations stood with workers and called upon Congress to ban this type of punitive worker surveillance, citing the dangerous impacts on workers' physical and mental health, potential to undermine workers' right to organize, and long-term deskilling and wage decline of these jobs.

Finally forced to admit to ongoing injury problems, Amazon is nevertheless doubling down on its extractive model. In his final letter to shareholders, Jeff Bezos stated that Amazon would begin to use artificial intelligence to direct workers from one task to the next. But using technology to maintain absolute control over workers' tasks and workflow, it will only escalate Amazon's injury crisis. Decades of research show that when workers do not have autonomy and control at work, they are more likely to be injured and experience mental strain and depression. Later, Amazon announced wellness programs and funding for injury research, but it refuses to do the one thing that would stop widespread injuries: eliminate *rate* and *time off task*.

Amazon will soon be the largest private employer in the United States, and if lawmakers and regulators fail to take action, its dangerous and extractive model will become the standard in warehousing, logistics, and retail. As other retailers implement similarly exploitative strategies, this dangerous trend will further degrade working conditions for tens of millions of people across the country. The result will be a punishing, untenable reality for all working people, and Black and brown people will pay the highest cost.

We call on lawmakers and regulators do everything in their power to end *rate* and *time off task*, ensuring Amazon cannot use this punitive system of surveillance to cycle through entire workforces in communities throughout the country.

In Solidarity,

Athena Coalition

Action Center on Race and the Economy  
(ACRE)

Awood Center

AI Now

Civil Liberties Defense Center

Color of Change

Constitutional Alliance

Demos

Fight for the Future

Free Press

Government Accountability Project

Green America

Institute for Local Self-Reliance

Jobs With Justice

LAANE

Make the Road New York

Make the Road NJ

MediaJustice

Movement Alliance Project

MPower Change

National Employment Law Project

New York Communities For Change  
OLÉ  
Open Markets Institute  
Partnership for Working Families  
Presente.org  
Public Citizen  
Restore the Fourth Minnesota  
Secure Justice

Stand Up Nashville  
Surveillance Technology Oversight Project  
(STOP)  
SumOfUs  
Transit Riders Union  
United for Respect  
Warehouse Worker Resource Center  
Warehouse Workers for Justice

## Appendix IV

### Joint Statement

#### Put Workers over Profits: End Worker Surveillance

Oct 14, 2020

*Farhiyo Warsame, a warehouse worker, was targeted, surveilled, and fired by Amazon after speaking up about unsafe conditions at work, according to the Awood Center. Amazon tracked Farhiyo's time in between each small task and used the accumulated extra seconds to justify threats for her eventual termination. Through this "rate" and "time off task" tracking system, Amazon would have you believe it monitors work productivity — but in reality, this system is used to control the physical movements of workers, dictate when or if they can use the bathroom, discipline workers and, in the end, has been used repeatedly to retaliate against workers. It enforces an unreasonable pace of work that leads to the unusually high number of injuries at Amazon.*

Today, workers are subjected to an unprecedented level of workplace surveillance and control. From voice monitoring to tracking applications, these systems are being introduced into workplaces that are already stacked against low-wage workers, creating an environment ripe for exploitation. Surveillance gives corporations more power over workers. When combined with automation that dictates the pace and type of work, it results in a more dangerous, punishing, and precarious workplace. It can also lead to lower wages, deskilling of jobs, mental health stresses, the potential for racial discrimination, and a chilling effect on organizing. Workers urgently need legal protections that prevent these harms and end exploitative practices, including Amazon's rate and time off task monitoring.

The use of surveillance to exploit workers has a long history in the United States, going back to the plantation and then in manufacturing, where Taylorism and other systems of "scientific management" established control over workers' every move. The trend has worsened dramatically in recent years, and laws and regulatory agencies have failed to catch up.

Meanwhile, with few protections for workers, corporate employers have been able to grow profits by demanding and enforcing dangerous speeds, controlling each physical movement of a worker, and maximizing opportunities to make workers replaceable and expendable.

New technologies that monitor and control workers represent a radical transfer of power from workers to corporations. At Amazon warehouses, workers report that a scanner tells you exactly where to go, gives you seconds to get there, and then orders you what to do next. Your entire workload and every task you complete is managed in seconds. If you take longer than the seconds you are given, the time is added to your time off task. If you go to the bathroom or take a rest, this is also added to time off task. At the end of the day, if your productivity falls below a moving threshold, you are disciplined, and eventually fired.

Amazon's contract delivery drivers face similar monitoring, with dispatchers pressuring drivers to deliver increasing volumes of packages in a single shift — even if that means drivers must speed or skip bathroom breaks to meet delivery quotas. At Amazon, this is paired with intelligence systems and practices to monitor potential organizing activity outside of work.

This level of monitoring and control has no place in our economy. Corporate employers say that these technologies make workplaces more efficient and are necessary to be competitive, but those claims do not hold up to scrutiny. Instead, we find:

Individual productivity monitoring is used to enforce a dangerous pace of work. Within Amazon warehouses, the pervasive and punitive nature of tracking rate and time off task for each worker results in nearly double the injury rate and greater job precarity, as compared to the sector. While Amazon claimed that they stopped disciplining workers for productivity during the pandemic, the practice continued. This type of monitoring is designed for workers to fail.

Worker surveillance disproportionately harms Black and brown workers. Black and brown workers are more likely to be in low-wage jobs, less likely to be listened to when they raise concerns, and more likely to face retaliation. Additionally, algorithmic decision-making can dramatically reinforce and exacerbate racial disparities, particularly where people impacted have no recourse or power. For many of these workers, the level of monitoring is akin to discriminatory police surveillance in their communities.

Surveillance is being used punitively, rather than to keep workers safe. Corporations are adopting new workplace technologies for the sole purpose of disciplining individual workers, even in areas where technology could be used to improve working conditions. When Amazon developed new technologies to determine if workers were within six feet of one another, they then immediately used this information to discipline and then fire workers.

Surveillance is being used to retaliate against workers and undermine their protected rights to speak out and take collective action. With limitless surveillance at an employer's fingertips, targeting a particular worker is trivial — illegal retaliation is easily obscured. Amazon has used monitoring of time off task and social distancing to retaliate against workers after they spoke up about safety concerns. Surveillance of workers is not limited to the workplace, and it was recently reported that Amazon monitored private social media groups of Amazon Flex drivers, and tried to recruit an intelligence analyst to investigate labor organizing activities.

Pervasive surveillance and automated control increase corporate profits on the backs of workers, by reducing wages and deskilling jobs. While some technologies, such as supermarket scanners, allow companies to raise profits by using workers more efficiently, surveillance technologies raise profits by the cruder mechanism of increasing the exploitation of workers. The supermarket scanner allows each worker to serve more customers with the same level of effort, but surveillance technologies can dangerously accelerate the pace of work. The costs of injury and burnout are then offloaded onto families and the workers compensation system, rather than being internalized by the company.

During the pandemic, corporate employers have expanded workplace surveillance in ways that can compromise worker privacy and autonomy, and are using those tools for worker discipline and control. Employers have a legal duty to provide a safe working place (e.g. by slowing work speeds and providing handwashing breaks). Instead, Amazon developed a punitive social distance surveillance system that it gave to other corporate employers.

In response, state and federal governments should enact protections against workplace surveillance — ending predatory practices, such as Amazon's rate and time off task monitoring. These protections should

prioritize worker health and safety, fortify the rights of workers to speak out and organize, guard against low-road business models, require transparency in the use of new technologies, protect against new forms of tech-driven racial discrimination, and incentivize innovation that enhances worker well-being. Workers deserve better than models of exploitation developed on plantations and in factories over one hundred years ago.

In Solidarity,

Athena  
Action Center on Race and the Economy  
The Awood Center  
Center on Privacy & Technology at Georgetown  
Law  
Civil Liberties Defense Center  
Color of Change  
Constitutional Alliance  
Council on American-Islamic Relations (CAIR)  
Coworker.org  
Demand Progress  
Demos  
Fight for the Future  
Free Press  
Government Accountability Project  
Greater New York Labor-Religion Coalition  
Instituto de Educacion Popular del Sur de  
California  
Jobs With Justice  
Just Futures Law  
LAANE  
Make the Road New York

Media Mobilizing Project  
MediaJustice  
MPower Change  
National Employment Law Project  
New America's Open Technology Institute  
New York Communities For Change  
Open Markets Institute  
Our Data Bodies  
Partnership for Working Families  
Public Citizen  
Restore The Fourth Minnesota  
RootsAction.org  
Secure Justice  
SEIU California  
Stand Up Nashville  
SumOfUs  
Surveillance Technology Oversight Project  
(S.T.O.P.)  
United for Respect  
Warehouse Worker Resource Center  
Working Partnerships USA  
X-Lab

## **Appendix V**

### **Joint Statement**

#### **Silencing of Whistleblowers in the Workplace is a Threat to Public Health**

Given the immediate public health risks, we are calling for an urgent expansion and improved enforcement of legal protections for workers who speak out and take collective action against dangerous workplace conditions that risk exacerbating the spread of COVID-19 in communities. Workers themselves are in the best position to raise health and safety concerns, and if these concerns are ignored, or worse, if workers are retaliated against, it not only impacts those workers and their families, but risks accelerating the current public health crisis.

Over the last few weeks, Amazon fired at least six workers who had spoken out about unsafe working conditions in warehouses. In addition to these firings, other workers at Amazon have reported receiving arbitrary work-related warnings as a result of speaking out or participating in walkouts, and they fear that they are being set-up for termination. Given that Amazon is the second largest private employer in the United States and is significantly expanding its workforce during the crisis, this apparent pattern of retaliation is alarming.

Thousands of warehouse, delivery, and grocery workers are on the front lines of this fight, risking contracting and spreading COVID-19 every day in order to provide essential goods. This risk disproportionately falls on communities of color, who are more likely to hold these jobs and more vulnerable to the virus, as a result of the systemic racism that undermines health in these communities. These essential workers are calling for common sense measures in line with CDC guidance: implementation of six feet of distance between all individuals in the facility, personal protective equipment for all, time for handwashing, temporarily closing and cleaning exposed facilities to allow for quarantine, independent and transparent reporting, and paid leave policies to help exposed and sick workers to stay home.

Instead of adopting policies to protect workers, corporations are increasingly adopting invasive surveillance technologies to penalize and monitor lower-wage workers. This already predatory surveillance could too easily be turned against protected concerted activity and workers voicing concerns. We know that the mere presence of pervasive surveillance is likely to silence dissent, but not to protect health.

People who take action and speak out are not only exercising their legally protected right to protest and organize collectively for safe working conditions, but also acting in the national interest and protecting public health. Large facilities like warehouses, factories, and meatpacking plants employ thousands of people and grocery stores are major points of social interaction — if necessary precautions are not taken, COVID-19 could easily spread throughout communities. The right to demand better health and safety measures needs to be protected in order to limit the spread of COVID-19.

The current crisis has elevated workplace whistleblowing and collective action to a matter of national health and additional protection and enforcement measures are urgently necessary.

In Solidarity,  
Athena Coalition  
Access Now  
Action Center on Race and the Economy  
AI Now Institute  
Alternate ROOTS  
Black Alliance for Just Immigration  
Center on Privacy & Technology at Georgetown  
Law  
Color of Change  
Community Justice Exchange  
Constitutional Alliance  
Council on American-Islamic Relations (CAIR)  
Defending Rights & Dissent  
Demand Progress Education Fund  
Ella Baker Center  
Fight for the Future  
Freedom of the Press Foundation  
Global Action Project  
Government Accountability Project  
Instituto de Educacion Popular del Sur de  
California  
Just Futures Law  
Line Break Media  
Make the Road New Jersey  
Make the Road New York  
Media Mobilizing Project  
MediaJustice  
MPower Change  
Muslim Advocates  
National Employment Law Project (NELP)  
National Immigration Law Center

New America Center on Education and Labor  
New America's Open Technology Institute  
New York Communities for Change  
Ohio Valley Environmental Coalition  
Open Markets Institute  
Open MIC (Open Media and Information  
Companies Initiative)  
Partnership for Working Families  
People Demanding Action  
People For the American Way  
PeoplesHub  
Project Censored  
Project On Government Oversight  
Public Citizen  
RootsAction.org  
RYSE Center  
Secure Justice  
Surveillance Technology Oversight Project  
(STOP)  
The Awood Center  
The Civil Liberties Defense Center  
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United for Respect  
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Warehouse Worker Resource Center  
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