

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-412

AN ACT CONCERNING THE PROTECTION OF WAREHOUSE WORKERS IN

Title: THE STATE.

Vote Date: 3/21/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/12/2024

File No.:

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SPONSORS OF BILL:

The Labor & Public Employees Committee

REASONS FOR BILL:

This bill will prevent employers from placing unreasonable quotas on warehouse workers and allow them to see their quotas. This bill follows reports of higher injuries and poor working conditions in certain warehouses, which were reportedly placing unreasonably high quotas on workers, which was causing them to take no breaks and injure themselves while trying to meet them. These conditions are also partially due to a lack of transparency around quotas, where workers are unaware of their package quotas and the data that is used to grade their performance and even potentially fire them, leading to a reported culture of fear and overwork.

The substitute language makes a conforming change.

RESPONSE FROM ADMINISTRATION/AGENCY:

Danté Bartolomeo, Commissioner, CT Department of Labor: Commissioner Bartolomeo, while understanding the committee's intent, is concerned that CTDOL does not have the funding to enforce the bill. She is specifically concerned with section 7, which would permit employees to bring a civil action in superior court if they believe their employer violate the protection of this bill. Right now, the CTDOL would be required to assess the civil penalty meaning they would have to carry out an investigation. This would add cases to the CTDOL's already large backlog of cases that haven't been assigned. The Commissioner is also concerned with section 8 that would require the CTDOL to investigate if the Worker's Compensation Commission find that a warehouse employer has a 1.5 times or higher annual

injury rate than rest of the warehouse industry. CTDOL has similar concerns about this section in their lack of resources and already large backlog prohibiting them investigating.

NATURE AND SOURCES OF SUPPORT:

Martin Looney, Senator, CGA: Looney voices his support of the bill stating that it would protect warehouses workers from high quotas that put them in danger and violate their rights. Looney believes that large corporation with warehouses are frequently putting workers safety at risk and this bill would address those problems.

Ed Hawthorne, President Connecticut AFL-CIO: Hawthorne voices his support of the bill citing how Amazon uses unreasonable quotas and systems that force employees to do an unreasonable amount of work at threat of termination. This bill would prevent Amazon and other warehouse from imposing quotas that prevent workers from taking breaks and protects warehouse workers against retaliation. Hawthorne points to New York and California as states that already have these protections and encourages CT to follow suit.

Irene Tung, Senior Research and Policy Analyst, National Employment Law Project: Tung voices her support of the bill stating the increasing injuries that are occurring at Amazon warehouses. Tung points to Amazon's data showing that Amazon workers are getting injured at a higher rate than the national average and these injuries are most frequently severe enough that the worker required to take time off before being able to physically work again. These injuries can mostly be attested to the way Amazon manages it workforce, forcing speed through electronic surveillance and frequent discipline. Workers are frequently kept in the dark about their performance which creates anxiety among workers who are then compelled to work faster to reach their hidden quotas at risk of losing their job. When these productivity checks are lowered it has been shown to reduce injuries inside Amazon warehouses. Tung emphasizes the importance of passing this bill as when Amazon has success with this model other companies are likely to follow.

Ben Timmins, Labor Policy Advisor, International Brotherhood of Teamsters: Timmins on behalf of the Teamsters voices their support of the bill citing the high injury rate and unreasonable conditions Amazon workers find themselves in. The Teamsters point at the secret and unsafe production standards leading to many injuries, as workers will skip bathroom breaks out of fear of missing unknown quotas. The Teamsters believe that workers must have the right to see their quotas as these numbers are governing their jobs and could be used to fire them.

NATURE AND SOURCES OF OPPOSITION:

Frank Ricci, Labor Fellow, Yankee Institute: Ricci on behalf of the Yankee Institute voices their opposition to the bill stating that it creates arbitrary standards and regulations and creates a power imbalance that favors the worker. The Yankee Institute believes that the term unreasonable is too broad and does not define what unreasonable is but believes that it will increase costs and decrease CT businesses' ability to compete. The Yankee institute believe the current protections under OSHA and the amount that warehouse works are paid makes these good jobs with sufficient protections that does not need more legislation.

Ashley Zane, Senior Public Policy Associate, CBIA: Zane on behalf of the CBIA voices their opposition to the bill stating that performance metrics are an important part of certain industries. The CBIA does not believe that performance metrics are being used to punish or terminate employees as that would be damaging for the company in morale and turnover rate. If a company were to use unreasonable quotas and are getting injured because of them this would be an OSHA violation which is already damaging for companies. The CBIA is specifically concerned about the idea in the bill that performance metrics violate labor laws, the requirement to provide former employees with "speed data", and that retaliation protections could be abused by requesting "speed data" after they engage in misconduct.

Reported by: Noah Gulla

Date: 4/4/2024