



AT WORK AND UNDER WATCH:

SURVEILLANCE AND SUFFERING AT AMAZON
AND WALMART WAREHOUSES



OXFAM

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
TECHNOLOGY, SURVEILLANCE, AND THE AMERICAN WORKER	4
THE VICIOUS CYCLE OF INEQUALITY AND WORKER EXPLOITATION	8
DRIVEN BY THE MACHINE: SURVEILLANCE AT AMAZON AND WALMART	12
Pioneers of surveillance	12
Criminalized at work: Racialized surveillance regimes	17
THE WAREHOUSE FLOOR: INCUBATOR OF INJURY	20
Under pressure	20
Measuring the physical and mental strain.....	21
Workers in pain: An intersectional lens	25
CALL TO ACTION: WALMART AND AMAZON MUST DO MORE	30
A ROLE FOR THE FEDERAL GOVERNMENT	36
APPENDIX	38
ENDNOTES	40

EXECUTIVE SUMMARY

Amazon and Walmart are the two largest private employers in the United States, and together these two megacorporations have amassed unprecedented levels of wealth. Both companies have succeeded by pioneering new methods of getting cheap goods to the American consumer—with unparalleled convenience and speed. Their outsized economic power, however, has a high cost, particularly to women and to members of Black, Indigenous, and people of color (BIPOC) populations. In fact, Amazon and Walmart have created business models that directly benefit from and perpetuate racial and class inequalities in the United States. In addition, both corporations reap high profits from increasingly oppressive forms of control, finding ever-new ways to exploit, discipline, and maximize the productivity of their workers. Amazon has been a pioneer in the area of worker surveillance and management in its warehouses, and Walmart, long known for adopting repressive practices to monitor workers, is also entering a new phase of accelerated technology deployment across its facilities.

This report shares findings from two recent surveys—the National Survey of Amazon Warehouse Workers and the National Survey of Walmart Warehouse Workers—that both explored the role that new forms of technology-enabled worker monitoring are playing in the lives of warehouse workers. The quantitative survey data is supplemented by qualitative ethnography and interviews conducted with Amazon and Walmart workers. Excerpts from these interviews are included throughout the report to provide insight into how technology-enabled surveillance is experienced by workers. This report reveals that regimes of measurement, surveillance, discipline, and data collection deployed by both companies unduly punish workers, stifle worker voice, and have negative impacts on worker health, safety, and well-being.

As Amazon and Walmart are set to enter directly into competition for market dominance in the online retail sphere, it is crucial to unpack the harms that speedy delivery schedules, technology-enabled monitoring, and high-volume logistics operations are causing workers laboring in warehouses across the country. This report highlights a range of critical challenges that workers are facing and demonstrates that at present both Amazon and Walmart have failed to adopt policies to adequately address these challenges. The report concludes by calling on each company to take specific steps toward aligning its policies with its human rights and due diligence obligations

and for the federal government to enact new legislation to protect workers and regulate the warehousing industry. This is a crucial moment for both companies to change course and ensure that technology-enabled surveillance is not actively causing harm to the American worker—particularly women and BIPOC workers, who already experience disproportionate levels of inequality, policing, and surveillance by the state.

KEY STATISTICS

- › 72% of Amazon warehouse workers and 67% of Walmart warehouse workers reported “how fast [they] work” is measured in detail by company technology always or most of the time. Only 58% of workers reported this level of monitoring in a recent survey covering the warehousing industry as a whole.
- › 77% of Amazon workers and 62% of Walmart workers reported that technology can “tell if [they] are actively engaged in [their] work” always or most of the time. Only 47% of workers reported this level of monitoring in a recent survey covering the warehousing industry as a whole.
- › Three-quarters (75% for Amazon and 74% for Walmart) of workers reported feeling pressure to work faster at least some of the time.
- › 70% of Amazon workers and 69% of Walmart workers were unable to confirm that the company they work for takes adequate steps to explain how their data is being used.
- › 60% of Amazon workers and 58% of Walmart workers reported that monitoring and surveillance are higher than at previous jobs.
- › More than half (54% for Amazon and 57% for Walmart) of workers reported that their production rate makes it hard for them to use the bathroom at least some of the time.
- › Half (52% of Amazon workers and 50% of Walmart workers) report feeling burned out from their work.
- › 41% of Amazon workers and 91% of Walmart workers reported experiencing some level of dehydration over the past three months.



Amazon packages move along a conveyor at an Amazon warehouse facility in Goodyear, Arizona.
AP Images / Ross D. Franklin, File

TECHNOLOGY, SURVEILLANCE, AND THE AMERICAN WORKER

Amazon and Walmart are the two largest private employers in the United States today, with massive domestic workforces of approximately 1.1 million and 1.6 million workers, respectively.¹ Together these companies dominate the retail sector, with combined revenues totaling \$1.185 trillion in 2023²—greater than the GDP of all but the 16 largest economies on earth, and about the same as oil-rich Saudi Arabia’s GDP.³ Both are major household names celebrated for their ability to innovate, grow, and disrupt business as usual—and both are frequently hailed as trailblazers of American capitalism. Year after year, Amazon and Walmart’s CEOs have raked in record-breaking salaries while their shareholders have reveled in a steady flow of soaring profits.

Yet no two US companies have a greater impact on the country’s inequality and poverty dynamics.⁴ For example, both companies are taking a toll on communities and small retailers all over the country.⁵ In addition, poor working conditions and punitive management systems have meant that both companies have unusually high employee turnover—which contributes to the financial instability of workers and their communities. Walmart’s yearly employee turnover is estimated to be 70%⁶ while the *New York Times* and subsequent reporting—including based on (leaked) internal documents—warn that the company’s turnover could be as high as 150%.⁷ The exorbitant profits that both companies have reaped over the years can be directly linked to their ability to undercut competition, exploit workers, and make ever-more lofty commitments to low prices, convenience, and—perhaps above all—speed.

From being a little-known company selling books out of a garage, today Amazon is an e-commerce giant. In recent years, Amazon has been in the national and indeed the international spotlight as the company seems primed to do no less than “take over the world” of global online retailing.⁸ As of 2023, Amazon is estimated to employ 29% of the more than 1.7 million warehouse workers in the US, and it operates 348 distribution centers.⁹

It is Walmart, however, that has long been considered America’s original corporate monopoly. Based in Bentonville, Arkansas, Walmart is a true brick-and-mortar retail behemoth in the US market. After opening its first store in 1962, Walmart now boasts 4,616 Walmart stores in addition to 599 discount wholesale retailer Sam’s Club stores.¹⁰ It is perhaps Walmart more than any other company that sparked “a whole new paradigm of consumerism—one focused on the car, one-stop shopping, and price as the main dimension of competition,” spearheading the American consumer’s addiction to goods at the lowest possible price.¹¹ The company shows no sign of slowing down, now aiming to take Amazon head-on in the world of online retail.

In the wake of the COVID-19 pandemic, e-commerce has exploded—driven by ballooning order volumes and tight delivery windows. Amazon Prime continues to promise to take care of all our shopping needs with unprecedented comfort and speed. Within hours of clicking a button on our smartphone, a brand-new blender, a television, or even our weekly grocery shopping is waiting for us on our front porch. In fact, setting up recurring orders means you can even skip the hassle of placing an order—and save money while you’re at it. But what *and who* make this miracle of modern living possible?

It is vital to recognize that the logistical enterprise of fast and easy e-commerce is built on the backs of millions of workers across the US. This report shows that the modern corporate obsession with speed comes at a cost to workers—particularly to women and BIPOC populations. When we look behind the scenes, we see that the technology-enabled monitoring systems that corporations rely on to drive productivity and get goods to their destinations in record time are actively causing harm to the American worker.

Warehouse work has always relied on physically taxing forms of manual labor, and BIPOC populations bear the brunt of these demands. It is not a coincidence that young, male, Latine, and Black workers are overrepresented in the sector as warehouse



An Amazon.com employee stocks books at the Amazon.com Fulfillment Center in Phoenix. AP Images / Ross D. Franklin, File

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work draws in populations who tend to be disenfranchised in higher-paying sectors of the labor market.¹² Warehouse workers in general incur injuries at a rate of 5.5 per 100 full-time equivalent employees (FTEs)¹³—a higher rate than most other manufacturing industries and significantly higher than the 3.0 per 100 average for all industries.¹⁴ However, when the speed pressures of e-commerce are added to the equation, companies must find new ways to push items out the door faster. As a result, Occupational Safety and Health Administration (OSHA) reports have recently highlighted alarming trends in the safety conditions that workers are facing in warehouses across the country.¹⁵ What is driving these increased safety risks? Companies are using technology to devise increasingly invasive and punitive methods of forcing workers to adapt to the dizzying pace of online orders.

Oppressive forms of surveillance enable corporations to meet their productivity targets. In 2022, the Washington State OSHA issued a citation against Amazon for willfully violating safety standards—linking these occurrences directly to Amazon’s systems of monitoring and disciplining workers.¹⁶ As the

Strategic Organizing Center (SOC) terms it, the Amazon “injury machine” relies on increasingly dystopic forms of surveillance across worksites as well as an overall culture of reprimand and intimidation.¹⁷ For example, workers have reported being forced to urinate in bottles for fear of not meeting production quotas.¹⁸ According to internal documents filed with the National Labor Relations Board (NLRB), Amazon’s “time off task” (TOT) policy automatically penalizes workers for breaks, pauses, or slower rates—an example of one of the company’s very own innovative forms of worker control that aims to drive employees to work at breakneck speeds.¹⁹ These technologies track, measure, and record worker movements and activities down to the second.

Workplace surveillance is not new—and it has always been detrimental for BIPOC workers, stemming from a long history of racialized systems of labor subordination in the US.²⁰ In fact, workers themselves frequently draw links between the warehouse floor, forms of control and violence adopted on slave plantations, and modern forms of policing by the carceral state. While racial systems of oppression are old, the methods that companies use today are increasingly sophisticated.



Transport trucks parked outside the Walmart Distribution Center in St. George, Utah. *!Stock.com/Solidago*

Today, new technologies or “bossware” systems are adopted every day in the name of efficiency, saving labor, streamlining, or safety—especially to enable monitoring of an increasingly remote workforce.²¹ A 2022 *New York Times* study found that eight out of 10 of America’s largest private employers use some kind of productivity tracking tool.²² Furthermore, surveillance regimes are becoming increasingly dystopic. Employers now widely use algorithms to scrape worker personal data and use biometric scanning or radio frequency identification (RFID) to follow worker activities, track eye movements, perform retina scans, and even measure worker heart rates.²³

The negative impacts of these electronic monitoring systems are hidden behind company claims that they make workers safer. Indeed, Amazon advertises its efforts to be the “safest place to work” on earth.²⁴ However, in recent years worker groups have decried the high injury rates and horrific working conditions that workers encounter as Amazon employees. A 2023 Our Data Bodies (ODB) report highlighted that “work at Amazon begins with an air of pride and promise, but veers into desperation, instability, and disability.”²⁵ Additionally, a 2022 SOC report revealed, by examining OSHA data, that Amazon’s overall injury rate increased by 20% between 2020 and 2021. The report also found that the company was responsible for 49% of all injuries in the warehousing industry in the US in 2021—even while Amazon employed 33% of US warehouse workers.²⁶ Amazon’s recordable injury rate in the US decreased from 7.6 per 100 full-time equivalent workers in 2021 to 6.7 per 100 FTE in 2022²⁷—but it nevertheless remains higher than the warehousing industry average of 5.5 per 100 FTE for 2022.²⁸

Amazon has also pioneered the use of labor-saving robots to automate and speed up order fulfillment at warehouses—a system that the company celebrates as a victory over the drudgery and dangerous working conditions on the warehouse floor.²⁹ However, when combined with intensive surveillance systems and unrealistic production targets, the use of robotics has instead created new pressures and safety risks. In fact, facilities with robots have consistently been found to have higher injury rates.³⁰ Even in automated warehouses, workers must still be on their feet “lifting, twisting, and bending” and engaging in repetitive motions that may lead to “slips, trips, and falls.”³¹ Automation may in fact force workers to move faster in order to keep up with the mechanized rhythm of machines.

Walmart, too, has been honing its own forms of surveillance—even if the company’s surveillance practices have managed to fly under the radar in recent years. In fact, scholars have coined the term *Walmartism* to refer to corporate surveillance in its classic form. Walmartism can be defined as an arbitrary authority coupled “with a penetrative system of observation, measurement, and feedback that constrains both workers and managers—a system assembled from technological innovations unavailable to Walmart’s nineteenth-century counterparts.”³² Worker organizations have long drawn attention to Walmart’s union busting and aggressive monitoring of both workers and customers in its retail stores.³³ This report highlights how workers in Walmart’s warehouses and distribution centers paint a concerning picture of company surveillance and productivity pressures. Additionally, Walmart has already received citations for worker safety violations in its warehouses.³⁴ A recent report

examining data between 2015 and 2022 found that Walmart ranked second highest among companies in terms of number of severe work-related injuries reported in the US.³⁵

Furthermore, despite evidence of a strong link between the use of robots and higher rates of worker injuries, Walmart is rolling out ambitious plans to implement advanced robotics and artificial intelligence (AI) systems across its distribution centers. In 2022 Walmart spent \$14 billion on upgrading its automation, technology, and supply chain systems.³⁶ In 2023 Walmart transformed its Brooksville, Florida, warehouse to become “the first U.S. Walmart warehouse of its kind to use automation to handle most products,” and company representatives hailed the new facility as the “warehouse of the future.”³⁷ The corporation currently also plans to grow its drone delivery program and open additional distribution centers. In November 2023, Walmart CFO John Rainey announced that Walmart had “nine regional distribution centers servicing U.S. stores with varying levels of automation with six more centers in active stages of construction.”³⁸ Walmart projects that these centers will double the number of customer orders the company can fulfill daily and will, as Rainey stated, “expand next- and two-day shipping to nearly 90% of the U.S.”³⁹

Workplace surveillance is not new—and it has always been detrimental for BIPOC workers, stemming from a long history of racialized systems of labor subordination in the US.

Today, both companies are going head-to-head to compete for market dominance in the online retail sphere. To date, Amazon has captured much of the market share of the post-pandemic surge in demand. As of the end of 2023, the company is estimated to control up to 37.6% of the business-to-consumer US retail e-commerce market; Walmart is a distant second at 6.4%.⁴⁰ However, Walmart is now increasingly moving into the e-commerce and online retail space, and some market watchers predict that Walmart will catch up to and maybe overtake Amazon in the coming years.⁴¹ According to Walmart’s third-quarter results announced in November 2023, e-commerce revenue in the US is up by 24%.⁴²

This report highlights the dark side of the spread of technology-enabled workplace monitoring in warehouses across the country. We bring specific attention to electronic monitoring, pace pressures from e-commerce demands, and racialized surveillance regimes—and the impacts of these systems on worker safety, health, and well-being. Given the resonances between warehouse surveillance and historic forms of racial and gendered oppression, this report pays further attention to the experiences of BIPOC workers—particularly women—and how they experience these surveillance systems. Based on two

national surveys, ethnographic research, in-depth interviews, and extensive desk research, this report offers a snapshot of the impact that technologies of surveillance are having on workers in two of the largest and most impactful corporations in the US.⁴³ The report concludes with an assessment of the extent to which Walmart and Amazon are meeting their human rights and due diligence commitments as well as a call to action to address the safety crisis confronting workers.

NOTE ON METHODOLOGY

For this study Oxfam used a mixed-methods approach combining quantitative and qualitative data. The quantitative data cited in this report is based on two national surveys: the National Survey of Amazon Warehouse Workers, which included responses from 1,484 Amazon workers, and the National Survey of Walmart Warehouse Workers, which included responses from 444 Walmart workers. Both surveys were conducted by Beth Gutelius, Ph.D., and Sanjay Pinto, Ph.D., in collaboration with the Center for Urban Economic Development (CUED).⁴⁴ Both surveys have been reweighted based on race and gender data reported to the Equal Employment Opportunity Commission (EEOC).⁴⁵ The report highlights company-based, gender, and racial differences in worker responses irrespective of whether these differences meet the level of statistical significance to demonstrate key trends and disparities. The surveys were administered via online social media platforms. Qualitative data was drawn primarily from in-depth interviews Tamara L. Lee, Ph.D., and Maite Tapia, Ph.D., carried out with workers at key Amazon facilities in the US.⁴⁶ Both qualitative and quantitative data collection underwent Institutional Review Board (IRB) examination and approval. Survey and qualitative data were supplemented with extensive desk research and publicly available information. The Oxfam team also conducted independent interviews with several Amazon and Walmart warehouse workers, excerpts of which appear throughout this report. To protect workers interviewed from possible retaliation, the report does not use names or include identifying information about each worker’s specific job or their location of work if requested.

We shared the findings of this report in advance of publication with both Amazon and Walmart. Both companies gave us robust responses but did not refute the findings with alternative publicly available evidence. Where appropriate, company responses have been incorporated into the report. We asked the companies if we could make public their full responses related to Oxfam’s claims in this report, but both declined.

THE VICIOUS CYCLE OF INEQUALITY AND WORKER EXPLOITATION

Economic inequality is one of the most pressing global issues today. The pandemic and the inflation, climate, and supply chain shocks that followed it have only exacerbated the situation. As a recent Oxfam report on global inequality states: “Since 2020, the richest five men in the world have doubled their fortunes. During the same period, almost five billion people globally have become poorer.”⁴⁷

Within the US economy, this current phase of high inequality builds on long-term trends. A Pew Center analysis shows that the wealth gap between America’s richest and poorest families has more than doubled between 1989 to 2016.⁴⁸ These wealth disparities feed off long-standing racial and gendered inequalities. The same Pew analysis found that the difference in median household incomes between white and Black Americans has increased significantly over the past century “from about \$23,800 in 1970 to roughly \$33,000 in 2018 (as measured in 2018 dollars).”⁴⁹ In a separate study, Pew also found that women’s wages have stagnated in the past two decades as women today earn only 82 cents for every dollar earned by their male counterparts. Furthermore, the gap between white men and Black and Hispanic women was found to be the most extreme.⁵⁰

As the class, gender, and racial wealth gap in the US remains entrenched, we must focus attention on the role that increasing corporate concentration is playing in worsening the problem. As two of the most powerful megacorporations in the US economy, Amazon and Walmart play a significant role in perpetuating the inequalities that confront us today. Both have relied on racial and gendered economic and labor market inequities to grow while at the same time actively contributing to these same inequalities.



“My grandfather was a construction worker. My grandmother worked in the textile industry. But they owned their home. They own their land. They made a living wage, and we lived a middle-class lifestyle. ... They were able to provide; we didn’t miss any meals. ... Because my grandparents, if they could provide that way back then, I want my co-workers who I work with, their children, their grandchildren, to be able ... to experience what I experienced as a child. I want my co-workers not to worry about, like when you go on break, am I going to get water or am I going to get chips? I can’t get both. I go to the grocery store. Am I going to buy eggs or am I going to buy bread? That should not be the case. And I feel like we’re living through ... we’re living through a Gilded Age where these people are getting so wealthy and consuming so much wealth, and what you’re seeing is that none of that wealth is trickling down to the people who made it happen.”

—AMAZON WAREHOUSE WORKER, NORTH CAROLINA⁵¹

It is no secret that both companies have deployed predatory and monopolistic practices over the years to solidify their status as US corporate giants.⁵² Walmart and Amazon dominate their respective markets. A whopping 90% of Americans live within 10 miles of a Walmart store.⁵³ A 2018 study found that Walmart captured 50% or more of all grocery sales in the US.⁵⁴ Although Amazon is a relative newcomer on the scene, since its founding in 1994 the company has experienced what can only be de-



Activists rally outside while others deliver “Authorization of Representation” forms to the National Labor Relations Board in New York, Oct. 25, 2021. AP Images / Seth Wenig, File

scribed as meteoric growth. However, commentators familiar with Walmart’s history of predatory policies saw Amazon’s rise to the acceleration of practices already honed and perfected by Walmart—describing Amazon as “Walmart on steroids.”⁵⁵

Communities are often quick to celebrate the opening of a superstore or a warehouse. After all, they are perceived as bringing jobs and boosting the local economy. The question is: What kinds of jobs? Are they really benefiting the entire community? Evidence suggests otherwise.

Amazon and Walmart target low-income, semi- or exurban spaces with higher BIPOC populations to establish retail stores and warehouses. A *Consumer Reports* study from 2021 demonstrated that 69% of Amazon warehouses are in neighborhoods that have a disproportionately high number of people of color and that 57% are located in neighborhoods that tend to have more low-income residents than the average for their metro area.⁵⁶ Worker groups see Amazon as benefiting directly from years of urban redlining and racial segregation. Amazon warehouses therefore draw workers who are already facing economic challenges and have few other alternatives in the labor market.⁵⁷

Walmart superstores have also been found to have a detrimental impact on their communities. A 2021 Washington Center for Equitable Growth report found that Walmart supercenter entry into a local market caused significant reductions in aggregate employment and earnings.⁵⁸ Another study found that Walmart’s

tendency to drive out competitors has meant that communities have become dangerously reliant on the company for their basic food needs. As a result, when Walmart closed 223 stores between 2015 and 2019 it created at least three new food deserts and another 31 neighborhoods in 15 states that would lack “any place that sells fresh produce and meat.”⁵⁹

Furthermore, the jobs that Walmart and Amazon bring to these neighborhoods are labor-intensive and dangerous. Workers of color continue to be hired at high rates for hourly, manual labor, and low-wage jobs at both companies, but corporate, managerial, leadership, and other white-collar roles in the company tend to be reserved for college-educated white employees. Workers report racial preferences in hiring, promotions, and management. As one Black male worker from an Amazon warehouse in Alabama put it:

“You’ve got all whites in management. That plant is 90% African American. ... When a white new hire comes in, I give them two to three months. ... They’re moving up. I’m still a picker. ... Every time I put in for a transfer, they put a write-up on me, and I can’t transfer out of there every single time.”
—AMAZON WAREHOUSE WORKER, ALABAMA⁶⁰

Both companies have long histories of high levels of racial and gender disparities in hiring and promotion rates. Amazon's track record reveals hiring preferences skewed in favor of white men, and the company has been criticized for this practice by workers.⁶¹ Within both companies, reported rates of hiring and promotion of BIPOC populations—particularly of BIPOC women—in leadership or officer-level positions remain dismally low. According to Amazon's latest data reporting on four-year trends in gender and racial hiring, as of 2022, 74.8% of US senior leaders are men. Of these leaders, 63.7% are white, only 6.3% are Black, 5.1% are Latine, and 0.6% are Native American.⁶² Walmart has a similar track record. Walmart's latest diversity, equity, and inclusion (DEI) reporting reveals nonwhite workers make up 49.96% of hourly workers but only 27.61% of officers and 40.65% of management positions. Similarly, nonwhite women make up 27.12% of nonmanagement positions and only 18.07% of management positions. Only 9.87% are officers in the company.⁶³

Historically, Amazon's and Walmart's outsized wealth and power in the economy have also enabled them to clamp down on unionization efforts and collective organizing. Both Amazon and Walmart have extensive histories of efforts to prevent unionizing, and most recently, Amazon has proven its determination to stonewall even after workers vote to form a union. For example, the Amazon warehouse in Staten Island in New York City is still without a contract a year and a half after workers voted to form a union.⁶⁴

In 2022, Amazon spent more than \$14.2 million on anti-union consultants—nearly \$10 million more than the previous year.⁶⁵ In 2023, a judge who hears cases for the National Labor Relations Board (NLRB) ruled that Amazon supervisors had illegally threatened to withhold wages and benefits if workers voted to unionize. In addition, the company had summoned workers to dozens of anti-union meetings at the warehouse in New York ahead of the union election there.⁶⁶ In 2020 and 2021, several media outlets reported that Amazon ramped up its anti-union efforts with anti-union propaganda,⁶⁷ firing key organizers,⁶⁸ surveilling employees,⁶⁹ and hiring the Pinkerton agency to gather intelligence on warehouse workers.⁷⁰ In 2020, at least 37 charges were filed with the NLRB that accused the company of interfering with workers' rights to organize.⁷¹ The company has taken the step this year of filing a lawsuit alongside others that challenges the constitutionality of the entire National Labor Relations Board.⁷²

Walmart's record is also problematic. An investigative report by the Center for Popular Democracy in 2015 noted that Walmart maintains a "steady drumbeat" of anti-union information at its stores, "requiring new hires—there are hundreds of thousands each year—to watch a video that derides organized labor."⁷³ Walmart currently claims that new hires in Walmart stores do not watch videos that in any way mention organized labor, nor do they receive information related to organized labor in some other format. The only exceptions are statutory supervisors who are trained to respect the rights of associates and on how to comply with labor laws in accordance with the National Labor Relations Act. Despite these claims to not influence workers, in January 2024, the NLRB found that Walmart engaged in anti-union activity at one of its stores in California, interrogating workers about union activities, removing union flyers, and threatening workers for handing out union literature. The company is facing 21 other NLRB complaints from workers about anti-union activities.⁷⁴

As a result of Amazon and Walmart's extreme attempts to discourage unionization among their employees, not one of their more than 2.7 million employees is covered by a collective bargaining agreement.⁷⁵ As a consequence, all of their workers are denied access to the protections, higher pay, and decreased gender and racial pay gaps that unionization affords to workers. Despite this climate of intimidation, today groups such as Amazonians United, the Amazon Labor Union, CAUSE, and Southern Workers Assembly have started to organize workers in locations across the country.⁷⁶

By concentrating wealth and capital, repressing worker organization, and maintaining racial and gender segregation in the workplace, both Amazon and Walmart have been able to drive out competition, exploit workers, and prey on low-income neighborhoods—all while continuing to experience exponential growth. The outsized—and growing—power of both companies allows them to keep BIPOC and women workers in the most menial, dangerous, and low-paying jobs and to devise new ways of exploiting these workers with impunity. Amazon's monopolistic practices have caused regulators to take note.⁷⁷ In September 2023, the Federal Trade Commission (FTC) joined with 17 state attorneys general to sue Amazon for illegal anti-competitive practices designed to increase the company's size and profits at the expense of the free market.⁷⁸

As two of the most powerful megacorporations in the US economy, Amazon and Walmart play a significant role in perpetuating the inequalities that confront us today. Both have relied on racial and gendered economic and labor market inequities to grow while at the same time actively contributing to these same inequalities.

WAL★MART

DISTRIBUTION CENTER

OUR PEOPLE MAKE THE DIFFERENCE



DRIVEN BY THE MACHINE: SURVEILLANCE AT AMAZON AND WALMART

The rise of corporate concentration, the decline in union activity, and the entrenchment of racial, gender, and class inequalities over the past several decades have allowed companies to innovate new ways of controlling workers with impunity. Indeed, the use of technology to monitor workers is becoming increasingly prolific across almost every sector of the economy. One group of workers termed these systems of detailed recording, scoring, and managing of workers the “electronic whip.”⁷⁹ Simply being aware that these automated management systems are in operation even without fully knowing what they are doing may in fact be changing the behavior of workers. In other words, the growing utilization of surveillance mechanisms may be causing workers to discipline themselves. Social theorists call this the “panopticon effect—drawing on the metaphor of a 19th-century prison design featuring a rotunda of cells with central tower from which prison guards could watch prisoners but the prisoners could not see into the tower, thus never knowing when they were being watched.”⁸⁰

Surveillance practices are increasingly dystopic. Companies are openly using software, AI, and advanced bodily monitoring to track worker activity down to the finest detail. Technology-enabled software can now tell when and how fast workers are sending emails, typing, or completing tasks—it can even record workers’ eye movements.⁸¹ These systems are justified in the name of worker safety as much as worker productivity. However, this report highlights the dark side of worker monitoring by focusing on its impacts on the warehouse floors of two of the most powerful corporations in the US.

PIONEERS OF SURVEILLANCE

What does it feel like to be a worker at these companies, and what do we know about the logistical operations, technology-enabled monitoring capabilities, and worker surveillance methods at Amazon and Walmart?

AMAZON

Worker organizations have been raising the alarm about Amazon’s micromanagement of worker activities and its detrimental impacts—especially in their massive fulfillment centers where orders are picked, packed, and shipped.⁸² Imagine an enormous building the size of 10 football fields with seas of boxes and storage units. The warehouse floor is littered with robotic devices—that workers describe as a “dresser with a Roomba underneath”—that roll over to your workstation and tell you what to pick up and scan.⁸³ As a worker you can be standing for long stretches of time, sometimes up to 12 hours, engaging in the same repetitive, grueling, and physically taxing motion for hours on end. During the holidays, all employees are forced to work mandatory overtime, sometimes resulting in an almost 60-hour workweek. Even during the year, employees report grueling shift schedules—what the company once called “megacycles” but now euphemistically calls “single cycles”—in which workers are made to work overnight from 1:20 a.m. to 11:50 a.m. These shifts can be punishing on the body, and they also isolate workers from friends and family.⁸⁴

Amazon relies on a variety of different work arrangements to drive its operations. Armies of seasonal workers power many of Amazon’s logistics centers, especially during the holidays.⁸⁵ Once goods leave distribution centers, they are handed over to a national fleet of drivers to be delivered to customer homes or businesses. These drivers are independent contractors who do not have access to health care, benefits, or even minimum wage guarantees.⁸⁶ Turnover at Amazon facilities is high as the company churns through workers who run out of steam and energy—sometimes within a matter of weeks. In fact, as Our Data Bodies reported, Amazon adopts a deliberate strategy that “makes it easy to get hired, get fired, and get rehired,” promoting a kind of warehouse recidivism policy that puts workers on probation without removing them entirely from the available pool of workers.⁸⁷ The company relies on ever-present surpluses of workers who are unable to find decent employment elsewhere to replace the employees it loses.

TIME OFF KIOSK



A woman clocks out at the end of her shift at the Amazon fulfillment center in Robbinsville Township, New Jersey. AP Images / Julio Cortez

“ ”

“I left Amazon because my body couldn’t handle it anymore. If you don’t move the box, the next person will move the box. ... They’re ready to jump onto the next person. When someone gets that thought into your head that you’re so easily replaceable, you’re more willing to ignore your injuries. ... One of my biggest concerns was what was I going to injure today.”

—MELISSA OJEDA, FORMER WAREHOUSE WORKER⁸⁸

Many fulfillment centers use robots to carry out various essential components of the production process. However, Amazon workers have reported feeling like robots themselves.⁸⁹ Workers are assigned handheld devices or scanners that record, count, and measure every item they move during their day. These systems measure down to the second the amount of time a worker spends not actively sorting, packing, or performing work—what is called “time off task” (TOT).

The scanners play a key role in the surveillance machine because what the scanner records can lead to “Associate Development and Performance Trackers,” or “ADAPTs,” which are automated write-ups that penalize workers for not meeting

production goals.⁹⁰ In addition, hundreds of security cameras are constantly monitoring the warehouse floor, ready to notify a manager when a worker is away from their station for too long. Badges are another form of worker surveillance, allowing managers to track when workers start or end their shifts, when they take their breaks, and their location across the warehouse.⁹¹ Being monitored this minutely takes a physical and mental toll as workers need to make decisions about taking breaks, eating, going to the bathroom, or even drinking water with their pace or performance metrics in mind.

Survey results helped to quantify the extent to which warehouse workers are feeling watched or monitored on the job. Large numbers of workers at Amazon report being under constant supervision both by management and by technology. The Amazon survey results found that 53% of Amazon workers “feel a sense of being watched or monitored in [their] work” always or most of the time. Importantly, the group that reported feeling that they are watched always at the highest rate was Black women (60%). Furthermore, when asked specifically about monitoring by technology, the response was even more pronounced. In the Amazon survey, 77% of respondents reported that the “technology can tell if [they] are actively engaged [their work].” This rate was vastly higher than that reported by workers in a recent Worker Empowerment Research Network (WERN) survey of workers across the warehousing industry as a whole, which was only 47%.⁹²

Being monitored this minutely takes a physical and mental toll as workers need to make decisions about taking breaks, eating, going to the bathroom, or even drinking water with their pace or performance metrics in mind.

Another example of the detailed metrics that Amazon monitors is a worker's units per hour (UPH) score, which records how many actions a worker is able to accomplish in an hour.⁹³ In the Amazon survey, 72% of Amazon workers reported that how fast they work is being measured in detail by company technology always or most of the time, much higher than the warehousing industry-wide average of 58%. Furthermore, worker metrics are prominently displayed on a monitor, which keeps workers psychologically primed to constantly worry about "making rate" and about how they are doing compared with their co-workers. In fact, 58% of survey respondents reported that their pace was "ranked and compared with the pace of [their] co-workers" always or most of the time—significantly higher than the 46% national industry-wide average⁹⁴ (see Figure 1).

WALMART



"It would be a little bit of, like, people ... watching you ... in person. We had a ... security team there. And most of the time, ... they would—I don't know if they do this inadvertently, but—they would really make you feel ... alienated. Like it was ... an us-versus-them kind of thing, because to them ... you're like a liability, you know? They don't know if you're gonna be stealing or not, so they assume that everyone is ... potentially stealing. It's to prevent ... theft. ... [T]he security, it's not there for the safety of the employees. It's there for the assets of the company."

—WALMART WAREHOUSE WORKER, CALIFORNIA⁹⁵

Workers at Walmart also report being watched constantly, although little is known about the technology the company is currently using to monitor workers across its warehouses. Indeed, the Walmart survey analyzed here is the first of its kind to offer insights into the extent of worker monitoring at Walmart's warehousing facilities, and it captures vital information about the company's current practices.⁹⁶

Walmart's retail enterprise is currently undergoing a radical shift. In response to skyrocketing demand for online orders that started with the COVID-19 pandemic, Walmart has expanded its e-commerce operations and reshaped its supply chain and

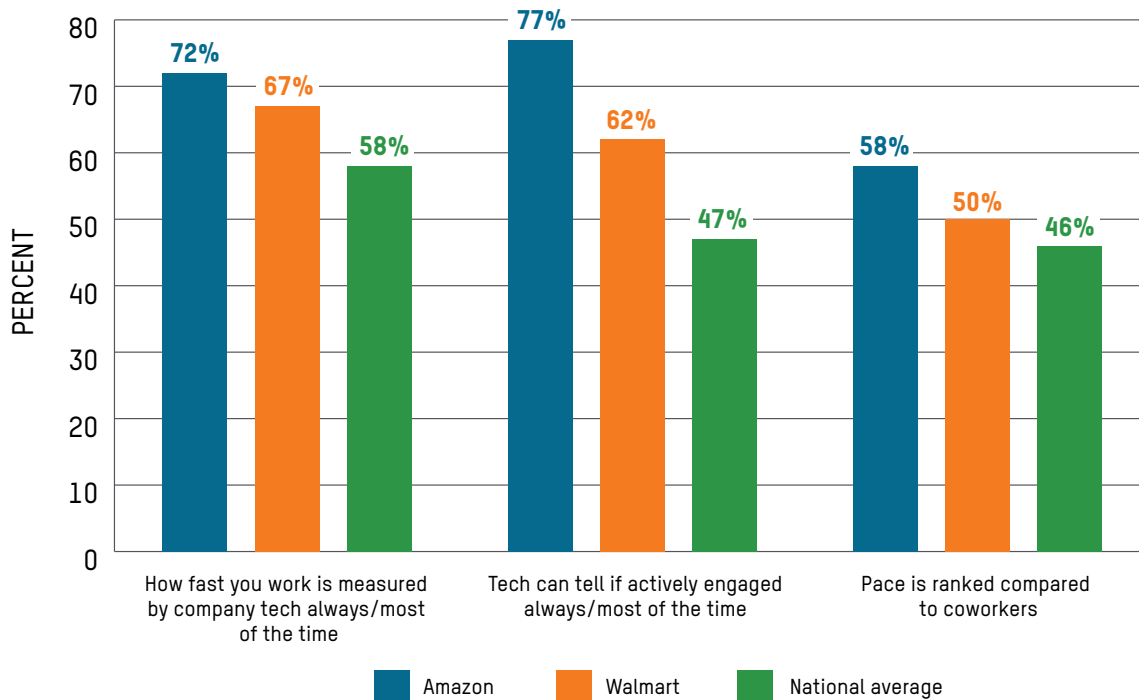
logistics operations.⁹⁷ To meet this demand, Walmart has relied on a combination of "dark stores"⁹⁸ (superstores that have been repurposed to serve as microdistribution centers), existing stores restructured to meet both retail and fulfillment demands, and new megadistribution centers opening across the country. For example, a massive distribution center that opened in Joliet, Illinois, in 2023 boasts 300 million cubic feet of storage. This center was lauded as a "first-of-its-kind facility [that] spans nearly 1.1 million square feet and uses automation to pack and ship online orders more efficiently."⁹⁹ The use of robotics on the warehouse floor is portrayed as positive, reducing the distances that workers must walk to pick items off shelves (workers were sometimes walking over 10 miles a day in a nonautomated Walmart warehouse). However, much like Amazon workers have reported, one of the Walmart workers we interviewed shared that "the robots are treated better than human beings."¹⁰⁰

Walmart relies on a combination of work arrangements to power its retail empire. The company has traditionally outsourced operations to an extended domestic supply chain of independent contractors—a complex hierarchy of intermediaries, franchises, and subcontractors—to evade accountability for labor practices.¹⁰¹ Between 2011 and 2013, Warehouse Workers United (WWU) won a series of legal victories against Walmart-contracted warehousing partners and staffing agencies for engaging in wage violations.¹⁰² Since then, Walmart has started to take over operations from third-party suppliers in many parts of the country.¹⁰³ In 2021 Walmart engaged in a round of hiring "supply chain associates" not to work in Walmart's retail stores but in its increasingly active distribution and fulfillment centers as order fillers, freight handlers, lift drivers, and the like.¹⁰⁴

Worker advocates have long decried Walmart's repressive surveillance activities. In 2018 Walmart won a patent for new surveillance technology that, if built, would have enabled management to eavesdrop on employees, monitor customer interactions, and track worker performance with groundbreaking precision.¹⁰⁵ While the company has not advertised plans to use this technology, the announcement put worker organizations on high alert. Indeed, in 2020 Walmart was operating an "Intelligent Retail Lab" (IRL) store in New York state that used automated inventory management, advanced sensor networks, and surveillance cameras to gain "a gods-like understanding" of everything happening in the store.¹⁰⁶ The presence of these extensive surveillance systems means that customers should also be wary: Walmart workers have warned the public that Walmart surveillance cameras monitor everything, including customer text messages.¹⁰⁷

FIGURE 1. AMAZON, WALMART, AND THE NATIONAL AVERAGE: IMPACT OF TECHNOLOGY-ENABLED MONITORING

Sources: National Survey of Amazon Warehouse Workers, National Survey of Walmart Warehouse Workers, and Worker Empowerment Network (WERN) Survey



The Walmart survey results demonstrate that surveillance is an integral part of the worker experience across Walmart warehouses. In response to survey questions, 45% of workers reported that “they feel a sense of being watched or monitored in [their] work” always or most of the time. In addition, 62% of workers reported that the “technology can tell if [they] are actively engaged [their work],” a response significantly higher than the percentage of workers who reported high levels of monitoring in the WERN industry-wide survey, which, as mentioned above, was 47%.



“But when you’re doing the actual work ... you’re getting monitored ... on the ... actual warehouse management system. So they know exactly ... when you are working, and when you are not.”

—WALMART WAREHOUSE WORKER, CALIFORNIA¹⁰⁸

In addition, 67% of Walmart workers responded that how fast they work is being measured in detail by company technology always or most of the time, higher than the industry-wide average of 58%. As one worker explained: “Everything is ... logged to ... a T.”¹⁰⁹ Finally, 50% of Walmart workers reported that they are being paced and ranked compared to other co-workers always

or most of the time, a response higher than the industry-wide survey, which was 46% (See Figure 1).

That Walmart and Amazon are at the forefront of worker surveillance and monitoring is borne out in the data. More than half of the respondents from both surveys—60% of Amazon workers and 58% of Walmart workers—reported that monitoring and surveillance were higher than at previous jobs.

Importantly, workers are not told what the data that electronic devices are constantly collecting is being used for, nor are they properly notified of their privacy rights. More than half of survey respondents (56% for Amazon and 53% for Walmart) responded “no” when asked if the “company has explained how it will use the data it collects from monitoring you on the job,” while 15% of Amazon workers and 16% of Walmart workers say they are unsure.

Thus, a large majority of survey respondents—70% of Amazon workers and 69% of Walmart workers—were unable to confirm that the company they work for takes adequate steps to explain how their data is being used.

Similarly, 51% of Amazon and 45% of Walmart respondents replied “no” when asked if the company had “notified [them] about their data privacy rights.” Twenty-one percent of Amazon workers and 18% of Walmart workers responded they were unsure.

Taken together, this means that a large majority of survey respondents—72% of Amazon workers and 63% of Walmart workers—are unable to confirm that the company they work for takes adequate steps to inform workers of their privacy rights.

Collecting such extensive data through electronic monitoring without ensuring that workers understand their privacy and data protection rights further disenfranchises workers.

For Walmart’s part, the company’s Associate Information Privacy Notice states: “When you are at work or using company-owned equipment, the information that we collect and use about you is considered ‘associate information.’”¹¹⁰ The notice further claims to provide “increased transparency around how Walmart manages and uses associate information,” but it does not specify the exact types or extent of the surveillance technologies the company uses to monitor its workers.¹¹¹

AMAZON VERSUS WALMART: STACKING UP THE STATS

Both surveys thus confirm alarming levels of surveillance across both companies. But how do Amazon and Walmart stack up against each other?

It is clear that workers are experiencing higher levels of surveillance at Amazon as seen by the responses to survey questions regarding being watched and the extent to which technology

is measuring and tracking worker activity. However, although Amazon workers reported technology-enabled surveillance at higher rates, Walmart workers expressed concern about productivity pressures at similar or sometimes slightly higher levels. In fact, in response to the statement “Keeping up with the [company’s] pace of work/making rate is hard,” 56% of Walmart workers agreed versus only 45% of Amazon workers—a difference of 11%. On other rate questions, the responses were very similar. For example, Walmart workers reported feeling anxious about meeting their production rate always or most of the time at a slightly higher rate—32% for Walmart versus 30% for Amazon. Similarly, 42% of Walmart workers responded that they feel a sense of pressure to work faster always or most of the time—while 41% of Amazon workers reported the same. Walmart and Amazon workers disagreed with the statement “I can meet my performance objective/make rate without risking my safety or health” at almost identical rates (Amazon 26% and Walmart 25%). The surveys also showed that across both companies, workers are not always free to take breaks. In fact, 44% of Amazon workers and 38% of Walmart workers disagreed with the statement that they are “able to take breaks when [they] need to” (see Figure 2).

Furthermore, women experienced pace pressures at higher rates than men at both companies (see Figure 3), with several exceptions. In the Walmart survey, men responded in the affirmative that “keeping up with the rate is hard,” at higher rates than women (58% for men versus 52% for women).

FIGURE 2. AMAZON AND WALMART: PRESSURE CREATED BY SURVEILLANCE AND WORK PACE

Sources: National Survey of Amazon Warehouse Workers and National Survey of Walmart Warehouse Workers

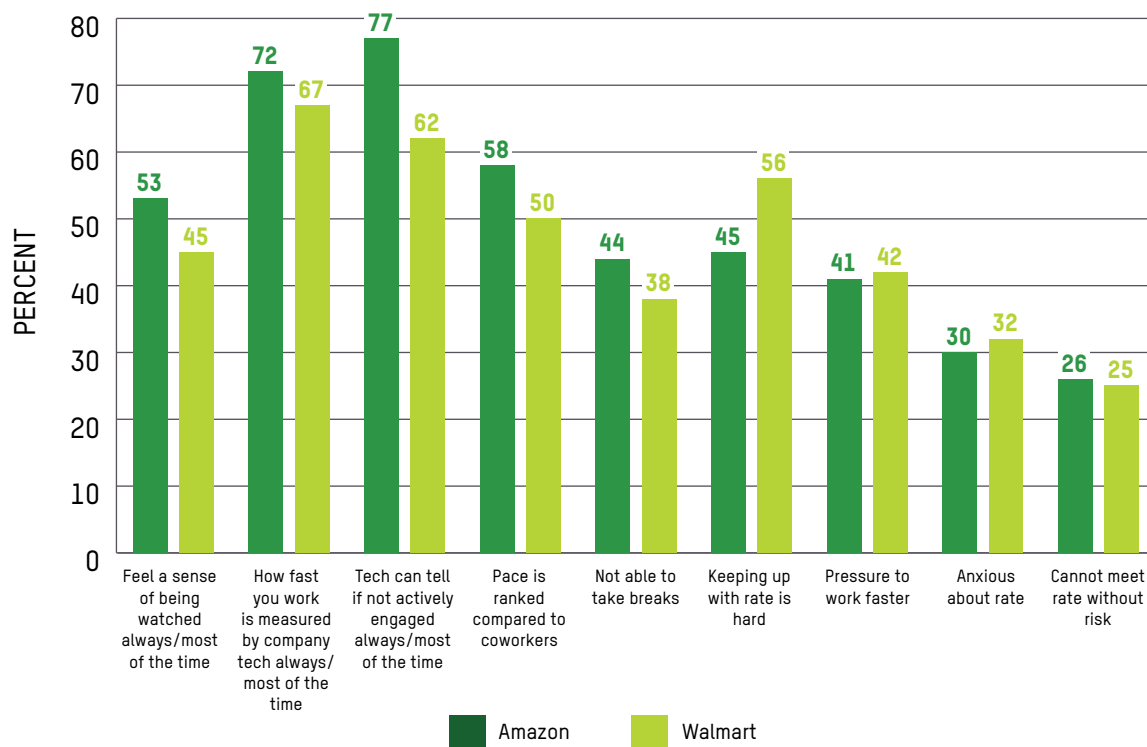
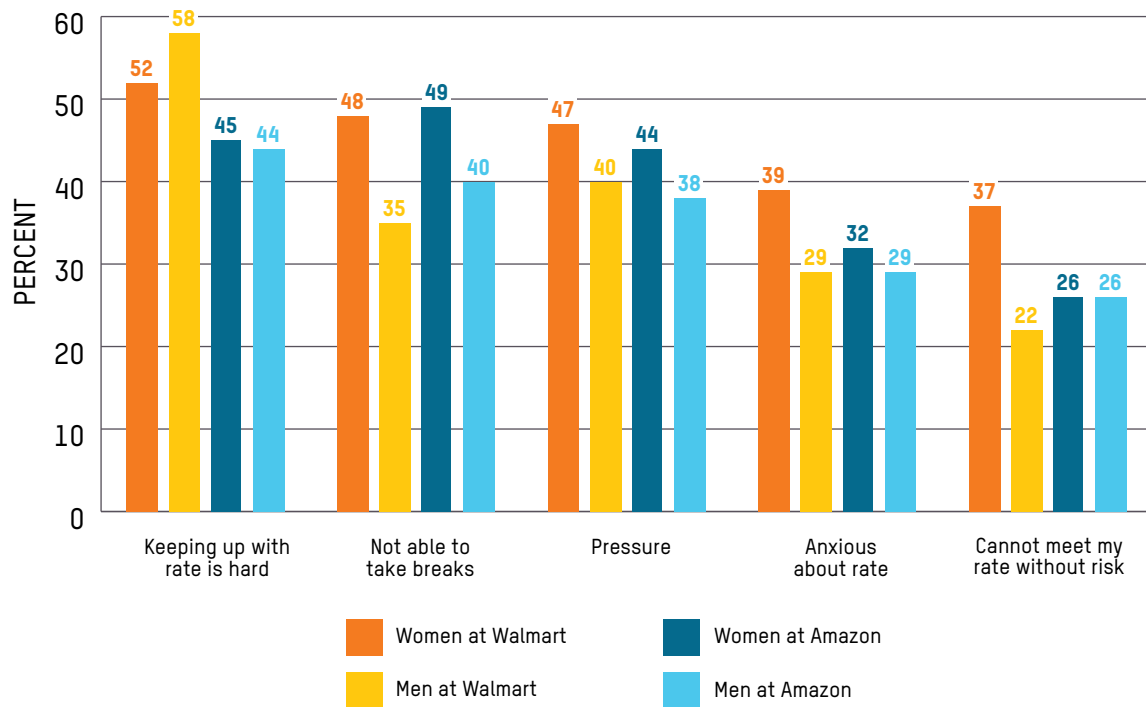


FIGURE 3. AMAZON AND WALMART: PRESSURE BROKEN DOWN BY GENDER

Sources: National Survey of Amazon Warehouse Workers and National Survey of Walmart Warehouse Workers



Women at Walmart report not being able to take breaks, feeling pressure to work faster, and anxiety about their rates in notably higher numbers than men, revealing important differences in the way that women are experiencing productivity pressures.

At Amazon, 26% of both men and women did not believe that they could meet their production without risk. However, on all other questions related to production rate pressures, women reported negative impacts more frequently than men across both companies.

Furthermore, this gender differential was significantly more pronounced in survey results for Walmart workers. For example, only 22% of male Walmart workers disagreed that they could keep up with the production rate without risking their health and safety, while 37% of female Walmart workers report the same—a difference of 15%. Women at Walmart report not being able to take breaks, feeling pressure to work faster, and anxiety about their rates in notably higher numbers than men, revealing important differences in the way that women are experiencing productivity pressures (see Figure 3).

Although it is still unclear what technology Walmart is using to surveil and monitor workers in its warehouses, the results from both surveys indicate clearly that workers are feeling the brunt

of monitoring and pace pressures at comparable levels across both companies. Furthermore, overall, women are experiencing the negative impacts of the pace and monitoring at higher rates than men.

CRIMINALIZED AT WORK: RACIALIZED SURVEILLANCE REGIMES

As the data shows, although key differences exist, workers at both Amazon and Walmart are experiencing concerning levels of surveillance. Crucially, excessive surveillance is not simply disconcerting for workers; it also erodes worker rights. National Labor Relations Board General Counsel Jennifer Abruzzo addressed this concern in a 2022 memo highlighting the “potential for omnipresent surveillance and other algorithmic-management tools” to curtail the ability of workers to engage in protected activity without employer monitoring or interference.¹¹²



Walmart distribution center located in the Tahoe Reno Industrial Center. *iStock.com/JasonDoly*

Surveillance fundamentally shifts the dynamics of power in the workplace in favor of management.¹¹³ For example, in 2014 leaked company documents revealed that Walmart engaged in “highly coordinated efforts to chill workplace organizing.”¹¹⁴ In recent years, worker organizations have been warning about the harmful effects of algorithmic management on worker safety, voice, and pay.¹¹⁵ Furthermore, surveillance technologies and rate pressures tend to atomize workers, forcing workers to compete against each other and socialize less in the workplace.

Almost half of both Amazon and Walmart workers (47% for Amazon workers and 45% for Walmart workers) agree that they “talk less to [their] co-workers than [they] want to because [they] are concerned about being monitored.”

““ ”

“Occasionally, you would get to talk to people, but it’s ... really discouraged because if you spend too much time talking, ... it will eat into your ... productivity time.”

—WALMART WAREHOUSE WORKER, CALIFORNIA¹¹⁶

Indeed, as detailed in a recent *Our Data Bodies* report, Amazon warehouses are quiet: “Picking and packing—common assignments in the warehouse—have workers working in silence, and except for the beeps of a scan gun, the voice of a manager telling workers they are dropping in productivity, or a robotic unit whirring up to a worker’s station, fulfillment centers are quiet.”¹¹⁷ In this tightly monitored environment, it becomes difficult to build community with other workers.

Furthermore, qualitative research on Amazon warehouses suggests that surveillance and monitoring practices are experienced as especially violating, invasive, and oppressive by certain groups—particularly Black workers. Scholars are pushing policymakers and the public to pay attention to Amazon’s intentional decisions to recruit workers and set up in BIPOC communities as part of their business practice, as mentioned above. In addition to relying on communities with a higher proportion of BIPOC workers, Amazon’s use of punitive monitoring systems, intense data collection, and worker tracking is increasingly turning the Amazon surveillance machine into an extension of the state policing and carceral system.¹¹⁸ Amazon has in fact militarized its control over workers across many facilities by using intensive surveillance, engaging private and public policing, and employing plantation-style management reminiscent of the violent forms of labor control that white slaveholders wielded over slaves in the 18th and 19th centuries.

KEY STATISTICS: RACE AND GENDER

At Amazon, Latine workers reported feeling watched always/most of the time at the highest rate (55%) versus Black (52%) and white (50%) workers. As a single group, however, Black women at Amazon reported feeling watched always/most of the time at the highest rate (60%).

At Amazon, Black workers responded that electronic monitoring is mainly used to control or discipline workers (as opposed to helping them) at the highest rate (50%) versus Latine (45%) and white (47%) workers. Even more striking, as a single group, Black women at Amazon responded that electronic monitoring is mainly used to control or discipline workers (as opposed to helping them) at the highest rate (57%) versus Latine (40%) and white (43%) women.

At Amazon, Black women were most likely to disagree (58%) with the statement “You’re able to take breaks when you need to,” followed by Latine women (52%) and then white women (44%).

Workers report being constantly treated as suspicious, being searched by metal detectors on entering and exiting the building, and being continuously tracked by cameras that monitor them not only for their performance but also for theft. In the same vein of intrusion and lack of trust, many fulfillment centers require warehouse workers to put their possessions in clear plastic bags for inspection but do not require higher-ranked workers (in management for example) to do the same.¹¹⁹

Surveillance traps BIPOC workers in oppressive systems of discipline that mimic their experience of being policed by the carceral state.¹²⁰ Both workers and researchers observe a strong link between oppressive surveillance regimes at Amazon warehouse sites and historic forms of racial oppression—for example, on slave plantations. The deployment of electronic monitoring—what might be aptly described as an “electronic panopticon”—of low-wage sectors where BIPOC workers tend to concentrate signifies a trend of increased policing of people of color across the work/private divide.¹²¹ Particularly at Amazon, workers interviewed frequently invoked comparisons with slavery when describing their experience on the warehouse floor. For example, one Amazon worker stated:



“The conditions there are absolutely horrific. I likened it to slavery because they care more about quotas and meeting production rates than actually caring about us as human beings inside there. I feel more like a number.”

—AMAZON WAREHOUSE WORKER, ALABAMA¹²²

Workers describe being patted down by management when they enter, exit, or need to use the bathroom at warehouses. This kind of treatment reinforces the feeling of being infantilized and policed.



“I was talking to one young man who’s a felon, and he was giving me the breakdown of how working [the warehouse] reminded him of his time in prison. The real short lunch breaks, the constant demand. For me, talking about the surveillance, it’s almost like you’re treated like a criminal. And what I mean by that is, it’s constant surveillance. And then when you leave out of the building ... you have to take your hat off, search through your bags, on and on and on. And I get it that you don’t want anybody to be stealing anything, but at the same time, we witness where the people that are Black and Brown, we are policed more than our white colleagues, our Asian colleagues.”

—AMAZON WAREHOUSE WORKER, NORTH CAROLINA¹²³

The psychological effects of this militarized surveillance regime are thus felt most viscerally and negatively by Black, Latine, and immigrant workers who also are routinely subjected to stop-and-search measures, at risk of police violence, and generally under the watchful eye of militarized state institutions.¹²⁴ In their report “Militarization of Employment Relations: Contemporary Worker Control in Amazon Fulfillment Centers,” Tamara L. Lee, Maite Tapia, Sanjay Pinto, Ali R. Bustamante, Carla Lima Aranzaes, and Spencer Shimeke argue that “such conditions, particularly given the historical (over) policing of Black labor, might lead to intensified feelings of control for a majority Black workforce.”¹²⁵ The psychological and health outcomes of worker monitoring systems are therefore particularly pronounced for BIPOC workers in general and Black workers in particular.

THE WAREHOUSE FLOOR: INCUBATOR OF INJURY

UNDER PRESSURE



“Working at Amazon is, I don’t know if you ever watched ... *Squid Game*. ... It is a degrading job [with] this constant surveillance. You’re standing constantly. A lot of workers ... have been standing on those hard concrete floors for so long, we have lower-back issues. We have other issues that are going on physically with our bodies. If you take our facility alone, since the facility opened, every three days, first responders are called to that facility. And when I say that it’s like [*Squid Game*], you see co-workers, you see friends, some workers have relatives, you see relatives who pass out, who are taken out of their facility on the stretcher.”

—AMAZON WAREHOUSE WORKER, NORTH CAROLINA¹²⁶

“And if you were working too slow, if you weren’t meeting these productivity targets, you’d be penalized for it. And, after being penalized enough, you would basically just be let go. So, there’s a lot of pressure to meet those standards, and most of them were unrealistic to meet. Especially when you’re working overnight, and, you know, you’re already, like, half asleep.”

—WALMART WAREHOUSE WORKER, CALIFORNIA¹²⁷

Surveillance does not only undermine worker rights, prevent worker organizing, intensify rate pressures, and create oppressive extensions of a racialized carceral state. This report demonstrates that excessive surveillance is having a tangible impact on worker health, safety, and well-being.

Performance metrics—measuring and ranking individual productivity and displaying it openly for both management and colleagues to see—create pressure to move faster and take more health and safety risks. Workers are continuously pushed to surpass their own metrics, avoid sanctions from management, or keep up with incentive structures. Work on warehouse floors is inherently dangerous but becomes even more so when workers are called on to mechanistically adapt their bodies to the rhythm of a competitive and booming e-commerce industry. In their survey responses, workers indicated a number of causes of injuries such as awkward lifting, reaching, or twisting;

heavy packages; getting hit by a package/equipment; broken equipment; and slipping. Engaging in repetitive motions, placing continuous stress on the body, and standing for long hours can also lead to long-term and dangerous health outcomes. Health professionals warn of the increased risk of musculoskeletal disorders (MSDs) such as carpal tunnel syndrome or joint pain that take years to evolve and can be difficult to connect causally to specific workplace practices.¹²⁸

Workers at both companies reported negative feelings about the pace of production in their survey responses. The most frequent response from workers when asked if they “feel a sense of pressure to work faster” was that they *always* feel pressure to work faster; 41% of Amazon workers and 42% of Walmart workers responded that way. At the next level, 34% of Amazon workers and 32% of Walmart workers reported feeling pressure to work faster at least some of the time.

Taken together, this means that 75% of Amazon and 74% of Walmart workers report feeling pressure to work faster at least some of the time.

Of particular concern is the fact that most workers were not aware of the link between how much they were being surveilled and the potential negative effects of these technologies on them personally. The majority of workers responded that safety of workers was a high priority for the companies they worked for (64% of Amazon workers and 66% of Walmart workers). Yet, despite these high rates of trust in both companies, worker responses about their health, pain, and injury experiences told a very different story.

MEASURING THE PHYSICAL AND MENTAL STRAIN

The two surveys’ questions on physical and mental health, pain, and overall well-being revealed that Amazon workers report experiencing higher rates of injury,¹²⁹ higher rates of negative impacts on physical health, and higher rates of anxiety, depression, and exhaustion compared with Walmart workers. However, Walmart workers reported slightly higher levels of heat stress. Warehouse workers at the two companies reported similar levels of burnout, stress at work, and dehydration (see Figure 4).

Reporting on an injury is difficult and complicated at both companies. As one Walmart worker explained:



“Essentially, if you got injured, it was almost always your fault. Management would not negotiate this with you at all. You would be penalized for it because they would deem that you were working unsafe and ignore all the other possible reasons for why you got injured.”

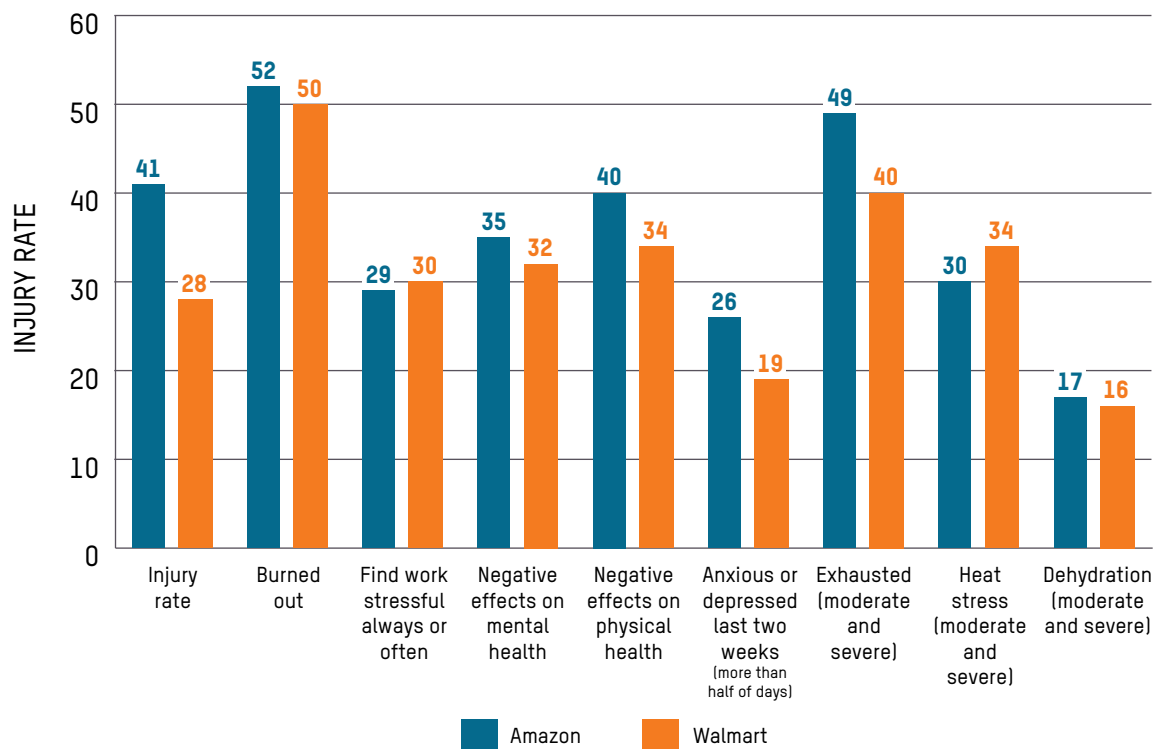
—WALMART WAREHOUSE WORKER, CALIFORNIA¹³⁰

Workers at Amazon report a similar feeling where “workers—rather than faulty equipment and inhumane performance targets—get blamed for injury.” Workers often feel guilty when they are injured because they are made to believe it is because they did not follow the training videos correctly or were not diligent enough about procedure.¹³¹ Workers also report that Amcare, Amazon’s in-house first aid clinic, has told them to go back to work despite their pain, failed to provide medical referrals, and plays a role in underreporting injuries.¹³²

One issue that workers raise time and time again is how productivity and metric pressures prevent them from going to the bathroom. During the research, workers reported planning their shift around, delaying, or sometimes entirely forgoing bathroom breaks.

FIGURE 4. AMAZON AND WALMART: WORK IMPACTS ON PHYSICAL AND MENTAL HEALTH

Sources: National Survey of Amazon Warehouse Workers and National Survey of Walmart Warehouse Workers





“It was still hard to go to the bathroom, but it’s just because of the simple fact that ... the process never stops, and if ... you go to the bathroom, when you come back ... all your aisles are gonna be packed and ... for the entire rest of the shift you’re gonna be playing catch-up and it’s an incredibly stressful experience.”

—AMAZON WAREHOUSE WORKER, MASSACHUSETTS¹³³

Interruptions in bathroom usage can lead to a variety of health problems such as urinary tract infections, incontinence, or bladder, bowel, or kidney conditions.¹³⁴ Delaying or forgoing bathroom breaks can be particularly harmful for older workers, pregnant women, or people with medical conditions. In fact, in the surveys, 23% of Amazon and 24% of Walmart workers reported that their “production standard or rate makes it hard for [them] to take the time to use the bathroom” always or most of the time. Furthermore, 31% of Amazon workers and 33% of Walmart workers report that their production rate makes it hard for them to use the bathroom sometimes.

Taken together, 54% of Amazon workers and 57% of Walmart workers surveyed reported that their production rate makes it hard for them to use the bathroom at least some of the time.

Even when workers were unsure about the impacts of surveillance on their own well-being, they were able to report on the amount of bodily pain they were experiencing. The surveys asked workers about the pain they had experienced in different areas of the body over the past three months and also to rank the severity of this pain. The survey results reveal that most workers are experiencing some form of pain that they attribute directly to their work. A large majority of workers reported experiencing some level of back pain/aching (Amazon 77% and Walmart 70%), shoulder or neck pain/aching (Amazon 68% and Walmart 64%), hand, wrist, and arm pain (Amazon 68% and Walmart 64%), and leg, knee, or foot pain (Amazon 79% and Walmart 68%). Carrying items, packing, picking, and sorting for long hours—all while standing—can cause significant strain on all these areas, particularly the lower extremities of the body.

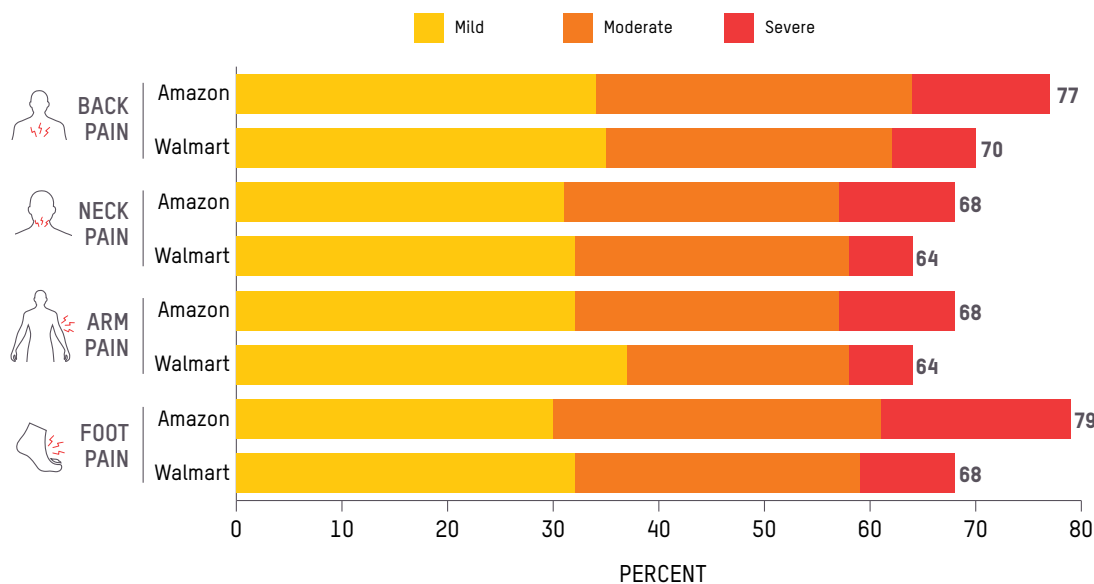
The surveys revealed that workers at both Amazon and Walmart are experiencing concerning levels of physical pain in many parts of their bodies. However, across all areas, Amazon workers reported higher rates of pain overall and higher rates of severe pain (see Figure 5).

Furthermore, the data shows that women in general and Latine and Black women in particular are experiencing pain at higher rates than men. These groups also report higher incidences of severe pain, as detailed in the following discussion.

Such high rates of pain reporting are cause for concern. These forms of physical strain may in fact may be cumulative over

FIGURE 5. AMAZON AND WALMART: TYPES OF PAIN EXPERIENCED

Sources: National Survey of Amazon Warehouse Workers and National Survey of Walmart Warehouse Workers





Packages ride on a conveyor system at an Amazon fulfillment center in Baltimore. AP Images / Patrick Semansky, File

Work on warehouse floors is inherently dangerous but becomes even more so when workers are called on to mechanistically adapt their bodies to the rhythm of a competitive and booming e-commerce industry.

time, speaking to a link between warehouse work and long-term wear and tear on the body. Furthermore, to compound these specific physical ailments, 49% of Amazon workers and 40% of Walmart workers reported experiencing moderate to severe levels of physical exhaustion due to their work in the previous three months. Heat stress and dehydration are also risks faced by workers in warehouse environments. Tight monitoring of water or rest breaks, designating workers to poorly air-conditioned areas of the warehouse, and exposing workers to high temperatures without proper counterbalancing measures and equipment are potential OSHA violations.¹³⁵ It is thus alarming that 56% of Amazon and 58% of Walmart respondents reported experiencing some level of heat stress in the past three months. Similarly, in a modern warehouse environment, continuous access to drinking water is a bare minimum requirement. Yet when we include responses of workers who

are experiencing mild dehydration, 41% of Amazon workers and 91% of Walmart workers reported experiencing some level of dehydration over the past three months—a particularly concerning finding from the Walmart survey.

Walmart's ethics and compliance disclosures state that the company documents and analyzes "associate incident and injury data," including the comparison of its Occupational Safety and Health Administration (OSHA) recordable incident rate (RIR) against its lost time incident rate (LTIR) and the finding that it has a significantly lower LTIR compared to the RIR. On this basis alone, the company then maintains that the data "indicates that the majority" of its "recorded incidents were minor in nature."¹³⁶ But as the survey results here show, Walmart's own workers are reporting significant physical impacts of performing the work the company is asking them to do.



An Amazon employee makes sure a box riding on a belt is not sticking out at the Amazon fulfillment center in Robbinsville Township, New Jersey. *AP Images / Julio Cortez, File*

In addition to the detrimental effects of the work on worker's bodies, there is also a psychological toll from the rapid pace of work and the constant surveillance. Uncertainty and opaque systems of algorithmic management create a "cognitive tax" on individuals even if they are unsure what these systems are doing or do not see them as oppressive.¹³⁷ A recent American Psychological Association report demonstrated that workers who are monitored are more likely to experience negative psychological outcomes than those who are not.¹³⁸ The isolation of the work also contributes to negative mental health impacts. As the recent *Our Data Bodies* report documents, many Amazon workers feel "profoundly alone" and experience the psychological impact of lacking reliable support from the company.¹³⁹

In the surveys, 35% of Amazon respondents and 32% of Walmart respondents reported that their work is having a negative effect on their mental health. Furthermore, across both surveys 46% of those who reported negative mental health impacts linked this negative impact to the way that the company monitors performance. In fact, 56% of Amazon workers and 45% of Walmart workers responded that they had felt anxious or depressed at least several days over the previous two weeks. Furthermore, approximately half agreed with the statement "I feel burned out from my work" at the company: 52% for Amazon and 50% for Walmart. Not only does this mean that

workers are being incentivized to push themselves physically, which may lead to taking risks or failing to observe optimal safety measures, but the mental health impacts themselves must be treated as a side effect of these electronic monitoring systems and pace pressures.

The surveys also explored the impacts of pain, injury, or health issues on the time that workers took off. Taking unpaid time off means that workers are foregoing income as a result of the physical impacts of their jobs. Both surveys posed the question: "In the last month, have you taken unpaid time off (UPT or VTO) from working at [Amazon/Walmart] because of pain or exhaustion resulting from your work?" Here, Amazon workers reported higher response rates across all answers: 16% of Amazon workers and 12% of Walmart workers reported taking one day off, while 19% of Amazon and 11% of Walmart workers reported taking two days off because of pain or exhaustion.

Importantly, the percentage of workers who reported taking three or more days off was significantly higher among Amazon workers—34% of Amazon workers versus 10% of Walmart workers. Thirty-one percent of Amazon workers versus a much higher 67% of Walmart workers took no days off.

A 2017 report released by A Better Balance profiles Walmart's particularly harsh policies against workers for taking too much

time off. Based on a survey of more than 1,000 workers, the report claimed that Walmart routinely refused to take doctor’s notes and punished workers for medical absences.¹⁴⁰ To support this finding of Walmart’s strident policies around absences, according to the surveys, a higher percentage of Walmart workers (25%) said that they do not feel free to report health and safety concerns or violations than Amazon workers (18%).

WORKERS IN PAIN: AN INTERSECTIONAL LENS



“It’s gotten to the point now [that] it’s so bad I have to psych myself and pray to go to work. I hate going in there because ... they talk to you like you’re not human, like you don’t matter. Like it’s all about a number. It’s all about getting a product out the door, a rate.”

—AMAZON WAREHOUSE WORKER, NORTH CAROLINA¹⁴¹

Both surveys clearly suggest that workers are self-reporting alarming levels of safety and health concerns and provide strong evidence to link these outcomes to the use of sur-

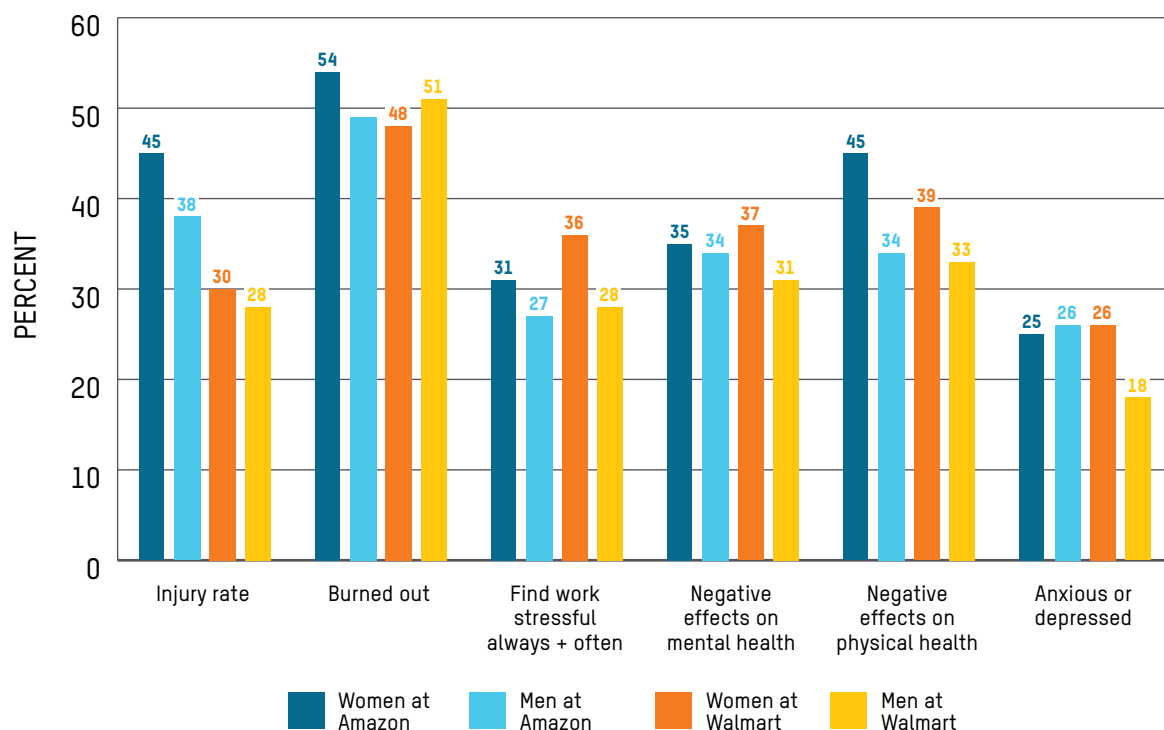
veillance and worker monitoring on the warehouse floor. The following figures and discussion further highlight how these safety risks are having a disproportionate impact on women—particularly on Latine and Black women.

As detailed earlier, women tended to report higher rates of pressure and anxiety about their production rates across both Walmart and Amazon data. When it came to health- and safety-related questions, women at both companies also reported negative impacts at higher rates than men on many questions measuring pain, safety, and health outcomes.

Especially notable were women’s responses to questions concerning the negative effects of the work on their physical health (45% for women versus 34% for men at Amazon, and 39% for women versus 33% of men at Walmart). Women also reported slightly higher injury rates at both companies (45% for women versus 38% for men at Amazon, and 30% for women and 28% for men at Walmart). At Walmart, women reported that they experience work as stressful always or often at considerably higher rates than men (36% versus 28%). At Amazon, the difference was 31% for women versus 27% for men. And finally, the gender differential in terms of rates of anxiety and depression were more pronounced at Walmart, with 26% of women workers reporting having experienced anxiety/depression more than half of the days over the past three weeks compared with 18% of men (see Figure 6).

FIGURE 6. AMAZON AND WALMART: HEALTH ISSUES BROKEN DOWN BY GENDER

Sources: National Survey of Amazon Warehouse Workers and National Survey of Walmart Warehouse Workers





A box of merchandise is unloaded from a truck and sent along a conveyor belt at a Walmart Supercenter in Houston. AP Images / David J. Phillip, File

FIGURE 7. AMAZON: PAIN EXPERIENCED OVER THE LAST THREE MONTHS BY WORKER'S GENDER

Source: National Survey of Amazon Warehouse Workers

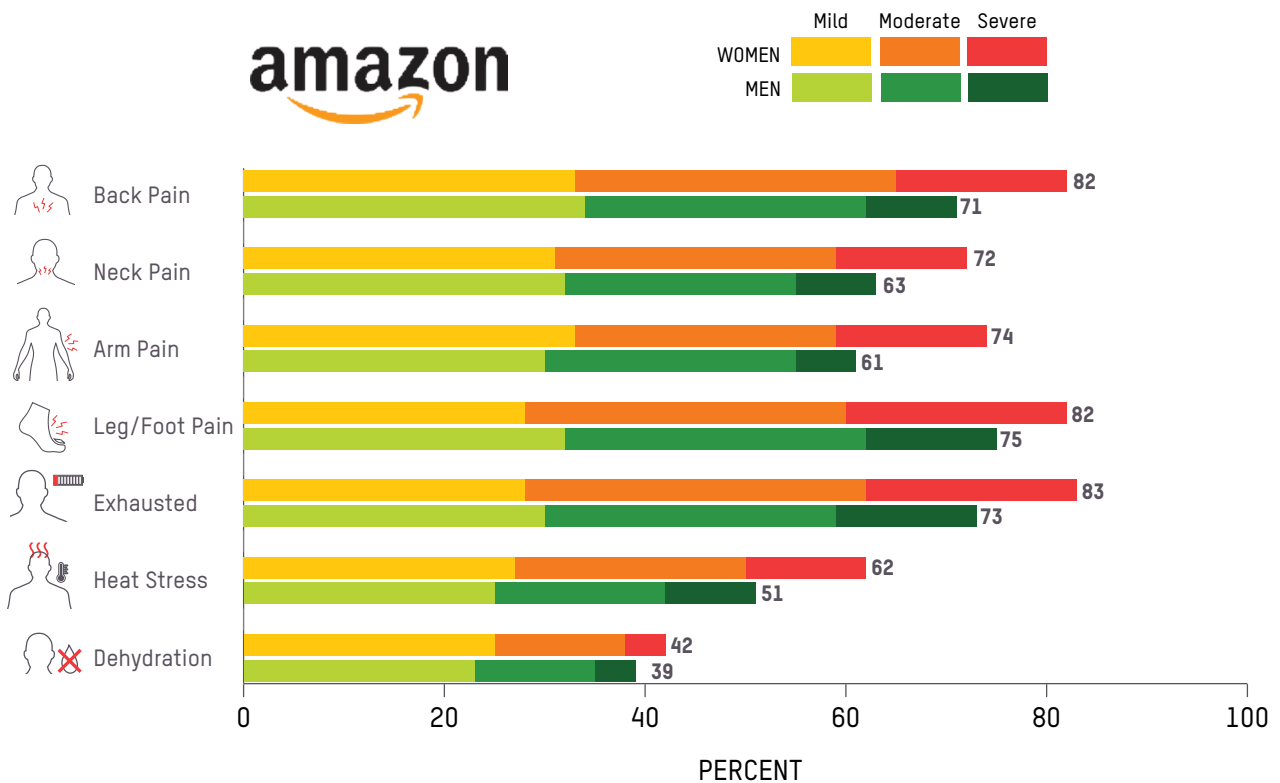
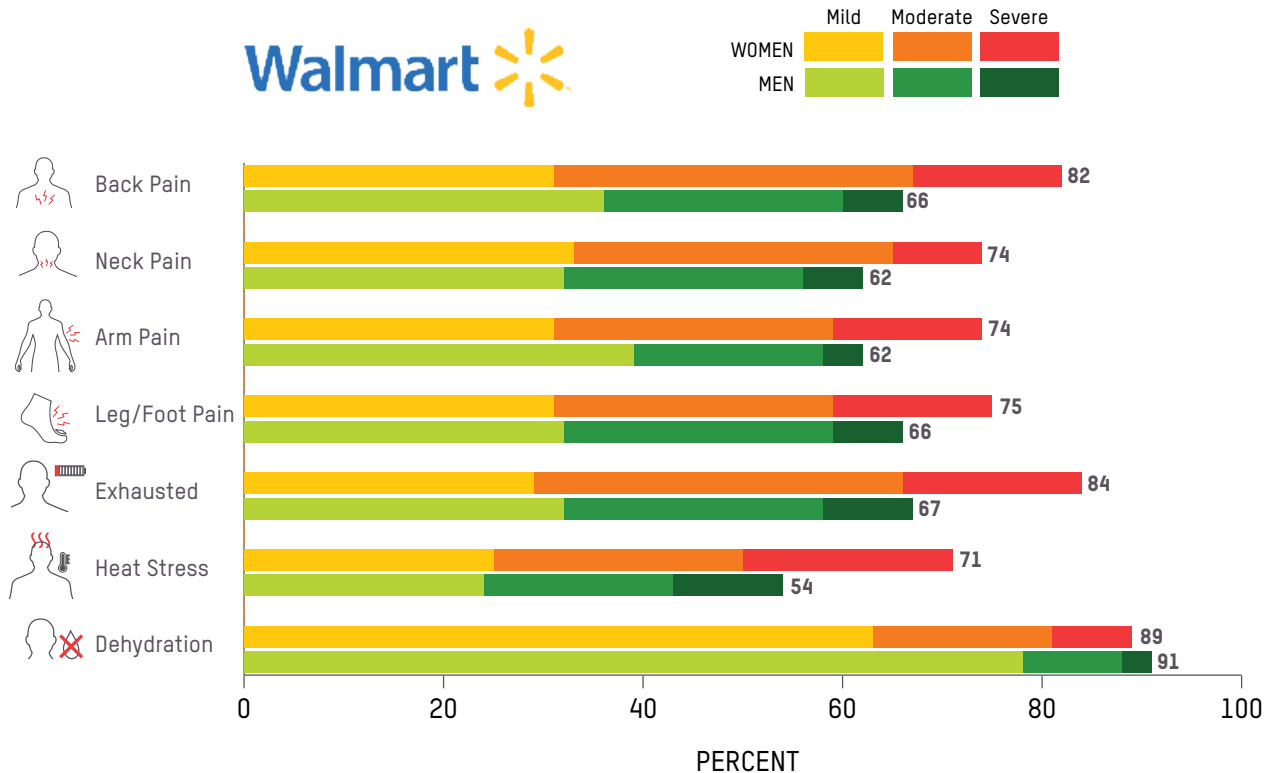


FIGURE 8. WALMART: PAIN EXPERIENCED OVER THE LAST THREE MONTHS BY WORKER'S GENDER

Source: National Survey of Walmart Warehouse Workers



ADDITIONAL STATISTICS

At Amazon, Black women workers reported experiencing burnout in higher numbers than any other group (62%).

At Amazon, Latine workers (men and women combined) experienced the highest injury rates (46%), moderate to severe levels of exhaustion (58%), and heat stress (43%).

Furthermore, at Amazon, it was Latine women workers in particular who experienced the highest injury rates (49%) rates of moderate to severe exhaustion (64%), and heat stress (44%) out of any group.

When it came to asking workers to rate their experiences of pain and bodily impacts over the past three months, the differences in responses between the genders were even more pronounced across both companies.

Not only are women reporting higher rates of overall pain than are men, but they reported significantly higher rates of severe pain across all areas of the body than men did. In the Amazon results, severe arm pain was more than twice as high for women than for men (15% versus 6%), while severe back pain (17%

versus 9%) and neck pain (13% versus 8%) were almost twice as high for women than for men.

Gendered differences were even more stark across Walmart data. Differences between men and women in terms of pain and the physical impacts of their work were notably higher across all questions, with the exception of the question about dehydration. Even so, women reported severe dehydration more than twice as often as men (8% for women versus 3% for men). Women also reported having severe back pain (15% versus 6%), severe leg pain (16% versus 7%), and severe neck pain (9% versus 5%) more than twice as often than men. Furthermore, women reported severe arm pain (15% versus 4%) more than three times as often as men (see Figures 7 and 8).

““ ”

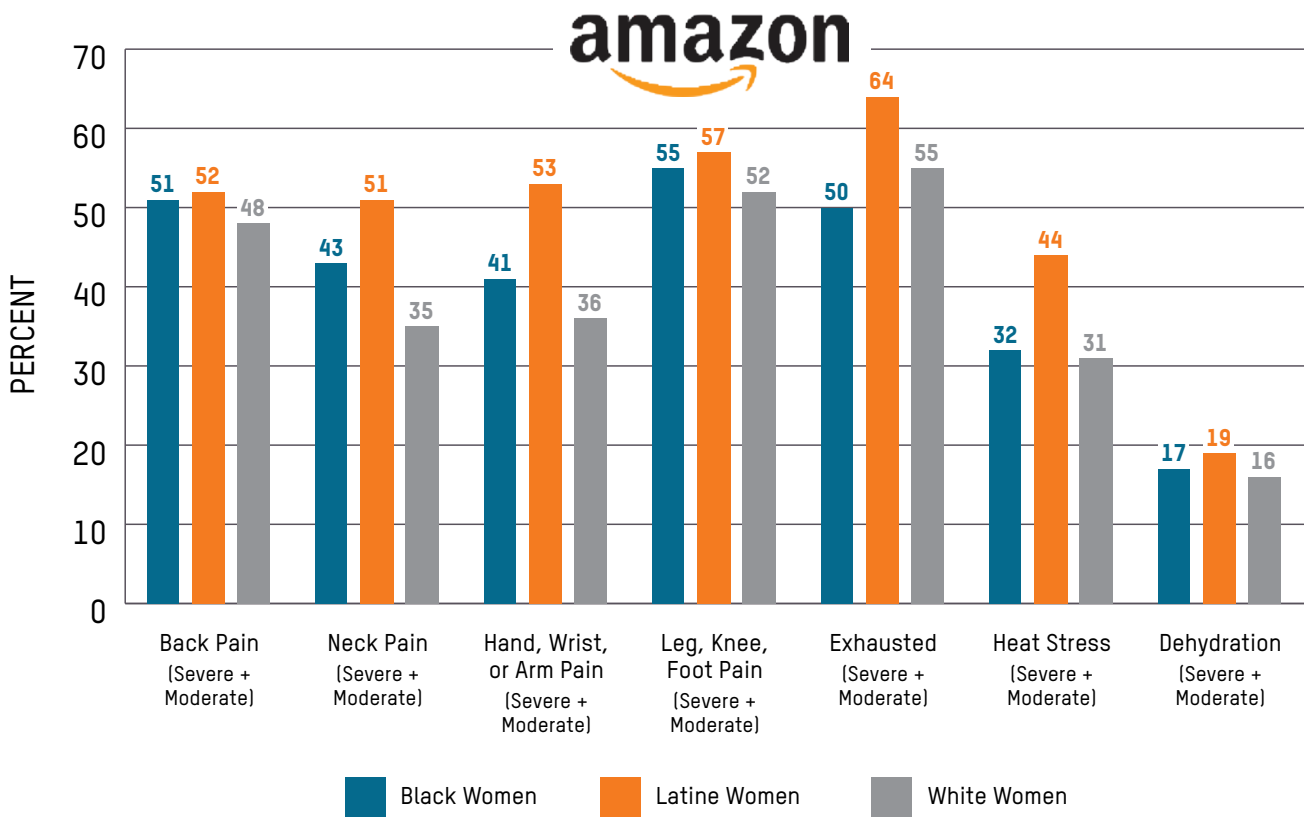
“I mean, ... this definitely wasn't true of every woman worker, but I'll say it happens in more women workers than male workers: They just couldn't keep up with the ... really punishing pace, like, the high expectations.”

—AMAZON WAREHOUSE WORKER, NORTH CAROLINA¹⁴²

If we take an even closer look at these results when broken down by race, particularly the data regarding pain and bodily impacts of the work, Latine women tended to report moderate and severe pain at the highest rates. This was especially true at Amazon’s warehouses.

FIGURE 9. AMAZON: PAIN EXPERIENCED BY WOMEN OVER THE LAST THREE MONTHS, BROKEN DOWN BY RACE

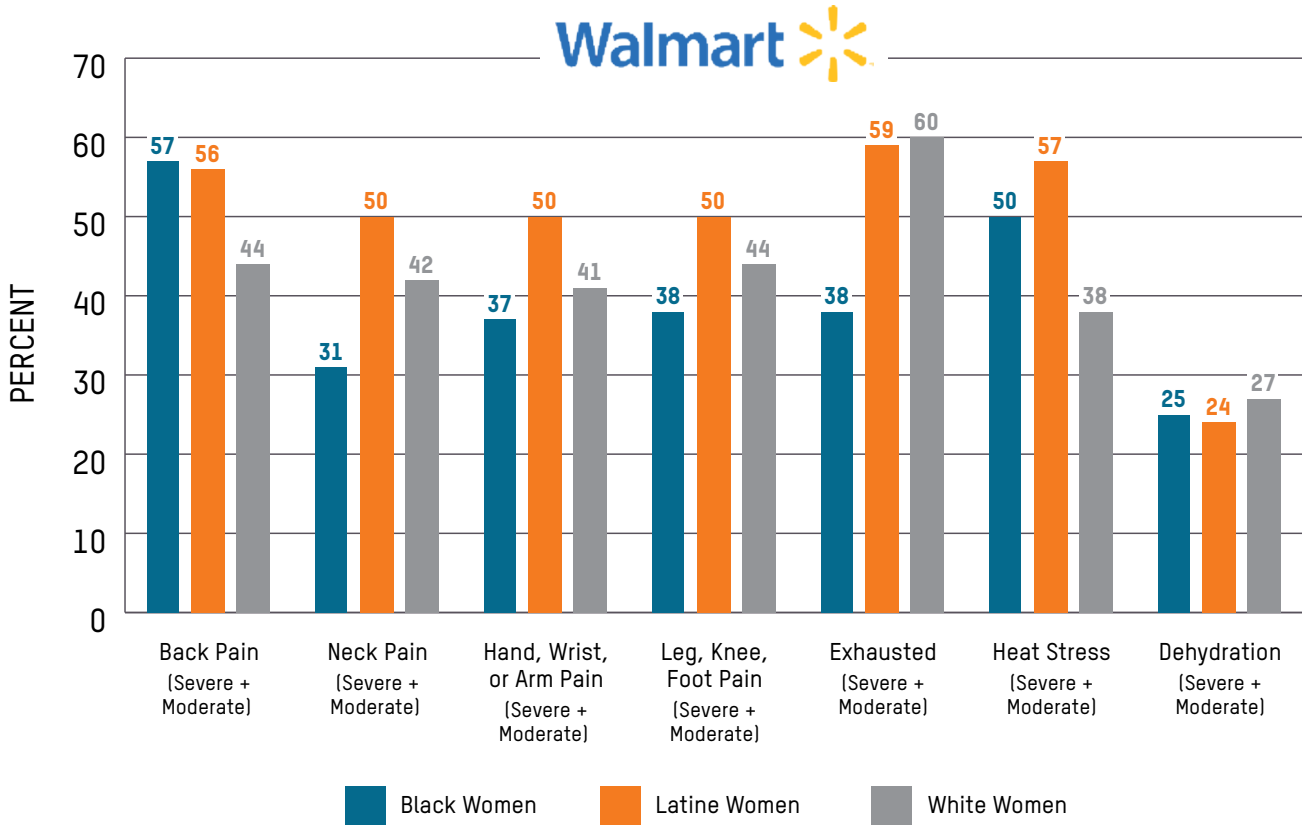
Source: National Survey of Amazon Warehouse Workers



Within the Amazon responses, Latine women workers reported experiencing the highest levels of combined severe and moderate pain/impacts across all areas of the body, including general exhaustion and heat stress.

FIGURE 10. WALMART: PAIN EXPERIENCED BY WOMEN OVER THE LAST THREE MONTHS, BROKEN DOWN BY RACE

Source: National Survey of Walmart Warehouse Workers



A similar pattern can be seen across the Walmart data, although it is less pronounced. Latine women workers reported moderate and severe levels of neck pain, hand pain, leg pain, and heat stress at the highest rates. Black women experience moderate to severe back pain at an almost identical rate as Latine women (Black women 57% and Latine women 56% while 44% of white women report the same). The only exception to this trend was in responses around dehydration: 27% of white women reported experiencing moderate to severe levels versus 25% of Black and 24% of Latine women. However, Latine women reported *severe* back, arm, leg, and neck pain more than twice as often as their Black and white counterparts. See the Appendix for a more detailed breakdown of these findings.

While technology-enabled monitoring, worker surveillance, and pressure to achieve high production rates are having a negative effect on all warehouse workers, the survey results demonstrated that women at both companies—particularly Latine and Black women—are experiencing the detrimental impacts of these measures and pressures at higher rates. In addition, BIPOC workers report experiencing oppressive and racialized forms of surveillance at Amazon warehouses. These differential impacts are visible in the survey results. These findings demonstrate that reining in pressures from excessive worker surveillance is not just a critical workers’ rights issue, but also a crucial gender and racial justice issue.¹⁴³



A protester holds up a sign during a protest against Walmart in Los Angeles. AP Images / Jae C. Hong

CALL TO ACTION: WALMART AND AMAZON MUST DO MORE

“ ”

“You just have to understand that ... not only is there a really exploited worker ... behind those packages that are coming to your door, but that it doesn't have to be that way. ... The job can be better; like, we can make this a good job. And that's what we really want. Like, we don't want ... the end of Amazon. ... We want ... Amazon workers to be treated like people and to have control over their own jobs and ... to be able to make a good life out of them.”

—AMAZON WAREHOUSE WORKER, MASSACHUSETTS¹⁴⁴

Both companies vary in the extent to which they have made commitments—and followed through on them—to mitigate

some of the pressing issues this report raises. Amazon has identified its human rights risks, which include safe and healthy working conditions; freedom of association; fair wages and hours; and diversity, equity, and inclusion. Walmart has identified treating workers with respect, promoting a safe and healthy work environment, and providing a fair and inclusive work environment as its salient human rights risks. But as the findings in this report clearly show, both companies' efforts to address these risks have proven insufficient.¹⁴⁵

This report has provided examples of how Amazon and Walmart have failed to adequately address their stated commitments to human rights and to providing safe and inclusive work environments—and the impact of these shortcomings on their workers. Given the appalling conditions this research has uncovered, it is clear that existing company policies are lacking. We therefore recommend that Amazon and Walmart adopt the measures outlined in the following table.



ISSUE

WORKER VOICE: FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING RIGHTS FOR ALL WORKERS

WHAT SHOULD THE COMPANIES BE DOING?

Companies commit to maintaining a neutral stance on union activity by workers and allow freedom of association for workers, as called for in the United Nations Global Compact and Universal Declaration of Human Rights:

- Companies commit publicly to maintain a neutral stance on union activity (including refraining from union busting or intimidation in any form) and state their commitment to respect freedom of association and collective bargaining rights in relevant company policies.
- Companies agree to recognize, engage, and negotiate in good faith with any and all duly elected labor unions, and to consult those labor unions or other worker organizations legitimately representing workers on any other commitments the company makes and implements in furtherance of these asks.

ARE COMPANIES FULFILLING THOSE COMMITMENTS?

amazon
NO¹⁴⁶

Walmart*
NO¹⁴⁷



ISSUE

WORKER HEALTH AND SAFETY, INCLUDING, IN PARTICULAR, HIGH WORKPLACE INJURY RATES

WHAT SHOULD THE COMPANIES BE DOING?

Companies adopt new measures geared toward reducing the injury rates at their stores, warehouses, and distribution facilities (as applicable):

- Have a publicly disclosed policy that enables warehouse workers to consult their own doctors under workers' compensation claims, and clearly inform workers of this policy.
- Publicly disclose how many workers' compensation claims are filed and how many the company objects to.
- Improve on-site medical care to ensure that warehouse workers with symptoms of musculoskeletal injuries receive appropriate treatment and ensure that they provide (in a timely manner) any documentation employees need for workers' compensation claims and medical referrals.
- Ensure that workers are permitted to see their own doctors and are directed to do so by any on-site medical providers as appropriate. (Ensure that workers are aware of this practice.)
- In consultation with workers and their representatives, reset and publish ergonomic standards that ensure the pace of work does not put workers at risk of injury.
- Follow relevant federal and state agency and other expert recommendations for workers at risk of musculoskeletal injuries.
- Ensure that quotas imposed through the use of worker surveillance technology do not prevent workers from necessary bathroom or rest breaks.

ARE COMPANIES FULFILLING THOSE COMMITMENTS?

amazon
NO¹⁴⁸

Walmart*
NO



ISSUE

AGGRESSIVE USE OF WORKER SURVEILLANCE TECHNOLOGY TO ENFORCE UNSAFE WORKING REQUIREMENTS/QUOTAS

WHAT SHOULD THE COMPANIES BE DOING?

Companies commit to ceasing or significantly reforming their use of worker surveillance technologies to enforce unreasonable and/or unsafe quotas (including but not limited to the use of time off task [TOT] mechanisms).

- Companies commit to publicly disclosing (or to disclosing to workers and all relevant stakeholders) detailed information describing their use of worker surveillance and monitoring technologies and the manner in which the data obtained through those technologies is used with respect to workers, including the manner in which technology is used to impose unreasonable and/or unsafe productivity metrics and quotas.
- Companies commit to cease penalties for time spent off task, cease retaliation against workers who complain about TOT, and cease considering TOT data in human resources and other management decision-making.

Companies commit not to lobby or otherwise advocate against TOT legislation and to encourage their trade associations to make the same commitment.

- Companies demonstrate that they do not advocate against the adoption of TOT or any other legislation geared toward the improvement of working conditions in retail, online fulfillment/picking, or the warehousing sectors.
- Companies issue a public statement to the effect that they will not be obstructing legislation (at the state or federal level) to reform TOT or related issues or improve working conditions.

ARE COMPANIES FULFILLING THOSE COMMITMENTS?

amazon
NO¹⁴⁹

Walmart
NO¹⁵⁰



ISSUE

INADEQUATE HUMAN RIGHTS DUE DILIGENCE (HRDD), INCLUDING, IN PARTICULAR, HUMAN RIGHTS IMPACT ASSESSMENTS (HRIAS) OF COMPANIES' OWN WORKFORCES AND OPERATIONS

WHAT SHOULD THE COMPANIES BE DOING?

Companies commit to conducting an HRIA of their US warehouse/supply chain working conditions that includes a gender and racial justice lens for all issues uncovered. In line with Oxfam's *Human Rights Impact Assessment Framework*,¹⁵¹ the HRIA includes the following elements:

- It examines all potential human rights impacts, with a specific focus on the following areas:
 - > TOT and related surveillance technologies
 - > Health and safety risks associated with metrics and quotas (including musculoskeletal disorders)
 - > Worker voice (including retaliation for attempts at collective bargaining and the provision of a robust grievance mechanism in line with international standards)
 - > Racial and gender disparities
 - > Economic and environmental impacts on local communities in which warehouses are located
- The HRIA includes meaningful rights-holder engagement, including—above all else—consultation with workers.
- The complete findings of the HRIA are made public.
- The HRIA includes an action plan crafted in consultation with workers and ensures a mechanism for worker voices in the process for how the company plans to address (prevent or mitigate) all identified risks.

ARE COMPANIES FULFILLING THOSE COMMITMENTS?

amazon
NO¹⁵²

Walmart
NO



ISSUE

RACIAL AND GENDER DISPARITIES IN CONDITIONS OF WORK AND ADVERSE IMPACTS ON WORKERS

WHAT SHOULD THE COMPANIES BE DOING?

Companies adopt comprehensive policies to address racial and gender disparities that explicitly cover their own workforces in the US, including but not limited to warehouse/distribution center and supply chain associates, including (1) firm commitments to address racial and gender disparities within the company and to specify what measures the company will implement to comply with the commitments, and (2) review of existing policies to ensure alignment and coherence with the principles included in the racial and gender equity policy.

- The policy includes the following commitments:¹⁵³
 - > Collect and publicly share racial and gender equity data on compensation (e.g., EE0-1 Component 1- and Component 2-type data) for all personnel, leaders, and board members on an annual basis.
 - > Pay living wages to employees at all levels.
 - > Provide extended benefits—paid sick, family, and medical leave; retirement savings vehicles; health insurance; and regular scheduling, among others—to all employees, regardless of part- or full-time status.
 - > Set specific targets to hire, retain, and promote a diverse workforce, leadership team, and board that mirror the diversity of the nation, and publicly disclose these diversity and equity targets.
 - > Contribute to updating environmental, social and governance (ESG) and accounting metrics to ensure that it actively drives racial equity.

ARE COMPANIES FULFILLING THOSE COMMITMENTS?



NO¹⁵⁴



NO¹⁵⁵



ISSUE

GRIEVANCE MECHANISMS TO REMEDIATE HUMAN RIGHTS ISSUES

WHAT SHOULD THE COMPANIES BE DOING?

Companies commit to adopting robust and meaningful grievance mechanisms for workers in line with the United Nations Guiding Principles on Business and Human Rights (UNGPR) Effectiveness Criteria:

- Being accessible to all workers and rights holders, address potential and existing accessibility barriers, and ensure there are no racial disparities in the process. The companies must engage workers and other rights holders on the design and performance of the mechanism.
- Companies are transparent about the functioning of the mechanism, explaining the process clearly, reporting on the number of cases and status of cases including resolved cases and examples of solutions provided. Cases disaggregated by gender and race, documenting the number of warnings and terminations per group.
- Companies provide additional anti-racist training to those responsible for handling grievances.
- Companies look at what causes the grievances and address those causes.

ARE COMPANIES FULFILLING THOSE COMMITMENTS?



PARTIAL¹⁵⁶



PARTIAL¹⁵⁷

A ROLE FOR THE FEDERAL GOVERNMENT

While Amazon and Walmart carry the largest responsibility for addressing the issues raised in this report, the US government should implement and enforce policies to better protect the workers in these warehouses. The following are concrete steps the administration and Congress should take:

1. CONGRESS MUST PASS THE RICHARD L. TRUMKA PROTECTING THE RIGHT TO ORGANIZE (“PRO”) ACT,¹⁵⁸ which will close loopholes in federal labor law by strengthening workers’ rights to organize and collectively bargain, while protecting them from retaliation and punishing employers who violate these rights.

2. CONGRESS MUST PASS THE ASUNCIÓN VALDIVIA HEAT ILLNESS AND FATALITY PREVENTION ACT,¹⁵⁹ which will protect indoor and outdoor workers against occupational exposure to excessive heat.

3. CONGRESS MUST ENACT LAWS THAT PROTECT WORKERS FROM ABUSIVE AND DANGEROUS PRODUCTIVITY AND SPEED QUOTAS, including by requiring transparency around quotas, prohibiting management from enforcing quotas that interfere with workers’ ability to take earned breaks or meal breaks or to use the restroom, and protecting workers from punishment for failing to meet quotas that don’t allow for such breaks or for compliance with other health and safety requirements. Several states have enacted their own warehouse worker protection laws, and Congress should act swiftly to establish similar national standards. For example:

- New York’s Warehouse Worker Protection Act¹⁶⁰ requires employers to disclose work speed data to employees, protects workers from disciplinary action or firing solely because of a failure to meet undisclosed quotas or quotas that don’t allow for proper breaks, and protects workers from retaliation for complaints related to quotas that violate their rights to break time.
- Minnesota’s worker safety legislation¹⁶¹ requires employers to tell workers, in writing and in their primary language, about all quotas and performance standards; prevents employers from firing or taking disciplinary action against

a worker for failure to meet an undisclosed quota; and establishes a private right of action for workers to enforce their rights under the law.

- California’s 2021 legislation¹⁶² requires companies that operate warehouse distribution centers to disclose quotas that employees are required to meet; prevents companies from punishing employees for failing to meet those quotas if they weren’t disclosed or if meeting them doesn’t comply with health and safety laws; and bars the use of algorithms that prevent workers from taking rest breaks or bathroom breaks.

4. POLICYMAKERS SHOULD REQUIRE EMPLOYERS TO DESIGN WORKPLACES IN A WAY THAT PROTECTS WORKER SAFETY AND PREVENTS WORKER INJURIES. A bill proposed in New York, the Warehouse Worker Injury Reduction Act,¹⁶³ provides a useful example of protection of warehouse workers from poorly designed tasks and equipment.

5. CONGRESS MUST PASS LAWS THAT PROTECT WORKERS FROM THE USE OF SURVEILLANCE AND AI IN THE WORKPLACE.

- Several bills have already been introduced in Congress, including:
- The No Robot Bosses Act,¹⁶⁴ which would help protect workers from automated decision systems and require employers to disclose when and how those systems are used. The bill also prohibits employers from relying solely on automated decision systems in making employment-related decisions, requires testing and evaluation of automated decision systems for discrimination and biases, and establishes a Technology and Worker Protection Division at the Department of Labor.
 - The Exploitative Workplace Surveillance and Technologies Task Force Act,¹⁶⁵ which creates an interagency taskforce to study and report on workplace surveillance. The taskforce would study the implications of surveillance and automated decision systems for worker organizing efforts and the disparate harms for low-wage workers, workers of color, older workers, workers with disabilities, and formerly incarcerated workers. It would also examine impacts on gender equity in the workplace.



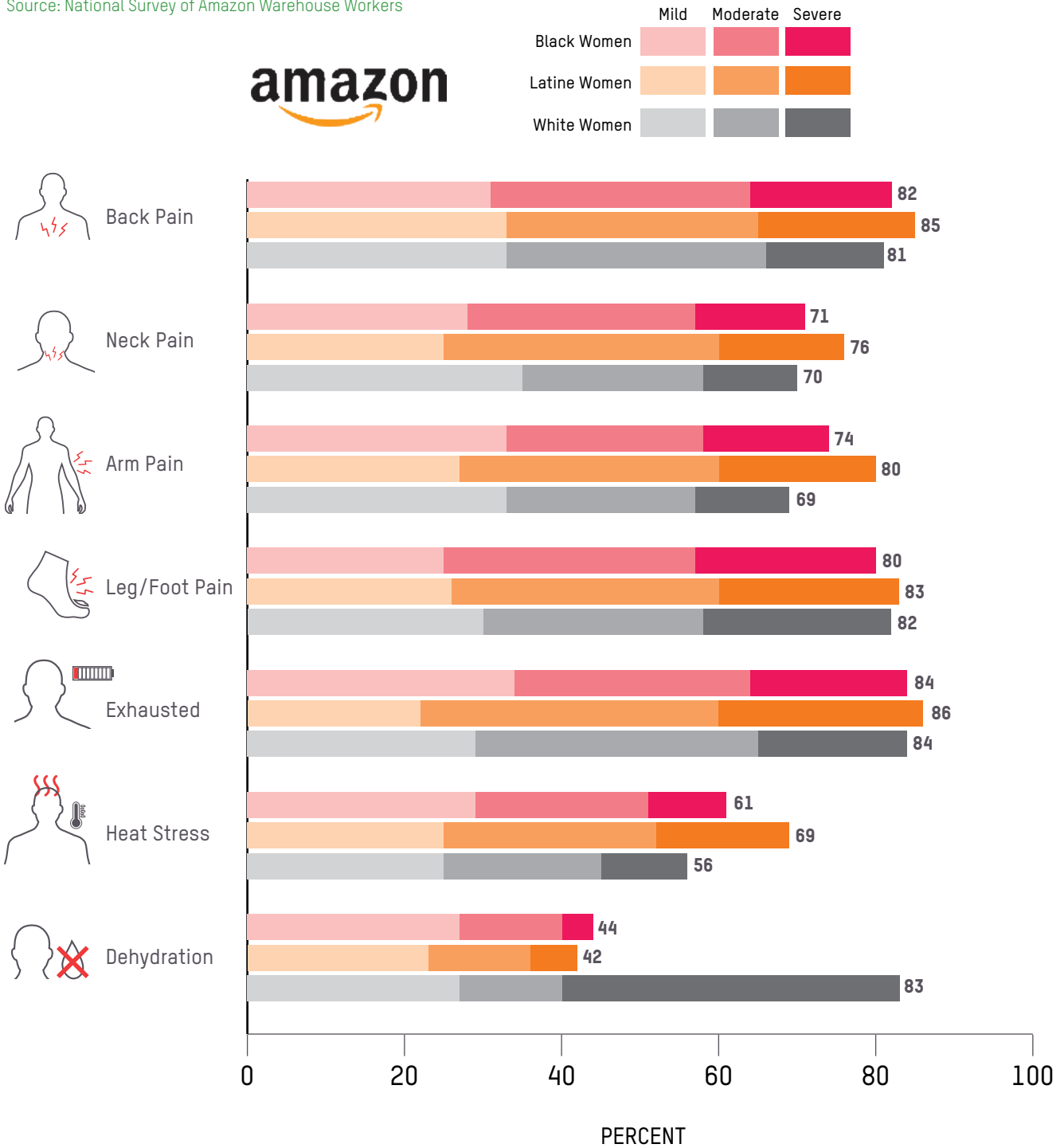
Former Amazon CEO Jeff Bezos testifies via video conference during an Antitrust, Commercial and Administrative Law Subcommittee hearing in Washington, DC, Wednesday, July 29, 2020. AP Images / Graeme Jennings/Pool/ Abaca/Sipa USA/Sipa

- > The Stop Spying Bosses Act¹⁶⁶ would require employers to disclose data collection practices, prohibit employers from collecting sensitive data (including off-duty data collection and collection that interferes with worker organizing), create rules around the use of automated decision systems, and establish a Privacy and Technology Division at the Department of Labor, which would be charged with regulating workplace surveillance technologies.
- 6. THE DEPARTMENT OF LABOR AND ITS COMPONENTS SHOULD, FOLLOWING ON THE BIDEN ADMINISTRATION'S EXECUTIVE ORDER ON THE SAFE, SECURE, AND TRUSTWORTHY DEVELOPMENT AND USE OF ARTIFICIAL INTELLIGENCE,¹⁶⁷ USE THE RULEMAKING PROCESS TO MAKE CLEAR THAT EMPLOYERS CANNOT INFRINGE UPON WORKERS' ORGANIZING RIGHTS AND PROTECTED ACTIVITY THROUGH AI-ENABLED SURVEILLANCE.**
- 7. WORKERS SHOULD NEVER BE FORCED TO LOSE PAY BECAUSE THEY'RE RECOVERING FROM PAIN OR EXHAUSTION CREATED BY THE JOB.** Congress must enact national, comprehensive paid sick leave and paid family and medical leave that covers all workers by passing:
 - > The Healthy Families Act,¹⁶⁸ which guarantees up to seven paid sick days a year for short-term illness, preventive care, caring for a sick family member, or seeking assistance related to domestic violence, sexual assault, or stalking.
 - > The FAMILY Act,¹⁶⁹ which provides up to 12 weeks of paid family and medical leave for reasons ranging from medical issues to childbirth, or to support care responsibilities.
- 8. TO ADDRESS THE ENTRENCHED RACIAL, GENDER, AND CLASS INEQUALITY THAT TRAPS WORKERS OF COLOR IN PRECARIOUS LOW-WAGE JOBS WITHOUT ESSENTIAL PROTECTIONS,** Congress must pass (1) the Raise the Wage Act,¹⁷⁰ which would raise the federal minimum wage, require future increases to be indexed to inflation, and end subminimum wages for youth workers, workers with disabilities, and tipped workers, and (2) the Paycheck Fairness Act,¹⁷¹ which would help close the wage gap by addressing loopholes in existing equal pay laws, including by enhancing enforcement and strengthening penalties for violations.
- 9. CONGRESS MUST PROTECT WORKERS FROM UNFAIR SCHEDULING PRACTICES BY PASSING THE SCHEDULES THAT WORK ACT.¹⁷²**
- 10. LASTLY, CONGRESS MUST ENSURE ROBUST FUNDING AND RESOURCING FOR FEDERAL AGENCIES,** especially OSHA, EEOC, and NLRB, so that they may fully enforce existing and future standards to protect workers.

APPENDIX

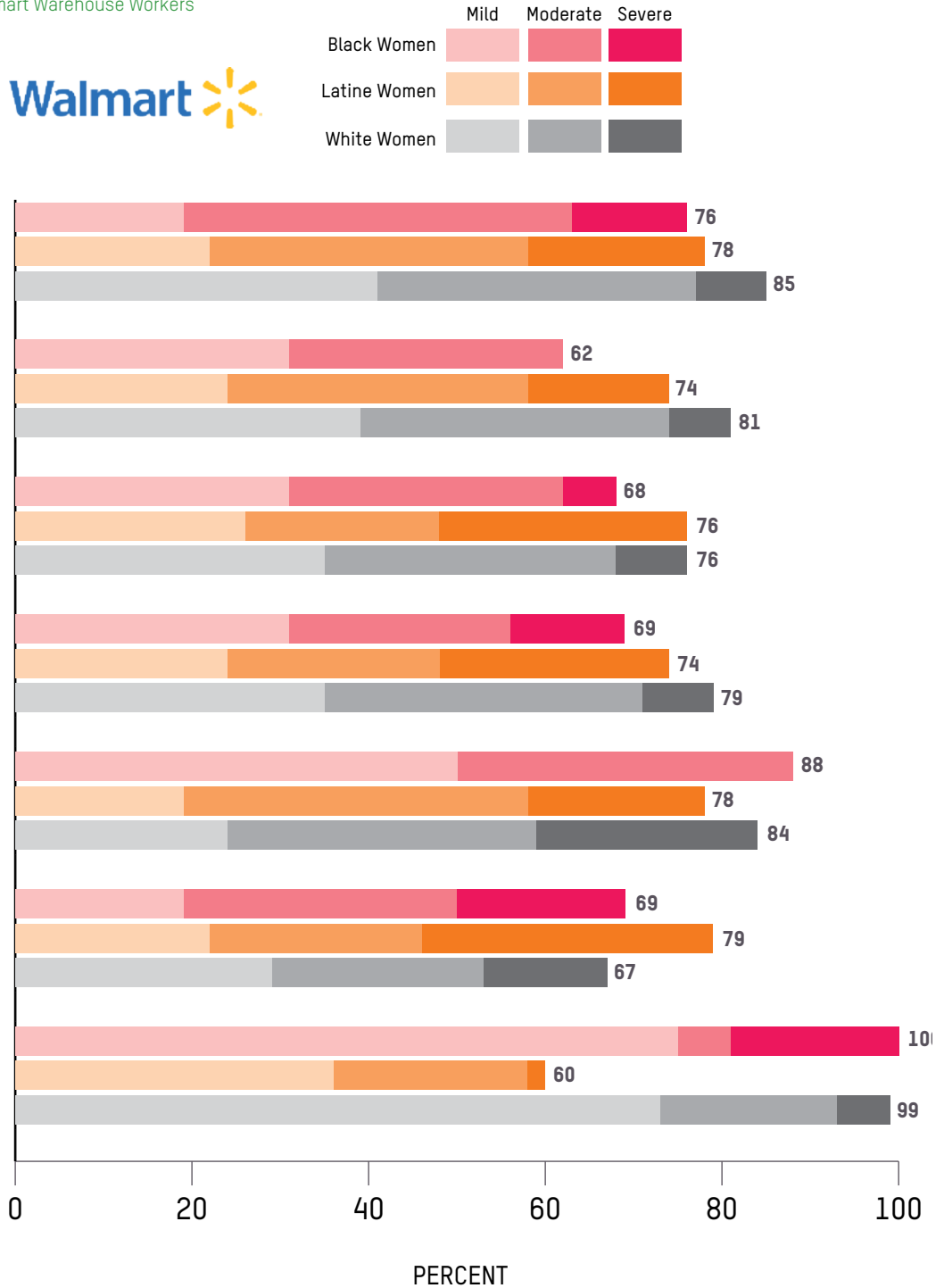
APPENDIX A. AMAZON: SEVERITY OF PAIN EXPERIENCED BY WOMEN OF COLOR OVER LAST THREE MONTHS

Source: National Survey of Amazon Warehouse Workers



APPENDIX B. WALMART: SEVERITY OF PAIN EXPERIENCED BY WOMEN OF COLOR OVER LAST THREE MONTHS

Source: National Survey of Walmart Warehouse Workers



ENDNOTES

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- 147 Although Walmart’s reporting states that the company “respects the rights of associates to join, form, or not to join an employee association or trade union of their choice without interference,” numerous media reports raise concerns. See “Human Capital: Good Jobs & Advancement for Associates,” Walmart, May 31, 2023, <https://corporate.walmart.com/purpose/esgreport/social/human-capital-good-jobs-advancement-for-associates>; Daniel Wiessner, “Walmart Engaged in Illegal Union Busting at California Store, U.S. Agency Says,” Reuters, January 25, 2024, <https://www.reuters.com/business/walmart-engaged-illegal-union-busting-california-store-us-agency-says-2024-01-25/>; and Michael Sainato, “U.N. Decries Amazon, Walmart, DoorDash for ‘Shameful’ Wages and Union-Busting,” *Guardian*, November 2, 2023, <https://www.theguardian.com/world/2023/nov/02/un-pover-ty-amazon-walmart-doordash-wages-unions>.
- 148 From 2019 to 2022, Amazon saw a decrease in its recordable incident rate (RIR) of 23% in the U.S.—with an increase in cases from 2020 (6.5%) to 2021 (7.6%), followed by a decrease between 2021 and 2022 (from 7.6% in 2021 to 6.7% in 2022). Despite these overall improvements, Amazon’s RIR remains higher than the industry’s RIR overall (5.5% in 2022 for general warehousing and storage). See Amazon, “Delivered with Care: Amazon’s 2022 Safety, Health, and Well-Being Report” (no date), <https://cdn-safety.aboutamazon.com/ea/c3/d72d03394d0d-b22e336048031ec8/amazon-safety-report-2022-v41.pdf>, and BLS/DOL, “Injuries, Illness, and Fatalities.”
- 149 “Update on Our Vision,” Amazon.
- 150 “Walmart Associate Information Privacy Notice,” Walmart, February 2, 2024, <https://corporate.walmart.com/privacy-security/walmart-associate-information-privacy-notice>.
- 151 Caroline Brodeur and Charlotte Vollaard, “Human Rights Impact Assessment Framework” (Oxfam International, 2023), <https://doi.org/10.21201/2023.621501>.
- 152 Based on the information provided on its website, Amazon has carried out two human rights impact assessments (HRIAs) on global supply chains. For Amazon’s first HRIA, it published a two-page summary of findings, which is insufficient to be considered an HRIA. According to Amazon’s public statements, it appears the company has not conducted an HRIA of its own workforce and/or own operations. See “Advancing Human Rights,” Amazon, <https://sustainability.aboutamazon.com/human-rights>.
- 153 These commitments are derived from PolicyLink, an organization that develops guidelines for businesses to assess “their impact on racial equity.” See “A CEO Blueprint for Racial Equity,” PolicyLink, <https://www.policylink.org/resources-tools/ceo-blueprint-for-racial-equity>; and Greg Hills, Lakshmi Iyer, Michael McAfee, Josh Kirschenbaum, and Martin Whittaker, A CEO Blueprint for Racial Equity (PolicyLink/FSG/Just Capital, 2020), available for download from the website noted.
- 154 A review of Amazon’s existing policies demonstrates that gender and intersectional considerations are absent. The company focuses on the lens of discrimination, which fails to account for the systemic ways that Amazon contributes to racialized inequality through decisions it makes. See Amazon, “Building a Better Future Together: 2022 Amazon Sustainability Report” (n.d.), <https://sustainability.aboutamazon.com/2022-sustainability-report.pdf>, and “Amazon Global Human Rights Principles,” Amazon, <https://sustainability.aboutamazon.com/human-rights/principles>.

- 155 Walmart does not have a stand-alone gender policy and has not integrated gender into its existing policies. Walmart’s policies make no mention of gender equality nor women’s rights, and there is only one mention of gender as part of the company’s nontolerance for discrimination. See “Human Rights,” Walmart, <https://corporate.walmart.com/purpose/esgreport/social/human-rights>; and “DEI by the Numbers” in Walmart, “Belonging, Diversity, Equity & Inclusion: 2023 Mid-Year Report” (2023), available at <https://corporate.walmart.com/purpose/belonging-diversity-equity-inclusion/belonging-diversity-equity-and-inclusion-report>.
- 156 Amazon’s grievance mechanism lacks transparency because it does not disclose information related to the cases received (e.g., number of grievances in total, the ones resolved, the average time to respond, and the type of grievances received). Disclosing such information would make the mechanism more predictable, which is one of the key UNGP effectiveness criteria. See Amazon’s “Modern Slavery Statement” (2021), <https://sustainability.aboutamazon.com/2021-modern-slavery-statement.pdf>.
- 157 The main limit of Walmart’s grievance mechanism is the lack of information regarding the investigation of reports and the results of those investigations. Complainants do not have details about how their grievance is treated or an indicative time frame, nor is information provided on how to report a human rights violation. See “Report a Concern,” Walmart, https://www.walmartethics.com/content/walmartethics/en_us/report-a-concern.html.
- 158 Richard L. Trumka Protecting the Right to Organize Act of 2023, S. 567, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/567>.
- 159 Asunción Valdivia Heat Illness, Injury, and Fatality Prevention Act of 2023, S. 250, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/2501>.
- 160 New York State Department of Labor, “Warehouse Worker Protection Act,” <https://dol.ny.gov/WWPA>.
- 161 Worker Safety Requirements Established, and Money Appropriated, MN 36, 93rd Legislature, Minnesota (2023), <https://legiscan.com/MN/text/HF36/2023>.
- 162 An Act to Amend Section 138.7 of, and to add Part 8.6 (commencing with Section 2100) to Division 2 of the Labor Code, relating to employment, known as Assembly Bill No. 701, Warehouse Distribution Centers, chapter 197, California Legislature (2021). https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB701.
- 163 See An Act to Amend the Labor Law, in Relation to Establishing the Warehouse Worker Injury Reduction Program, S. 5081 A, New York State Senate (2023), <https://legislation.nysenate.gov/pdf/bills/2023/S5081A>.
- 164 No Robot Bosses Act, S. 2419, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/2419>.
- 165 Exploitative Workplace Surveillance and Technologies Task Force Act of 2023, S. 2440, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/2440>.
- 166 Stop Spying Bosses Act, S. 262, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/262>.
- 167 The White House, Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, October 30, 2023, <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>.
- 168 Healthy Families Act, S. 1664, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/1664/text>.
- 169 FAMILY Act, S. 1714, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/1714>.
- 170 Raise the Wage Act of 2023, H.R. 4889, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/house-bill/4889>.
- 171 Paycheck Fairness Act, S. 728, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/728>.
- 172 Schedules That Work Act, H.R. 5563, 118th Congress (2023), <https://www.congress.gov/bill/118th-congress/house-bill/5563/text>.



US HEADQUARTERS
77 N. WASHINGTON STREET, SUITE 500
BOSTON, MA 02114
(800) 776-9326

US POLICY & ADVOCACY
1101 17TH STREET NW, SUITE 1300
WASHINGTON, DC 20036-4710
(202) 496-1180

info@oxfamamerica.org
oxfamamerica.org

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