

United States Senate
WASHINGTON, DC 20510

May 6, 2020

Jeffrey Bezos
President, Chief Executive Officer, and Chairman
Amazon.com, Inc.
1200 12th Avenue South, Suite 1200
Seattle, WA 98144

Dear Mr. Bezos:

We are writing to seek information about your company's policies for discipline and termination regarding workers who raise health and safety concerns. Since the coronavirus disease 2019 (COVID-19) pandemic began, Amazon has fired at least four Amazon workers who had publicly raised concerns about safety conditions in Amazon warehouses. In order to understand how the termination of employees that raised concerns about health and safety conditions did not constitute retaliation for whistleblowing, we are requesting information about Amazon's policies regarding grounds for employee discipline and termination.

Since the pandemic began, there have been at least four public reports of cases where Amazon has fired workers following their public whistleblowing:

- Christian Smalls worked for Amazon for five years¹ at a warehouse in Staten Island, New York, where at least one employee has tested positive for COVID-19.² Mr. Smalls had been “trying to persuade senior warehouse officials to close the building and sterilize it, but to no avail” due to the coronavirus exposure at his job site.³ When management did not respond, Mr. Smalls helped organized a walkout, calling on Amazon to close the facility so it could be deep cleaned.⁴ Amazon fired Mr. Smalls after the walkout – and then designed a public relations strategy which, according to a leaked memo, called for “strongly laying out the case for why the organizer’s conduct was immoral, unacceptable, and arguably illegal, in detail, and only then follow with our usual talking points about worker safety.”⁵ *Vice* reports that Amazon executives discussed “us[ing] Smalls to

¹ New York Magazine, “The coronavirus is radicalizing workers,” Sarah Jones, April 1, 2020, https://nymag.com/intelligencer/2020/04/the-coronavirus-may-be-a-tipping-point-for-labor.html#_ga=2.91745240.376253580.1587771267-2083710166.1587771267.

² CNBC, “Amazon workers plan strike at Staten Island warehouse to demand coronavirus protections,” Annie Palmer, March 29, 2020, <https://www.cnbc.com/2020/03/29/amazon-workers-in-staten-island-plan-strike-over-coronavirus-safety.html>.

³ CNN Business, “Amazon fires warehouse worker who led State Island warehouse walkout,” Brian Fung, March 31, 2020, <https://www.cnn.com/2020/03/30/tech/amazon-worker-fired-staten-island-warehouse/index.html>.

⁴ New York Times, “‘We didn’t sign up for this’: Amazon workers on the front lines,” Ginia Bellafante, April 3, 2020, <https://www.nytimes.com/2020/04/03/nyregion/coronavirus-nyc-chris-smalls-amazon.html>.

⁵ *Vice*, “Leaked Amazon memo details plan to smear fired warehouse organizer: ‘He’s not smart or articulate.’” Paul Blest, 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.

discredit the wider labor movement at Amazon,” where workers had sought to unionize in 2018.”⁶

- Bashir Mohamed worked at a warehouse in Shakopee, Minnesota. Amazon fired him earlier this month.⁷ Mr. Mohamed had been raising concerns about “the impossibility of practicing social distancing in the facility.”⁸ He was given a “final warning” in late March for allegedly not following the recommendation for six feet of social distancing while speaking to a colleague in the parking lot.⁹ Amazon told the press, “We respect the rights of employees to protest and recognize their legal right to do so; however, these rights do not provide blanket immunity against bad actions, particularly those that endanger the health, wellbeing or safety of their colleagues.”¹⁰
- Maren Costa worked as a user experience designer for Amazon for more than 15 years.¹¹ Maren was a member of Amazon Employees for Climate Justice, and had been publicly supporting warehouse workers’ advocacy, including offering to match donations “to support [her] Amazon warehouse colleagues and their communities, while they struggle to get consistent, sufficient protections and procedures from [Amazon].”¹² Amazon said Ms. Costa was fired for “repeatedly violating internal policies” regarding external communications.¹³ Amazon told press, “We support every employee’s right to criticize their employer’s working conditions, but that does not come with blanket immunity against any and all internal policies.”¹⁴
- Emily Cunningham worked as a user experience designer for Amazon for more than five years, and was also a member of Amazon Employees for Climate Justice.¹⁵ Ms. Cunningham had circulated a petition calling on Amazon to “expand sick leave, hazard pay and child care for warehouse workers,” and “temporarily shut down facilities where

⁶ Vice, “Leaked Amazon memo details plan to smear fired warehouse organizer: ‘He’s not smart or articulate.’” Paul Blest, 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.

⁷ CNN Business, “Fear and firing inside an Amazon warehouse,” Sara Ashley O’Brien, April 22, 2020, <https://www.cnn.com/2020/04/22/tech/amazon-warehouse-bashir-mohamed/index.html>.

⁸ *Id.*

⁹ *Id.*

¹⁰ The Guardian, “Amazon fires two employees who condemned treatment of warehouse workers,” Kari Paul, April 14, 2020, <https://www.theguardian.com/technology/2020/apr/14/amazon-workers-fired-coronavirus-emily-cunningham-maren-costa>.

¹¹ *Id.*

¹² Tweet by Maren Costa, March 27, 2020, <https://twitter.com/marencosta/status/1243585580736237568>.

¹³ The Cut, “The women who criticized Amazon – and got fired,” Bridget Read, April 2020, <https://www.thecut.com/2020/04/amazon-tech-workers-fired-coronavirus.html>.

¹⁴ *Id.*

¹⁵ The Guardian, “Amazon fires two employees who condemned treatment of warehouse workers,” Kari Paul, April 14, 2020, <https://www.theguardian.com/technology/2020/apr/14/amazon-workers-fired-coronavirus-emily-cunningham-maren-costa>.

workers were confirmed to have the virus so the facilities could be sterilized.”¹⁶ Amazon issued the same statement for Ms. Cunningham and Ms. Costa’s firing.¹⁷

Amazon has closed some warehouses for 48 hours for deep cleaning after employees test positive for coronavirus,¹⁸ but these safety responses have not been sufficient. To date, more than 100 Amazon warehouses have reportedly had positive coronavirus cases, according to internal tracking by United for Respect.¹⁹ At least three Amazon warehouse employees have died from COVID-19,²⁰ including a worker in the facility where Mr. Smalls was fighting for safety protections.²¹ Amazon tech and warehouse workers held “sick out” day protests over the week of April 20 to protest safety conditions in warehouses and fulfillment centers – more than 300 warehouse workers representing dozens of warehouses pledged to call out of work.²² On May 4, an Amazon Vice President announced he had resigned “in dismay at Amazon firing whistleblowers who were making noise about warehouse employees frightened of Covid-19.”²³

In Kentucky, Governor Andy Beshear ordered Amazon to keep a warehouse closed for an additional week beyond the 48 hour period for further cleaning, after three workers tested positive for coronavirus.²⁴ A New Jersey mayor has called on Amazon to close a warehouse in Middlesex County after more than 30 employees reportedly tested positive for COVID-19.²⁵ This problem spans your facilities around the country, and the world: all Amazon warehouses in

¹⁶ New York Times, “Amazon fires two workers who questioned its labor policies,” April 14, 2020, <https://www.nytimes.com/2020/04/14/business/stock-market-covid-coronavirus.html#link-b8bac86>.

¹⁷ The Cut, “The women who criticized Amazon – and got fired,” Bridget Read, April 2020, <https://www.thecut.com/2020/04/amazon-tech-workers-fired-coronavirus.html>.

¹⁸ New York Times, “Gaps in Amazon’s response as virus spreads to more than 50 warehouses,” Karen Weise and Kate Conger, April 5, 2020, <https://www.nytimes.com/2020/04/05/technology/coronavirus-amazon-workers.html>.

¹⁹ United for Respect, “Are you safe: Amazon,” <https://areyousafe.work/amazon>.

²⁰ The Hill, “First Amazon warehouse worker dies of coronavirus,” Chris Mills Rodrigo, April 14, 2020, <https://thehill.com/policy/technology/492807-first-amazon-warehouse-worker-dies-of-coronavirus>; ABC 7 NY, “Coronavirus News: Amazon warehouse employee on Staten Island dies of COVID-19,” May 5, 2020, <https://abc7ny.com/amazon-worker-death-staten-island-warehouse-employee-on/6153932/>; NBC Bay Area, “Amazon Worker in Tracy Dies From COVID-19 Complications,” Bob Redell, April 30, 2020, <https://www.nbcbayarea.com/news/local/amazon-worker-in-tracy-dies-from-covid-19-complications-report/2281956/>.

²¹ The Verge, “An Amazon warehouse worker in New York has died of COVID-19,” Josh Dzieza, May 5, 2020, <https://www.theverge.com/2020/5/5/21248427/amazon-warehouse-worker-coronavirus-death-new-york-covid-19>.

²² NBC News, “Amazon workers stage ‘sick out’ rally to push for warehouse changes,” April Glaser, April 24, 2020, <https://www.nbcnews.com/tech/tech-news/amazon-workers-stage-sick-out-rally-push-warehouse-changes-n1192206>; Vice, “Hundreds of Amazon workers are not going to work in nationwide protest,” Lauren Kaori Gurley, April 20, 2020, https://www.vice.com/en_us/article/jge77g/hundreds-of-amazon-workers-are-not-going-to-work-in-nationwide-protest.

²³ CNN, “Amazon VP says he quit over company ‘firing whistleblowers,’” Sara Ashley O’Brien, May 4, 2020, <https://www.cnn.com/2020/05/04/tech/amazon-vp-tim-bray-quits/index.html>.

²⁴ Courier Journal, “At Beshear’s request, Amazon warehouse in Kentucky with COVID-19 cases to reopen April 1,” Billy Kobin, March 24, 2020, <https://www.courier-journal.com/story/news/2020/03/24/coronavirus-kentucky-amazon-closes-bullitt-county-warehouse-workers-tested-positive/2905858001/>.

²⁵ NJ.com, “N.J. mayor calls for shutdown of Amazon warehouse after reported coronavirus outbreak,” Rodrigo Torrejon, April 25, 2020, <https://www.nj.com/coronavirus/2020/04/nj-mayor-calls-for-shut-down-of-amazon-warehouse-after-reported-coronavirus-outbreak.html>.

France are currently closed “after an appeals court upheld a ruling saying the company hadn’t done enough to protect workers from the coronavirus.”²⁶

Employers have a statutory duty to ensure workplaces are “free from recognized hazards that are causing or are likely to cause death or serious physical harm” to employees.”²⁷ In addition, once an employee has filed a complaint with the Occupational Safety and Hazard Administration, “no person shall discharge or in any manner discriminate against” the employee.²⁸ The federal government advises workers: “If you have concerns, you have the right to speak up about them without fear of retaliation.”²⁹

Given the clear public history of these four workers’ advocacy on behalf of health and safety conditions for workers in Amazon warehouses preceding their terminations, and Amazon’s vague public statements regarding violations of “internal policies,” we are seeking additional information to understand exactly what those internal policies are. We request your response to the following questions no later than May 20, 2020:

1. Do Amazon tech workers, Amazon warehouse workers, and Amazon executives have the same discipline and termination policies?
2. What “external communications” constitute a disciplinary violation for Amazon employees?
3. What internal policies dictate the difference between an “employee’s right to criticize their employer’s working conditions” and when criticizing working conditions violates “internal policies”?
 - a. How are employees informed of these policies?
 - b. Are these policies made available in multiple languages? If so, which languages?
 - c. Please provide a copy of the policy documents.
4. What are grounds for termination for Amazon employees? Does Amazon consider raising concerns about health and safety conditions grounds for termination? Please provide a copy of the documents that outline these policies.
5. Under what circumstances does Amazon give employees “warning[s]” prior to termination? How many warnings are given? Please provide a copy of the documents that outlines these policies.
6. When a worker receives a “warning,” how is this warning documented internally, and how is it communicated to the employee receiving the warning?

²⁶ Associated Press, “2nd French court orders Amazon to better protect workers,” Angela Charlton, April 24, 2020, <https://apnews.com/c482d4d7bb6fe3dae7806c3798d10291>.

²⁷ 29 USC § 654.

²⁸ 29 USC § 660 (c).

²⁹ U.S. Department of Labor, “OSHA: Workers,” <https://www.osha.gov/workers/>.

7. It was recently reported that Amazon’s Whole Foods is doing assessments of “external risks,” “store risks” and “team member sentiment” to assess potential unionization activity.³⁰ Is Amazon currently doing, or has Amazon previously done, any type of similar assessments for warehouses?
8. Does Amazon do any type of analyses or internal tracking to identify or monitor workers that may be organizing, planning strikes, or talking to the media?
9. Does Amazon document which workers participate in walk-outs, strikes, or other organizing activities? If so, who is responsible for doing this, and how is this information recorded?

Thank you for your consideration of this important matter.

Sincerely,

Elizabeth Warren
United States Senator

Bernard Sanders
United States Senator

Cory A. Booker
United States Senator

Sherrod Brown
United States Senator

Kirsten Gillibrand
United States Senator

Edward J. Markey
United States Senator

Richard Blumenthal
United States Senator

Kamala D. Harris
United States Senator

Tammy Baldwin
United States Senator

³⁰ The Verge, “Whole Foods is reportedly using a heat map to track stores at risk of unionization,” Jay Peters, April 20, 2020, <https://www.theverge.com/2020/4/20/21228324/amazon-whole-foods-unionization-heat-map-union>.