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May 24, 2022

The Honorable Gene L. Dodaro  
U.S. Comptroller General  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, D.C. 20548

Dear Comptroller Dodaro:

I write to respectfully request that the U.S. Government Accountability Office (GAO) assess the extent to which retailer-operated warehouses, fulfillment centers, and delivery systems are using surveillance tools, algorithm-based performance tracking systems, and/or robotics programs to track and increase worker productivity, pace of work, and/or job performance and whether the use of such tools has any link to worker injuries in these environments. This assessment should also examine the extent to which the Department of Labor's Occupational Health and Safety Administration's (OSHA) enforcement efforts have addressed the connection between the use of these workplace tools and the impact on worker health and safety.

Recent reports indicate that as certain online retailers have sought to gain a competitive advantage by offering the fastest and lowest-cost order fulfillment and delivery services to their customers, they have embraced certain workplace surveillance tools, algorithmic systems, and/or robotics programs to monitor and increase workers' productivity, pace of work, and/or job performance.<sup>1</sup> These reports, and workers themselves, have raised concerns, however, that the

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<sup>1</sup> See, e.g., Strategic Org. Ctr., *Primed for Pain: Amazon's Epidemic of Workplace Injuries*, 1 (May 2021), [PrimedForPain.pdf \(thesoc.org\)](#) ("Amazon's obsession with speed in every part of its business has been a key element of its growth strategy. . . . Speed is at the core of the company's brand promise dating back to 2005 when Amazon introduced its Prime program, with free, two-day shipping guaranteed on most items."); *id.* at 8 ("Amazon's relentless drive to provide fast deliveries at low cost has created dangerous workplace conditions and even higher injury rates in the final segments of its delivery operations."); Luis Feliz Leon, *Regulating Amazon's Warehouse Algorithms Is About More Than Injuries*, *The New Republic* (Sept. 8, 2021), <https://newrepublic.com/article/163588/amazon-warehouse-algorithms-injuries-california-bill> (reporting that "California is now attempting to regulate the quotas and algorithms that Amazon uses to monitor and extract maximum efficiency from workers").

increasing reliance on such tools may be connected to an increase in worker health and safety issues at warehouses, fulfillment centers, and delivery systems.<sup>2</sup>

For example, warehouse workers who are subject to high productivity quotas to pick and assemble orders as well as “[h]igh tech monitoring” through handheld devices and “algorithm-driven employee performance system[s], [that] track[] . . . the speed that [they] are doing their jobs” may work at a pace that leads to injuries so that they can meet their quotas.<sup>3</sup> Similarly, workers who are subject to high productivity quotas and surveillance systems that “measure workers’ ‘time off task’—those moments when employees log off their devices”—may also work at a pace that leads to injuries and/or may be unable to exercise protections under applicable health and safety laws.<sup>4</sup> Additionally, some delivery drivers who are required to use smartphone applications that monitor their driving habits during their shift while being subject to aggressive delivery quotas have reported that some of their on-the-job injuries “were related to production pressure or speed.”<sup>5</sup>

Over the past few years, some retailers have also implemented robotics programs in their warehouses or fulfillment centers to assist with the assembling of customer orders.<sup>6</sup> While these programs are often touted as a solution to supplement worker performance or enhance worker safety, reports have noted that facilities with such programs tend to have higher worker injury rates than those that do not have such programs.<sup>7</sup> Reports have indicated that the cause of this disparity is likely the increased production expectations at robotics facilities, i.e., the workers

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<sup>2</sup> See, e.g., Leon, *supra* note 1 (reporting the experience of an Amazon employee “...the company’s punishing productivity requirements—which force workers to scan and sort some 450 boxes of various weights per hour—lead them to take shortcuts and, often, get injured as they rush to make the quota”); Jay Greene, *Amazon’s employee surveillance fuels unionization efforts: ‘It’s not prison, it’s work,’* Wash. Post (Dec. 2, 2021), <https://www.washingtonpost.com/technology/2021/12/02/amazon-workplace-monitoring-unions/> (reporting that union organizers have conveyed that “strict productivity goals and high-tech monitoring [are] are major factors in driving employees to seek representation”).

<sup>3</sup> Greene, *supra* note 2.

<sup>4</sup> *Id.* See also Nina Shapiro, *Under pressure, afraid to take bathroom breaks? Inside Amazon’s fast-paced warehouse world*, The Seattle Times (July 3, 2018), <https://www.seattletimes.com/business/amazon/under-pressure-afraid-to-take-bathroom-breaks-inside-amazons-fast-paced-warehouse-world/> (reporting that “in a survey of 240 Amazon warehouse workers . . . [s]eventy-four percent said they avoided using the bathroom for fear of missing their performance targets or receiving a warning point”).

<sup>5</sup> Strategic Org. Ctr., *supra* note 1, at 10; see *id.* at 9, 10 (“Delivery drivers working in Amazon’s DSP network report that they are under intense pressure to rush to meet the company’s ambitious delivery timetables. . . . In SOC’s online survey, . . . nearly nine in ten (89%) injured delivery workers reported that their injuries were related to production pressure or speed.”) (internal quotation marks and citation omitted); see also Annie Palmer, *Amazon uses an app called Mentor to track and discipline delivery drivers*, CNBC (Feb. 21, 2021), [Amazon Mentor app tracks and disciplines delivery drivers \(cnbc.com\)](https://www.cnbc.com/2021/02/21/amazon-mentor-app-tracks-and-disciplines-delivery-drivers.html) (Amazon delivery drivers use the Mentor app during their shifts; this app tracks their driving habits. “While the Mentor app is meant to make drivers adopt safer driving habits, some DSP employees said it pushes them to take risks, as they worry the extra steps may slow them down and draw a rebuke from managers who expect speedy deliveries”).

<sup>6</sup> See Strategic Org. Ctr., *supra* note 1, at 6 (noting that in 2012, Amazon purchased the robotics company Kiva, which “had developed a new robot that could move around a warehouse floor to automate the laborious task of stowing new merchandise on shelves and picking merchandise for assembling customer orders”).

<sup>7</sup> *Id.* at 7 (reporting that “the serious injury rate at sortable Amazon fulfillment centers with robotic technology was higher than the serious injury rate at the sortable Amazon fulfillment centers without robotic technology”).

increase their production speed to keep up with the robots and therefore are more likely to suffer injuries.<sup>8</sup>

Another area of concern is that policymakers and OSHA officials may not understand the full extent of the frequency and/or severity of worker health and safety issues linked to productivity-driven surveillance and technology tools because of the underreporting in these industries.<sup>9</sup> This underreporting may be caused by various factors including, for example, the presence of health units or clinics within these facilities.<sup>10</sup>

Given the breadth and complexity of these issues, we ask that GAO undertake an investigation to address the following, and, if applicable, make recommendations:

1. What is known about the use of surveillance and tracking technologies that monitor worker performance at retailer-operated warehouses, fulfillment centers, and delivery systems?
2. How have these technologies effected workers' ability to take restroom and lunch breaks, access health facilities, and led to negative employment actions such as discipline and/or termination?
3. To what extent does OSHA data demonstrate that there is a connection between surveillance and tracking technologies and the nature and/or frequency of worker injuries at retailer-operated warehouses, fulfillment centers, and delivery systems?
4. Over the past five years, what guidance has OSHA developed and what enforcement efforts has OSHA taken to ensure that surveillance and tracking technologies are not adversely affecting the health and safety of workers at retailer-operated warehouses, fulfillment centers, and delivery systems?

Thank you for your attention to this matter. If you have any questions or wish to discuss this request further, please contact Tanisha Wilburn, Director of Labor/Health Oversight, U.S. House

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<sup>8</sup> See Will Evans, *How Amazon Hid Its Safety Crisis*, Reveal (Sep. 29, 2020), <https://revealnews.org/article/how-amazon-hid-its-safety-crisis/> (a physician who inspected Amazon warehouses in her capacity as a medical officer for OSHA stated “[i]f you’ve got robots that are moving product faster and workers have to then lift or move those products faster, there’ll be increased injuries”).

<sup>9</sup> Cf. U.S. Government Accountability Office, GAO-16-337, *Workplace Safety and Health: Additional Data Needed to Address Continued Hazards in the Meat and Poultry Industry*, 31 (2016), <https://www.gao.gov/assets/gao-16-337.pdf> (documenting that in the meat and poultry industry—an industry similar to the warehousing industry— “[w]orkers and employers may underreport injuries and illnesses . . . because of worker concerns over potential loss of employment, and employer concerns over potential costs associated with injuries and illnesses”).

<sup>10</sup> Evans *supra* note 8 (reporting that offering warehouse workers incentives, such as pizza parties, for “injury-free shifts” may discourage them from reporting their injuries); see *id.* (According to three medical providers who worked for one of the clinics that Amazon contracted with to treat its workers at one of its facilities, “the clinic directors instructed them to avoid giving any treatment to Amazon workers that would make their injuries recordable.” This clinic promoted itself as “OSHA-Sensitive” and had a statement on its website from its medical director that said that the clinic “believed in treating injuries such that they are not OSHA recordable, if possible”); cf., GAO-16-337, *supra* note 9 at 35 (“Plant health units . . . may also discourage reporting of injuries and illnesses. . . . In an effort to maintain a clean safety record and avoid recording injures in their OSHA logs, some plant health units may repeatedly offer first aid treatments . . . rather than refer workers to a doctor. . . .”).

The Honorable Gene L. Dodaro

May 24, 2022

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of Representatives Committee on Education and Labor, at [tanisha.wilburn2@mail.house.gov](mailto:tanisha.wilburn2@mail.house.gov).  
Please direct all official correspondence to the Committee's Chief Clerk, Rasheedah Hasan, at  
[Rasheedah.Hasan@mail.house.gov](mailto:Rasheedah.Hasan@mail.house.gov).

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**

Chairman