



Connecticut Retail Merchants Association
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Labor Committee - PUBLIC HEARING – March 8, 2022

S.B. 314 – AAC Protection of Warehouse Workers

**Testimony by Tim Phelan,
President, Connecticut Retail Merchants Association**

Good afternoon, Co-Chairs Kushner and Porter, Vice Chairs Cabrera and Sanchez, Ranking Members Sampson and Arora, and members of the Labor & Public Employees Committee. My name is Timothy Phelan and I am the President of the Connecticut Retail Merchants Association, a statewide trade association representing thousands of Connecticut retailers, large and small, and all across our state.

I am here before you today regarding Senate Bill 314, An Act Concerning Protection of Warehouse Workers, which we oppose.

While workplace metrics are common in all industries, this proposal starts with a false premise and presumes that performance metrics are inherently unsafe and correlated with workplace injuries.

In virtually every industry, metrics are employed to track work. In the legal field, attorneys' annual billable hours are estimated by management in order to ensure expenses will be covered and tracked over the course of the year to ensure each attorney is pulling their share. In sales positions, completed deals are tracked. There are similar examples in industry after industry. And they utilize workplace metrics in order to ensure that long-term goals are being met and individual workers are doing their share.

Importantly, productivity metrics are not inherently punitive, as is assumed in this legislative proposal. Productivity metrics are generally set based on past performance of employees in the aggregate – not an arbitrary, impossible standard set by the employer.

It is also important to understand that an employer has no incentive to set unreachably high standards or terminate large numbers of employees for missing a quota.

- First, unsafe work speeds lead to increased injuries and related workers' compensation costs, which no employer wants.
- Second, at a logistical level, unreachable standards lead to inaccurate workflow projections, resulting in logistical errors and embarrassing failures.
- Third, setting unreachable standards would result in widespread discipline of good employees, reduced morale, and increased turnover, which are all

counterproductive, expensive and really in nobody's interest – employees or employers.

As you will hear in testimony during this hearing, Connecticut's workplaces are among the safest in the nation. And our workforce is productive because of the commitment of employees and employers to assure that remains true. And on those occasions when questions or concerns arise, there are avenues to pursue and remedies that can be applied.

Others will point to specific sections of the bill that highlight the concerns that it raises. Without covering that same ground in detail, I would say that we share those concerns - that this legislation could become yet another hurdle for businesses working diligently to bring jobs to Connecticut, helping to reinvigorate our state's economy.

This bill, however, could slow that progress, rather than accelerate it. And while the proponents may have the best of intentions, this bill is not the answer. We ask you to consider that this bill could potentially cause more harm than good to our state's businesses, our economy and our residents. This is one instance where no action is the better course of action.

Thank you for the opportunity to share our perspective. And thank you for your commitment to Connecticut's businesses, and to all the residents of our state.