

State lawmakers move measure aimed at protecting warehouse workers amid complaints that demands for speed hinder safety

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FULL TEXT

Legislation now on Gov. JB Pritzker's desk aims at providing protections for workers at large warehouses such as those run by Amazon by requiring employers to be more transparent about productivity expectations and ensure workloads don't prevent employees from taking breaks for meals, rest or visits to the bathroom.

The measure, passed by state lawmakers earlier this month, is in response to reports that warehouse workers are too often pushed beyond their physical limits. In December, Amazon reached a \$145,000 settlement with the U.S. Occupational Safety and Health Administration over accusations that conditions at an Illinois warehouse left workers exposed to elevated risks of injury.

If Pritzker signs the bill into law, Illinois would join five other states that have similar measures on the books and dozens of others that have introduced legislation attempting to address warehouse workplace issues.

The bill covers warehouses that employ 250 or more workers at a single warehouse distribution center, or 1,000 or more employees at such facilities statewide. State Rep. Kevin Olickal, a Chicago Democrat who sponsored the bill, said warehousing is one of the fastest growing industries in the country and the measure "specifically addresses some of those concerns we're finding in those warehouse spaces."

"The bill is really just trying to address some of the working conditions and the efficiency standards and quotas that are used in warehouses like Amazon," Olickal said.

Between 2021 and 2022, Amazon warehouse workers across Illinois were injured at a rate of 8.2 per 100, which was 30% higher than other warehouse workers in the state, according to a National Employment Law Project analysis of OSHA data.

"I can't emphasize enough that the injuries we are talking about here — serious muscle strain injuries caused by heavy, forceful, awkward and repetitive motions without sufficient recovery time — are not only painful but are often disabling and can stay with workers their entire lives," said Irene Tung, senior researcher and policy analyst at the law project.

Amazon spokesperson Maureen Lynch Vogel disputed law project findings, which she noted were from a few years ago, and said Amazon workers were not injured at as high a rate as the analysis suggests.

Unions and other advocates for workers who have long accused Amazon of setting unrealistic production targets that lead to injury say there's a need for states to step up with additional protections, particularly in light of potential shifts in federal policy. While former President Joe Biden was widely seen by experts as the most pro-labor president in modern history, OSHA's authority was rolled back under President Donald Trump's first administration.

OSHA reached its settlement with Amazon after withdrawing nine citations for facilities with a high number of workplace injury complaints in New York, Florida, Idaho, Pennsylvania, Colorado and New Jersey. Also in December, the results of an 18-month U.S. Senate committee investigation were released and showed the retail giant's facilities have recorded significantly higher injury rates than the industry average. The committee also found two internal Amazon studies connecting productivity speeds to higher injury rates.

In a statement, Amazon said the OSHA settlement did not include "a claim of wrongdoing on Amazon's part for the withdrawn citations, nor a directive to adopt new safety controls." And the company denied the findings laid out in the Senate committee's report, saying it used "out-of-date documents and unverifiable anecdotes to create a pre-conceived narrative."

"The facts are, our expectations for our employees are safe and reasonable," said August Green, an Amazon spokesperson. He noted a court decision last summer that dropped four workplace safety citations issued by the Washington Department of Labor against Amazon from 2020 into 2021 over workplace hazards leading to a high rate of musculoskeletal disorders.

Opponents of the Illinois legislation include the Illinois Chamber of Commerce and Illinois Manufacturers' Association, which have expressed concerns the bill would negatively impact businesses' operations.

"Warehouses and manufacturers are responsible for moving critical goods across and within the state of Illinois. Businesses must be responsive to the market and fill orders and move goods as needed. This bill would hinder that," said Donovan Griffith, who testified against the bill on behalf of the Illinois Manufacturers' Association.

"Businesses need the ability to make employment decisions in the interest of safety and quality control without fear that they will unfairly be penalized," Griffith said in an emailed statement.

Griffith also said the bill assumes warehouse facilities only evaluate employees on quota performance while safety, attendance, quality production and ability to work with co-workers are also important evaluators.

Some supporters of the bill expressed concerns it falls short in some areas. For example, the legislation does not include protections for warehouse workers at Amazon delivery stations, as laws in California, New York, Oregon, Washington, Minnesota and New York do.

"I don't think that was on our minds, any sort of idea like that. These things are separate," said Olickal about negotiation that led to the final bill. "But what we did was narrow this to specifically the workers within the warehouse, not the delivery drivers."

Although the bill provides avenues for enforcement, existing employee-company agreements could provide a challenge. Marco Cenicerros, executive director of Warehouse Workers for Justice, said agreements that require employees to go through an arbitrator to sue the company or report major incidents present a potential hurdle. "This bill creates some kind of pathway for recourse, although it can be difficult to follow through," Cenicerros said. Other advocates said the bill does not do enough to address health concerns, such as indoor heat and poor ventilation.

"Heat is something that a lot of people misunderstand, but high indoor heat is something that we see a lot in this work," said Jessie Cruz, who represents the National Council for Occupational Safety and Health in Chicago. "This bill is protecting a lot of warehouse workers from unrealistic quotas and hazardous safety conditions, but we would like to see more addressing indoor heat and ergonomics for the workers."

Tung said the bill is the first step in a broader series of efforts across states.

"These things all go hand in hand," said Tung. "The quotas and disciplinary practices, that's one leg of the stool. Ergonomics is another leg of the stool. And the last one, which I think is the most important, is having an organized workforce."

The new workplace safety legislation, if signed by Pritzker, would go into effect Jan. 1. Olickal said he's willing to meet with parties and discuss strengthening it, depending on what type of issue.

"If there is something that needs to be addressed beforehand, if there's a technical change that needs to be made, we're happy to consider that," Olickal said. "But any changes to strengthen the law, we really won't be able to see until it goes into effect."

Separately, recommendations on warehouse safety were issued last month by a task force created by state lawmakers after six workers were killed when a powerful tornado struck an Amazon warehouse in Edwardsville in December 2021. Chief among them was that building codes be amended to require tornado shelters in warehouses.
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