ANF work and UNDER WATCH: FEDERAL POLICY RECOMMENDATIONS

As the two largest private employers in the US, retail behemoths Amazon and Walmart disproportionately drive poverty and economic inequality in the US. Poor working conditions and punitive management systems are embedded in their models of getting cheap goods to the consumer with unprecedented convenience and speed. But fast and easy commerce is built on the backs of millions of workers.

Oxfam’s new report shows that this obsession with speed comes at a cost to workers—particularly women and BIPOC workers. Warehouse work is especially dangerous, and technology-enabled workplace monitoring, pace pressures, and racialized surveillance put workers’ health and safety at risk.

While Amazon and Walmart carry the largest responsibility for keeping their workers safe, the federal government should implement and enforce policies to better protect warehouse workers. The following are concrete steps the administration and Congress should take:

MAKE WAREHOUSE WORK SAFER

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 or meal breaks or 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 Act 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 legislation 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 legislation requires companies that operate warehouse distribution centers to disclose quotas employees must meet, prevents punishment for failing to meet undisclosed quotas or quotas that interfere with health and safety laws, and bars the use of algorithms that prevent workers from taking rest breaks or bathroom breaks.

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, provides a useful example to protect warehouse workers from poorly designed tasks and equipment. The bill would:

• Require employers to establish a warehouse worker injury reduction program to minimize the risks of musculoskeletal injuries and disorders;

• Require qualified ergonomics experts to evaluate each job, process, or operation to identify hazards that have or are likely to cause musculoskeletal disorders;

• Require employers to timely correct any hazards identified;

• Require employers to train all workers, including temporary workers, on how to safely perform tasks; and

• Improve on-site medical care by requiring medical professionals to be qualified and equipped to see warehouse workers with symptoms of musculoskeletal injuries.

Congress must pass the Asunción Valdivia Heat Illness and Fatality Prevention Act, which will protect indoor and outdoor workers against occupational exposure to excessive heat. The bill:

• Requires OSHA to establish an enforceable federal standard to protect workers in high-heat environments with measures like paid breaks in cool spaces, access to water, limitations on time exposed to heat, and emergency response for workers with heat-related illness; and

• Directs employers to train their employees on the risk factors that can lead to heat illness and on the proper procedures for responding to symptoms.

Importantly, OSHA can promulgate such a standard of its own accord.

Learn more and read Oxfam’s report “At Work and Under Watch: Surveillance and Suffering at Amazon and Walmart Warehouses:” oxf.am/EndSurveillance
REGULATE SURVEILLANCE AND AI IN THE WORKPLACE

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, 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, 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.

- The Stop Spying Bosses Act, which 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 to employer workers, and establish a Privacy and Technology Division at the Department of Labor, charged with regulating workplace surveillance technologies.

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, use the rulemaking process to make clear that employers cannot infringe upon workers’ organizing rights and protected activity through AI-enabled surveillance.

STRENGTHEN WORKER PROTECTIONS, WAGES, AND RIGHTS TO ORGANIZE AND COLLECTIVELY BARGAIN

Workers should never be forced to lose pay because they’re recovering from pain or exhaustion on 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, 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.

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:

- The FAMILY Act, 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.

Congress must protect workers from unfair scheduling practices by passing the Schedules that Work Act, which would:

- Establish a right to rest between shifts;
- Protect workers who ask for scheduling changes; and
- Require employers in the warehouse industry to give advance notice of work schedules and give additional pay when employers change schedules without adequate notice.

Congress must pass the Richard L. Trumka Protecting the Right to Organize (“PRO”) Act, 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. Specifically, the bill will:

- Strengthen the National Labor Relations Board’s authority by giving it the power to enforce its own rulings, authorizing it to assess monetary penalties for labor rights violations, and requiring it to seek an injunction to reinstate employees who are fired for exercising their rights;
- Allow workers to sue employers in court for interfering with or retaliating against them for exercising their labor rights;
- Prevent employers from interfering in union elections, including by preventing employers from requiring workers to attend captive audience meetings and requiring disclosure of consultants hired to dissuade workers from exercising their labor rights; and
- Prevent employers from misclassifying their workers as independent contractors or supervisors.

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.

FIGHTING INEQUALITY TO BUILD A BETTER WORLD

Oxfam believes that poverty is a policy choice, and that the ultrawealthy and giant corporations have hijacked our systems to benefit a select few. We are working to redress the balance of power, putting it back in the hands of working families in the US and around the world.