

PRAMILA JAYAPAL
7TH DISTRICT, WASHINGTON

HOUSE COMMITTEE ON THE JUDICIARY

VICE CHAIR, SUBCOMMITTEE ON
IMMIGRATION AND CITIZENSHIP

MEMBER, SUBCOMMITTEE ON ANTI-TRUST,
COMMERCIAL, AND ADMINISTRATIVE LAW

HOUSE COMMITTEE ON THE BUDGET

HOUSE COMMITTEE ON EDUCATION
AND LABOR

MEMBER, SUBCOMMITTEE ON
HIGHER EDUCATION AND WORKFORCE INVESTMENT

MEMBER, SUBCOMMITTEE ON WORKFORCE PROTECTIONS

1510 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3106
1904 3RD AVENUE
SUITE 510
SEATTLE, WA 98101
(206) 674-0040

Congress of the United States
House of Representatives
Washington, DC 20515-4707

April 24, 2020

Jeff Bezos
CEO
Amazon.com
410 Terry Avenue N
Seattle, WA 98109-5210

Dear Mr. Bezos:

I write to express my concern over reports of issues faced by workers making low and moderate-wages employed at Amazon.com, Amazon.com subsidiaries, and subcontracted by Amazon.com (“Amazon”).¹

We are in the middle of a global pandemic, and every company must make serious and concerted efforts to flatten the curve and preserve the well-being of workers and communities. I appreciate the critical function that Amazon is playing in our economy right now, providing distribution functions that are absolutely essential in this time. I also understand that you are expanding your workforce substantially, providing employment to more workers. Amazon has adopted some measures to address worker rights and safety, recognizing the hazards workers face by raising Amazon frontline worker wages by \$2 an hour for full-time workers and increasing overtime pay to double the regular wage. In addition, the company has taken some efforts to protect frontline workers such as staggering work shifts.² I also appreciate efforts the company has made to support local businesses in Seattle to remain open and keep workers on payroll. These are crucial steps.

However, I am deeply concerned that many of Amazon’s growing workforce of at least 800,000³ workers (including warehouse workers, delivery employees who are directly employed and subcontracted, and grocery and retail workers) are required to show up to work to keep Amazon’s shipments of both essential and non-essential products going. Since these workers are unable to shelter in place, they face an increased risk of contracting COVID-19 on the job. Increasing numbers of Amazon workers have become sick⁴ and are diagnosed with COVID-19.⁵ According to recent reports, at least one warehouse worker and one Whole Foods worker have already died.⁶

To halt the rapid spread of COVID-19 and flatten the curve, workers must be able to stay home when they are sick or to care for their loved ones. It is a perverse irony that it is the lowest-wage workers who are most unable to conduct their work remotely, and yet also unable to stay home to protect themselves, their families or general public health without paid leave.

When Congress passed legislation mandating an expansion of paid sick and family leave, we had originally proposed that it would apply to employers of all sizes. However, in last minute negotiations, larger employers including Amazon and most other Fortune 500 companies were excluded from this mandate. The lack of Federal mandates has resulted in variability in how to address these issues. Some large employers have aggressively stepped forward to lead, acting quickly to protect everyone involved in their business operations and recognizing that their size and record of profits requires this of them in a time of crisis where so many are devastated. Other companies have been less willing to do so, but the effect of that is one that leaves often the lowest-wage employees with no options to protect themselves or those around them in the midst of a public health crisis. The leadership and choices of our largest corporations are even more crucial in this moment, when key federal agencies that should protect workers have essentially abdicated their roles at the behest of President Trump's appointees.⁷

I have had numerous private conversations with top management within the company and have appreciated the information that has been shared with me. However, my concerns remain in four specific areas.

First, although Amazon has provided two weeks of emergency paid leave to employees, many workers report that this leave is difficult or impossible to access.⁸ Whole Foods workers, too, report that they are not being given adequate access to paid leave.⁹ I also understand that there are many workers reporting to work who are in the most vulnerable category, such as older workers, those with chronic health conditions or those who live with people who are more vulnerable to COVID-19. For the many women and primary caregivers who are reporting to work, they are also juggling children or seniors who require care at home and are having to make untenable decisions about whether to stay home and look after those who depend on them or lose their paycheck. Workers have told me directly that they are making decisions to stay home without pay because they have symptoms that concern them but they no longer have paid time off remaining. Others are making decisions to go to work in those situations which puts everyone's public health at risk. I ask that Amazon immediately provide a COVID-19-responsive, broadened paid leave policy that is available to all workers to effectively reduce COVID-19 outbreaks and risks of transmission and death. This must include allowing workers to easily access paid leave where they are in highly vulnerable populations; where they cohabitate with persons who are highly vulnerable; when they feel sick; when those they care for need them; and when they have been in proximity to people with COVID-19.

Second, Amazon's frontline workers must be able to rely on the company to engage in rigorous and worker-protective procedures that are independently inspected and audited. I am

aware that Amazon has announced new measures to address safety for warehouse workers. But warehouse and delivery workers continue to report health and safety concerns, including inadequate plans for social distancing in warehouses, inadequate cleaning supplies and insufficient social distancing at shift changes, especially as Amazon hires thousands of new warehouse employees. Amazon warehouse workers also report a chronic lack of transparency about COVID-19 on the job. Workers I spoke to reported receiving incomplete information on incidences of COVID-19 infection in their warehouse, no information as to whether Amazon has done contact tracing with those workers known to be infected, no information on whether Amazon screens new hires for COVID-19, and no information on whether Amazon has officially altered performance quotas and other warehouse protocols that would help workers stay safer. This information is essential to workers' protection. As a warehouse worker recently said to me, "Just tell us - we want to be safe." Workers also report no or inadequate training for warehouse workers and delivery drivers on COVID-19 prevention.¹⁰ Subcontracted workers who provide "last mile" services also report inconsistent safety protocols and inadequate access to safety equipment.¹¹ In addition, Whole Foods workers have raised health and safety concerns.¹² I would ask that Amazon immediately clarify for all workers and the public protocols around safety, cleaning and sanitization of work stations and equipment, and contact tracing and procedures if someone tests positive or develops COVID symptoms. Workers want and deserve transparency so that they can know what risks they face and what actions management has taken to ensure their safety.

Third, I ask that you consider paying hazard pay to essential workers who are still reporting to work and therefore at heightened risk of exposure to COVID-19, including warehouse, delivery, and grocery and retail workers, and take improved steps to ensure the provision of hazard pay to the many subcontracted and temporary workers the company relies on.¹³ These requests apply to all Amazon workers, regardless of whether they are full or part-time, and regardless of whether they are direct employees, subcontracted workers, or workers in a subsidiary corporation. Hazard pay is no substitute for improving worker safety, but where workers face heightened risk at work in the context of this pandemic, those workers must be compensated accordingly. In recognition of the risks these workers face, I ask you to consider doubling their hourly rate of pay. I would also like to ask that Amazon clarify its policies around whether it is operating to fulfill all orders, regardless of whether or not they are essential or what procedures the company has taken to ensure that there are not more workers reporting to work than necessary to fulfill only the most essential orders.

Fourth and importantly, workers must be able to organize and raise concerns without fear of retaliation. Workers are the first line of defense against the spread of COVID-19. They are well equipped to identify risks and propose and suggest sound risk mitigation strategies. Organized groups of workers are especially effective in identifying large-scale safety concerns. For this reason, I am extremely concerned by reports that Amazon has fired workers who led efforts to advocate for improved safety and working conditions for their co-workers – workers like Bashir Mohamed, Maren Brown, Emily Cunningham, and Chris Smalls.¹⁴ Not only does

federal law protect workers' right to organize¹⁵ and express health and safety concerns,¹⁶ but it is in the best interest of the public to ensure that workers are able to speak up freely without threat of retaliation. These continued firings of employees who are raising appropriate and necessary concerns about their health and working conditions is extremely disturbing. I urge you to consider and implement requests made by Amazon workers who are organizing to protect their health and safety. The measures they request seem eminently reasonable, possible and necessary.

Amazon's work to distribute essential products at this time of a pandemic with shelter-at-home orders across the country is essential. The global pandemic has also created the opportunity for an incredibly rapid expansion of Amazon's business model and with it, Amazon's workforce. Amazon is being well rewarded for those efforts, reaping enormous profit and changing sales and delivery models in a way that is sure to provide long-lasting market share to the company. According to recent reports, Amazon's share price has surged by more than a third in a month, with customers spending almost \$11,000 a second on its products and services.¹⁷

It should, therefore, be even more imperative that Amazon immediately step to take care of the health and wellbeing of the employees who are risking their lives to do the work, by providing generous leave policies, additional pay and most importantly, safety in the workplace. As an Amazon warehouse worker said to me recently, "We're not robots, after all."

This is an opportunity for Amazon to lead other Fortune 500 companies in modeling forward-thinking employment and workplace practices. Thank you for the work you are doing to service our country and the world during this pandemic. I do appreciate it, and I urge you to continue that work in a way that protects the very workers that allow for that work to continue.

Thank you for your consideration. I look forward to your response.

Sincerely,



PRAMILA JAYAPAL
Member of Congress

cc: Brian T. Olsavsky, Senior VP/CFO, Amazon.com; Jeff Wilke, CEO of Worldwide Consumer, Amazon.com

¹ These shall include but are not limited to AMAZON; AMAZON COM; AMAZON COM KSDC; AMAZON FULFILLMENT; Amazon Logistics, Inc.; AMAZON SVC; AMAZON.COM.DEDC LLC; SOURDOUGH A EUROPEAN BAKERY, INC.; WHOLE FOODS; Whole Foods Market California Inc., Mrs. Gooch's Natural Food Markets Inc., and WFM-WO Inc.; WHOLE FOODS MARKET CALIFORNIA, INC; Whole Foods Market California, Inc., and Mrs. Gooch's Natural Food Markets, Inc.; WHOLE FOODS MARKET NORTH ATLANTIC DISTRIBUTION CENTER; WHOLE FOODS MARKET ROCKY MOUNTAIN / SOUTHWEST LP; WHOLE FOODS MARKET. This also includes all workers subcontracted by Amazon.com to perform essential services such as cleaning warehouses and delivering Amazon-purchased goods.

² Jeff Bezos, "2019 Letter to Shareholders," (April 16, 2020) <https://blog.aboutamazon.com/company-news/2019-letter-to-shareholders>

³ Jeff Bezos, "2019 Letter to Shareholders," (April 16, 2020) <https://blog.aboutamazon.com/company-news/2019-letter-to-shareholders>; Wall Street Journal, "Amazon to Hire 100,000 Warehouse and Delivery Workers Amid Coronavirus Shutdowns," (March 17, 2020) <https://www.wsj.com/articles/amazon-to-hire-100-000-warehouse-and-delivery-workers-amid-coronavirus-shutdowns-11584387833> ("Amazon.com Inc. plans to hire an additional 100,000 employees in the U.S. as millions of people turn to online deliveries at an unprecedented pace and Americans continue to reorient their lives to limit the spread of the new coronavirus... Amazon employed nearly 800,000 full and part-time employees as of Dec. 31"; ""We are seeing a significant increase in demand, which means our labor needs are unprecedented for this time of year," said Dave Clark, Amazon's senior vice president of operations in a memo reviewed by The Wall Street Journal.")

⁴ See, e.g., Seattle Times, "Amazon confirms Seattle-area warehouse employee has coronavirus," (March 28, 2020) <https://www.seattletimes.com/business/amazon/amazon-confirms-covid-positive-employee-in-one-of-its-seattle-area-warehouses/>

⁵ "Amazon FC Covid Cases", last checked April 14, 2020, <https://www.google.com/maps/d/u/0/viewer?mid=16huUzFcdm6NLpPgBlwfvvBX6J5Qkg9s&ll=47.60620950000006%2C-122.3320708&z=8>

⁶ Forbes, "First Known Amazon Warehouse Worker Dies From COVID-19," (April 15, 2020) <https://www.forbes.com/sites/rachelsandler/2020/04/14/first-known-amazon-warehouse-worker-dies-from-covid-19/#ada2ebd4e515>; NBC Boston, "Swampscott Whole Foods Employee Dies From Coronavirus," (last checked on April 17, 2020) <https://www.nbcboston.com/news/local/swampscott-whole-foods-employee-dies-of-coronavirus/2109335/>.

⁷ See, e.g., Reveal News, "How OSHA has failed to protect America's workers from COVID-19," (April 4, 2020) <https://www.revealnews.org/article/how-osha-has-failed-to-protect-americas-workers-from-covid-19/>; OnLabor, "The Trump NLRB Needs to Be Removed," (April 1, 2020) <https://onlabor.org/the-trump-nlrp-needs-to-be-removed/>

⁸ Conversation with Amazon warehouse workers. See also Business Insider, "I don't want to be there, but I need the income': Worried Amazon workers say the company's sick-leave policy is failing to protect them" (April 10, 2020) <https://www.businessinsider.com/amazon-workers-coronavirus-policies-inadequate-2020-4>; CNBC, "Amazon is

not taking care of us': Warehouse workers say they're struggling to get paid despite sick leave policy," (April 8, 2020) <https://www.cnn.com/2020/04/08/amazon-warehouse-workers-say-they-struggle-to-get-paid-despite-sick-leave-policy.html>

⁹ See, e.g., New York Times, "Coronavirus Cases at D.C. Whole Foods Highlight Risks Facing Grocery Workers" (April 15, 2020) <https://www.nytimes.com/2020/04/15/us/politics/coronavirus-grocery-workers-washington.html> ("The Whole Foods near Washington's trendy Logan Circle told employees on Wednesday that a worker had contracted the virus, one of at least six, but that the store would not close, according to a report by WUSA, a local CBS-affiliated station. Instead, managers would order a deep cleaning with workers staying on the job, according to an email sent to employees that was obtained by the station. Workers were free to take leave without penalty through the end of April, the email said, but it would be unpaid.")

¹⁰ Conversations between Office of Congresswoman Jayapal and worker organizations familiar with warehouse, retail and delivery conditions; Warehouse Worker Resource Center, "Amazon Workers in Southern CA File Health and Safety Complaints," (April 8, 2020) <http://www.warehouseworkers.org/amazon-workers-in-southern-ca-file-health-and-safety-complaints/> ("The Warehouse Worker Resource Center in support of Amazonians United IE, a group of workers at Amazon's LGB 3 Fulfillment Center in Eastvale, CA, filed complaints alleging serious health and safety issues regarding Amazon's response to the Coronavirus outbreak in its facility.") (BuzzFeed News, "Amazon Said That During The Pandemic, Sales Are Soaring. Workers Say They Feel Unsafe," (March 16, 2020) <https://www.buzzfeednews.com/article/carolineodonovan/coronavirus-amazon-warehouse-workers-fear-safety-demand> ("Many of us feel like Amazon is being reckless with our health," said a man who works as a picker in an Amazon fulfillment center in Gloucester County, New Jersey, and requested anonymity for fear of reprisal. "This is a trillion-dollar company and you're struggling to give us stuff to clean with."). Worker health and safety concerns precede COVID-19 as well - see also Good Jobs First, "Violation Tracker Parent Company Summary" (last checked April 9, 2020); https://violationtracker.goodjobsfirst.org/prog.php?parent=amazoncom&order=pen_year&sort=desc (Prior to COVID-19, Amazon and subsidiaries already had five OSHA workplace safety or health violation cases in 2018 and 2019).

¹¹ "Amazon Said That During The Pandemic, Sales Are Soaring. Workers Say They Feel Unsafe," (March 16, 2020) <https://www.buzzfeednews.com/article/carolineodonovan/coronavirus-amazon-warehouse-workers-fear-safety-demand> ("...two drivers who work for Amazon delivery contractors who reached out to BuzzFeed News said they've received no information about coronavirus precautions from their employers. One driver who requested anonymity said their Georgia-based delivery company "has not disseminated employee communications even acknowledging the Coronavirus, no staff meetings have been held and no extra sanitary guidelines have been put in place."").

¹² See, e.g., The Guardian (U.K.), "Whole Foods staff protest against conditions as coronavirus cases rise: Workers say too little is being done to enforce social distancing in stores, and some are not given masks or training on cleaning Coronavirus" (April 16, 2020) ("Workers complain too little is being done to enforce social distancing in stores; it is difficult, and sometimes impossible, to qualify for sick pay; and some are not given masks or training on cleaning... Whole Foods workers have become increasingly concerned over the confirmed cases of coronavirus at Whole Foods stores. Employees have tested positive for coronavirus at Whole Foods locations across the country including West Orange, New Jersey ; Sudbury, Massachusetts ; Brookline, Massachusetts ; Arlington, Massachusetts ; Hingham, Massachusetts ; Cambridge, Massachusetts ; San Francisco, California ; New York City, New York ; Fort Lauderdale, Florida ; New Orleans, Louisiana ; and Allentown, Pennsylvania.")

¹³ Salon.com, “Low wages and no stability: How Amazon’s use of perma-temps is hurting workers,” (September 2, 2019) https://www.salon.com/2018/09/02/low-wages-and-no-stability-how-amazons-use-of-perma-temps-is-hurting-workers_partner/; see also Google, “Supporting our extended workforce through the COVID-10 outbreak,” (March 10, 2020) <https://blog.google/inside-google/company-announcements/supporting-our-extended-workforce-through-covid-19-outbreak/> (“Last year we introduced new requirements for all companies that employ U.S. vendors and temporary staff assigned to Google, making it mandatory for them to provide their employees with paid sick leave (in addition to other minimum benefits required), in order to do business with Google. This is rolling out to their employees.”).

¹⁴ See, e.g., ComputerWeekly.com, “Amazon deletes employees’ calendar invites to Covid-19 event,” (April 17, 2020) <https://www.computerweekly.com/news/252481811/Amazon-deletes-employees-calendar-invites-to-Covid-19-event>; Vice News, “Leaked Amazon Memo Details Plan to Smear Fired Warehouse Organizer: ‘He’s Not Smart or Articulate’” (April 2, 2020) https://www.vice.com/en_us/article/5dm8bx/leaked-amazon-memo-details-plan-to-smear-fired-warehouse-organizer-hes-not-smart-or-articulate; Washington Post, “Workers protest at Instacart, Amazon and Whole Foods for health protections and hazard pay,” (March 30, 2020) <https://www.washingtonpost.com/technology/2020/03/30/worker-strike-instacart-amazon-whole-foods/> (“About 50 workers walked out Monday, according to Chris Smalls, a worker at the warehouse who helped organize the action... At the end of the workday, Amazon fired Smalls, a process assistant who worked for the company for five years.”); BuzzFeed News, “Amazon Fired An Employee Involved in Workplace Organizing In Minnesota, Sources Say,” (April 14, 2020); <https://www.buzzfeednews.com/article/carolineodonovan/amazon-fired-employee-involved-in-workplace-organizing-in> (“The fired worker, Bashir Mohamed, said that in addition to organizing workers to advocate for better working conditions, he had begun pushing for more rigorous cleaning and other measures to protect against the transmission of the coronavirus. Mohamed, who worked at the warehouse for three years, said he believes that his workplace advocacy is why he was fired.”). See also pre-COVID-19 reports of retaliation against workers for organizing and other protected concerted activity, including Washington Post, “Amazon employee says he was fired for calling for unionization and safer working conditions,” (March 21, 2019) <https://www.washingtonpost.com/business/2019/03/21/amazon-employee-says-he-was-fired-calling-unionization-safer-working-conditions/> (“A retail workers union filed a complaint Wednesday with the National Labor Relations Board saying Amazon violated federal law when it fired Rashad Long in February. Long says he was fired after he protested having an Amazon headquarters in New York and advocated for safer working conditions and unionization... In 2014, Amazon settled with the NLRB over a worker’s rights complaint and agreed to change the rules about how employees share information about pay and working conditions without fear of retaliation. Employees nationwide have tried to unionize for years, alongside calls for backup day-care benefits and higher pay.”)

¹⁵ 29 USC § 157 (Codifying the right to engage in “concerted activities for the purpose of collective bargaining or other mutual aid or protection.”). See also *NLRB v. Washington Aluminum Co.*, 370 U.S. 9 (1962) (Company violated the NLRA for firing non-unionized workers who walked off the job at a warehouse where that warehouse was extremely cold and employees were demanding the employer provide them with heat.)

¹⁶ 29 CFR 1977.12(b)(2) (“[O]ccasions might arise when an employee is confronted with a choice between not performing assigned tasks or subjecting himself to serious injury or death arising from a hazardous condition at the workplace. If the employee, with no reasonable alternative, refuses in good faith to expose himself to the dangerous condition, he would be protected against subsequent discrimination.”)

¹⁷ See, e.g., The Guardian, “Amazon reaps \$11,00-a-second coronavirus lockdown bonanza,” (April 15, 2020) <https://www.theguardian.com/technology/2020/apr/15/amazon-lockdown-bonanza-jeff-bezos-fortune-109bn-coronavirus>; Seattle Times, “Jeff Bezos ‘very optimistic’ as he recounts Amazon’s coronavirus response in annual letter to shareholders,” (April 16, 2020) <https://www.seattletimes.com/business/bezos-very-optimistic-as-he-recounts-amazons-coronavirus-response-in-annual-shareholder-letter/>; Investopedia Stock Analysis, “Amazon Stock Hits All-Time High,” (April 14, 2020) (“Amazon.com, Inc. (AMZN) stock is trading at an all-time high on Tuesday morning after the company announced that it will hire 75,000 workers to keep up with exploding demand triggered by the nationwide pandemic shutdown. The new hires will add to 100,000 employees joining the payroll in the past four weeks as the company takes additional market share from brick-and-mortar storefronts and stressed-out supermarket chains.”); MarketWatch, listing for Amazon, available at https://www.marketwatch.com/investing/stock/amzn?mod=MW_story_quote; Nasdaq listing for Amazon, available at <https://www.nasdaq.com/market-activity/stocks/amzn/earnings> (“Amazon is scheduled to announce its first quarter results on April 23 and the consensus is that its earnings per share will be up significantly”)