



Disabling: How Amazon Fails Associates With Workplace Accommodations

JULY 2023

UNITEDfor
RESPECT

EXECUTIVE SUMMARY

The workplace accommodations process at Amazon is broken. Across the country, disabled warehouse associates face multiple hurdles in receiving the type of reasonable accommodations that would allow them to perform their jobs safely and successfully. Contrary to the intent of the Americans with Disabilities Act, Amazon workers seeking accommodations must navigate excessive requests for paperwork and medical documentation, indefinite delays, departments that don't communicate with one other, unfair treatment from managers, and more.

While Amazon's dangerous workplace conditions have received immense scrutiny, less attention has been paid to what happens when workers seek accommodations after worksite injuries. And though Amazon bills itself as a welcoming employer of disabled workers, many new hires find their need for accommodations unfairly delayed, ignored, or denied. Similar concerns have also been raised by employees who are pregnant and need accommodations.¹ Now, workers are speaking up to tell their stories and share the challenges they've faced in the search for reasonable workplace accommodations. This report is based on interviews and conversations with Amazon associates across the country who are organizing with *United for Respect* to bring about change and justice for disabled workers. The associates identified the following as major concerns with Amazon's workplace accommodations processes and policies:

- **A workplace that produces injuries:** Every year Amazon's unsafe warehouse practices leave thousands of employees seriously injured and, often, in need of accommodations.²
- **Productivity metrics and electronic surveillance:** Amazon's intense pace of work can leave employees with accommodations struggling to keep up and subject to discipline from automated computer systems.
- **Lack of a clear accommodations policy and process:** Associates have difficulty accessing Amazon's accommodations policies and struggle getting clear answers and responses from human resources.
- **Forms, doctors visits, and paperwork:** Associates have difficulty satisfying Amazon's requests for medical documentation, resulting in repeated and unnecessary medical appointments.
- **Manager discretion over accommodations:** Associates are asked to complete unsafe tasks by managers that are unaware of, or choose to ignore, the employees' workplace accommodations.
- **Discriminatory treatment:** Associates with workplace accommodations are sometimes treated differently and/or denigrated by supervisors and managers.
- **Indefinite Leave:** Amazon places associates on indefinite periods of leave while workplace accommodation requests are processed, leaving employees with reduced income and no clear timeline for return.
- **EEOC complaints:** Associates that file discrimination complaints with the Equal Employment Opportunity Commission may face long delays and overwhelming legal disputes.
- **The Work Opportunity Tax Credit:** Amazon receives a tax credit for hiring certain disabled employees, regardless of whether those associates are employed long term or have their workplace accommodations respected.

The report will look at each of these problem areas, and connect them to workers' own stories and experiences navigating the workplace accommodations process at Amazon. Additionally, *United for Respect* members are calling for changes at Amazon so that no other associate must go through what they have.

Associate Recommendations

Accommodations Upon Request

To prevent injuries during a lengthy approval process, initial temporary accommodations should be granted immediately upon request, while employees complete the necessary documentation from independent medical professionals in order to have these accommodations finalized.

Follow the ADA

Amazon must follow the interactive workplace accommodations process defined by the ADA. Decision making should be transparent and done in consultation with employees, as both parties seek to find solutions that work through a back and forth process. There should also be an appeal process for workplace accommodations that are denied.

Training and Education

All warehouse associates should receive training on workplace accommodations and disability awareness and be informed of their rights under the ADA. All supervisors should participate in similar training to reduce incidents of harassment of, or discrimination against, associates with workplace accommodation. Company policies and the process for requesting workplace accommodations should be freely available to employees and potential job applicants.

On-site Specialists

On-site impartial specialists should be responsible for each workplace accommodation request. Employees should have an open-line of communication with a dedicated specialist, who will be responsible for informing all relevant departments and managers of accommodations, and ensuring they are enforced.

No Retaliation For Requesting an Accommodation

There should be no retaliation against, or harassment of, Amazon employees that request workplace accommodations. Employees should be given paid time off to fulfill the medical documentation required by the accommodations process, and should not earn attendance points when they miss work due to a lack of an accommodation.

End to Exploitative Quotas and Surveillance

Amazon should end the productivity quotas and workplace surveillance that lead to Amazon's injury crisis and drive an unsafe pace of work, for all employees, both those with accommodations and those without.

By sharing their stories, these Amazon associates hope to demonstrate how the company's workplace accommodations process has let them down and, in many instances, left them unemployed. While each worker's disability and accommodations may be unique, these examples illustrate patterns common across Amazon's fulfillment network, patterns that must be addressed and fixed so that every associate, whether disabled or not, can thrive.

Kathleen, Wisconsin

Kathleen began working at an Amazon Delivery Station in Sussex, Wisconsin, in October of 2018. Her second day on the job she was told the facility could not accommodate the disability she had mentioned during the hiring process, so she walked out. But after Kathleen sent in a resignation form from the Wisconsin Department of Workforce Development, Amazon rescinded the resignation and found a place for her as a FLEX associate. Workers in this role have no set schedule and need just complete a minimum number of shifts per month, which they select as the schedule becomes available. For Kathleen, this unpredictability was stressful, and each time she came to work, processes had changed so much that she felt like a new employee. When openings appeared on a standard shift, Kathleen tried to apply, but was told that shift wasn't available for someone with her accommodations. Then, in July 2020, Amazon eliminated the FLEX position from Kathleen's Delivery Station, and just like that, she was out of a job. But it didn't feel right. Amazon had limited Kathleen's accommodation to a single position and then eliminated that position. It felt like discrimination.

Kathleen began to wonder what happened to other disabled employees with accommodations. Were there others who had seen their opportunities limited or been cast aside like her because of their disabilities? As the second largest private employer in the U.S., surely there



had to be others going through the same thing she was. Kathleen took to Facebook, and found posts and groups where Amazon associates complained about their lack of accommodations, about a broken process, about an employer that preferred to kick them to the curb than find solutions that would let associates do their jobs successfully. Eventually Kathleen made her own facebook group, *Amazon Work Comp, FMLA & ADA Accommodations Discriminatory Practices Unite*, to create a community where associates could share information, strategies, and support as they sought accommodations and protections from discrimination. Posts, comments, and stories soon filled the group's page, as workers described their struggle, and as of June 2023, Kathleen's facebook group had over 550 members.

INTRODUCTION

Over the past decade, Amazon has grown to be America's second-largest private employer, with over a million US employees in 2021.³ The vast majority of this workforce consists of the warehouse associates that move billions of packages through the company's vast distribution network. Much attention has been brought to high injury rates of these workers, and the unsafe conditions found throughout Amazon's warehouse and distribution network as associates are pushed to their physical limit to meet quotas and electronically surveilled from the moment they enter the parking lot.

But this report will document and share some of the common challenges that disabled amazon associates and medical conditions, often the result of on-the-job injuries, face in exercising their right to reasonable workplace accommodations. As Kathleen's Facebook group demonstrates, the processes and policies dictating who is accommodated, and how, are unclear and dysfunctional.

The CDC estimates that about a quarter of Americans have some type of disability, and many disabled consumers rely on

Amazon to get groceries and products to their door. Amazon has also promoted itself as a welcoming place for disabled job applicants and employees.⁴ On a company website featuring a banner that reads “*People with Disabilities Are Welcome at Amazon*”, Amazon lists the recognition it has received in this area, including:

- Top 50 employer in 2020 by *Careers and the Disabled Magazine*;
- Best Places to Work for Disability Inclusion, 2018-2021, from Disability:IN; and
- The Helen Keller Achievement Award, 2019, from the American Foundation for the Blind.⁵

But critics have argued that these awards belie the reality of what it’s like to work in Amazon warehouses with a disability, and many associates have found a much less welcoming and inclusive environment than expected after requesting workplace accommodations.⁶ In just the past few years, a number of stories and incidents have demonstrated that this issue is found across Amazon’s fulfillment and logistics network. Between a class action lawsuit, a lawsuit by the legal rights organization *A Better Balance*, a letter from six U.S. Senators, and an official complaint from the New York State Division of Human Rights, Amazon’s workplace accommodation practices, and its treatment of disabled employees, is coming under increasing scrutiny.^{7, 8, 9, 10} And in June 2023, Senator Bernie Sanders opened an investigation in Amazon’s warehouse safety practices, with a letter claiming that “*Amazon also intentionally delays or fails to process required paperwork for worker’s compensation, return-to-work, and reasonable accommodation requests, further ensuring the company avoids responsibility for workplace injuries and leaving workers to shoulder the burdens.*”¹¹

Workers are also speaking out about the issue, and the struggles they face while working at Amazon with a disability.^{12, 13} This report, based on interviews and conversations with Amazon associates across the country will highlight some of the key issues workers have identified in their attempts to request accommodations. The issues raised are in no way exhaustive of the many challenges faced by disabled Amazon employees, and they may not apply to every example or worker experience. But these concerns have been raised repeatedly and capture the pattern of mistreatment and discrimination arising from Amazon’s broken workplace accommodations system. Amazon associates fighting for respect and fair treatment on the job, hope that by telling their stories, they can help bring about change.

Daniel, Kentucky



Daniel began working at an Amazon warehouse in 2012, when the company was just a fraction of the size it is now. In the decade since, he has worked at facilities in Florida, California, and most recently Kentucky. When the COVID-19 pandemic started, Daniel was living with someone who was immunocompromised, so he decided he needed to take a break from working at Amazon to protect their health, but in September 2021 he tried to go back to work. When Daniel walked into the Amazon rehire event, he was still recovering from a full ligament reconstruction in his knee and was wearing a T-Scope knee brace that fit over his entire leg. He was worried Amazon wouldn’t be able to find workplace accommodations for him, but when he raised the issue, he was told it wouldn’t be a problem at all. Soon Daniel was hired and set to begin working at the CVG2 Returns Center in Hebron, Kentucky.

On his first day back, Daniel brought in paperwork from his doctor explaining his need for a workplace accommodation and went through the initial new hire orientation. But about 2 hours after arriving, Daniel was told there were no workplace accommodations available for him and he had to leave the building immediately. Since that day in 2021, Daniel estimates he has worked only around 160 hours for Amazon and he is still fighting to find a position and shift where his accommodations are respected.

A WORKPLACE THAT CAUSES INJURIES

Amazon's entire distribution network and its emphasis on two day, or even same day, delivery depends on a system of productivity metrics and constant electronic surveillance that pushes workers to the limits and often leaves little space for disabled workers.

Amazon's health and safety record has long been the subject of scrutiny, with regulators, legislators, and the press responding to associate concerns, and the company's high injury rates have been linked to the fast pace of work.¹⁴ In 2022, there were 38,609 total recordable injuries at Amazon facilities, 36,487 of which were serious.¹⁵ And while Amazon employed about 36% of all U.S. warehouse workers in 2022, it was responsible for over half of all injuries.¹⁶

This past year, OSHA began a national investigation of working conditions at seven Amazon facilities across five states (FL, IL, NY, CO, ID) and found serious hazards at all seven.¹⁷ This investigation is concurrent with a Department of Justice investigation into whether Amazon fraudulently hid injury data from lenders.¹⁸ As part of this investigation, the Southern District of New York has collected safety complaints from Amazon associates since last year. This all comes despite, and since, Jeff Bezos' commitment to making Amazon the "Earth's Safest Place to Work."^{19,20} The result is a workplace that often leaves employees injured and in need of workplace accommodations.

Patrick, Maryland

Patrick began working as a picker in an Amazon warehouse in Maryland in 2020. He soon found that the 10-hour shifts he was working were interfering with his ability to get enough sleep, and as a person with epilepsy he worried this could lead to seizures. He submitted a workplace accommodation request to be put on an 8 hour schedule, five days a week, rather than a 10 hour schedule for four days. After months of dragging their feet, Amazon approved Patrick's workplace accommodation and he was able to work the schedule he needed to stay healthy. Unfortunately after half a year at Amazon, Patrick began to develop severe pain in his ankle and struggled to walk like he normally would. Patrick alerted his manager who sent him to the on-site health station, where he was given Icy Hot and sent on his way. Over the next couple of months the pain would come and go, so Patrick decided he needed to get it checked out. He used his vacation time to go to urgent care, and see his primary care provider and an orthopedist. Patrick was diagnosed with Ankle Tendinitis, and his orthopedist said it was likely due to having flat feet and walking immense distances on concrete every day at work. Amazon associates have often raised concerns about having to walk long distances in warehouses, and can cover upwards of ten miles per day in the normal course of their duties. Unable to do his job without pain, Patrick had to go on short term disability so that he could recover and begin months of physical therapy.

PRODUCTIVITY METRICS AND ELECTRONIC SURVEILLANCE

One of the key contributors to Amazon's high injury rate is the company's use of productivity metrics, referred to as *Rate*, in its warehouses and distribution network. Often called "performance targets" by Amazon, these metrics act as quotas for workers who are expected to pick, pack, or process a certain number of items throughout their shift. In a press release following nationwide OSHA investigations into Amazon facilities, the Assistant Secretary for Occupational Safety and Health said the agency "had found work processes that were designed for speed but not safety, and they resulted in serious worker injuries."²¹ A survey of over 2,000 Amazon employees found that a majority feared being fired for not being able to "make rate," and respondents cited automatic discipline systems that kicked in regardless of extenuating circumstances.²² Workers also linked these high, but often undefined, expectations to negative impacts on their mental and physical health. As a result, several states across the country have introduced and passed legislation requiring transparency around productivity metrics.^{23, 24}

For associates with workplace accommodations, quotas and automatic disciplinary systems erase people's individual needs and abilities, prioritizing uniform speed over a workplace where everyone can flourish and contribute. Quotas over short periods of time can also disproportionately affect workers that need to take breaks to rest, go to the bathroom, or take medication. Darren Goode, an Amazon associate from North Carolina who uses a wheelchair, summed up the feeling when he told a reporter: "*I'm grateful they [Amazon] gave me the job, an opportunity, but it's just how you treat people, employees with disabilities. These people on staff have to be trained, know how to deal with people... It's harassment, telling me I don't meet the qualified rate,*" and asked why he was put in a position where he had to worry about rate.²⁵

Sharon, Arkansas

Sharon began working at an Amazon Fulfillment Center in Arkansas in September 2021. Seven years earlier she had had a meniscus tear in her knee, but that was in the past. These days she was swimming and riding a bike without any problems. But that soon changed. Sharon's first role at Amazon involved standing in a small area for ten hours scanning packages nonstop. Periodically, she'd be notified by the computer system to stretch, but there was limited space at her station, and by the time she was done with the first stretch she was being told to get back to work. Within a month of joining Amazon, Sharon began to have intense swelling and pain in her knee that affected her ability to walk and move comfortably. After a visit to the doctor and X-rays, Sharon began taking medication and getting injections to help with the pain. Her physician recommended permanent workplace accommodations, and after some pushback from her manager, Sharon finally got her accommodations approved by Amazon and was moved to a sort position where she could sit while she worked.



LACK OF A CLEAR POLICY AND PROCESS

Upon its passage, The Americans with Disabilities Act of 1990 (ADA), created a legal standard prohibiting discrimination on account of disability. Crucially, under Title I of the ADA, disabled workers and job applicants were granted the right to reasonable accommodations to allow them to successfully perform the duties of their position.

A reasonable accommodation is defined as any change to the work environment that allows an employee with a disability to complete the essential functions of the job and does not place an undue hardship on the employer. Because disabilities and the accommodations they require are so varied and dependent on individual circumstances there is no one size fits all approach to workplace accommodations. The accommodations needed by one employee with diabetes may differ from the accommodation needs of another employee with diabetes. As a result, each request for an accommodation must be an individualized and interactive process where employee and employer work together to find an accommodation that works.

But at Amazon, employees that seek workplace accommodations often struggle with a lack of clarity and transparency around the company's policies for making a

request. Just as hundreds of associates joined Kathleen's Facebook group to seek help, a search of the term "accommodations" on one of the most popular subreddits for Amazon associates results in post after post demonstrating uncertainty and confusion over the process.²⁶

Amazon's A to Z App for employees has a section for workplace accommodations that prompts associates to either fill out an online form or call a phone number to make a request. But associates often have difficulty using the app, or lose access to it when they are terminated, making it difficult for them to collect and hold onto their employment records and company policies.^{27, 28} Associates have also reported being told by HR that certain Amazon policies are only accessible via computers located at worksites, which in all practicality makes them inaccessible when workers are on leave, on the clock and electronically surveilled, or when facilities don't have computers for general employee usage.

And despite Amazon's claims that "*We have a team of subject matter experts communicate directly with applicants/candidates to understand their specific needs,*" accommodations requests often result in unhelpful phone calls to overseas call centers or long periods of waiting after

Figure 1. Google Play review of Amazon's A to Z employee app

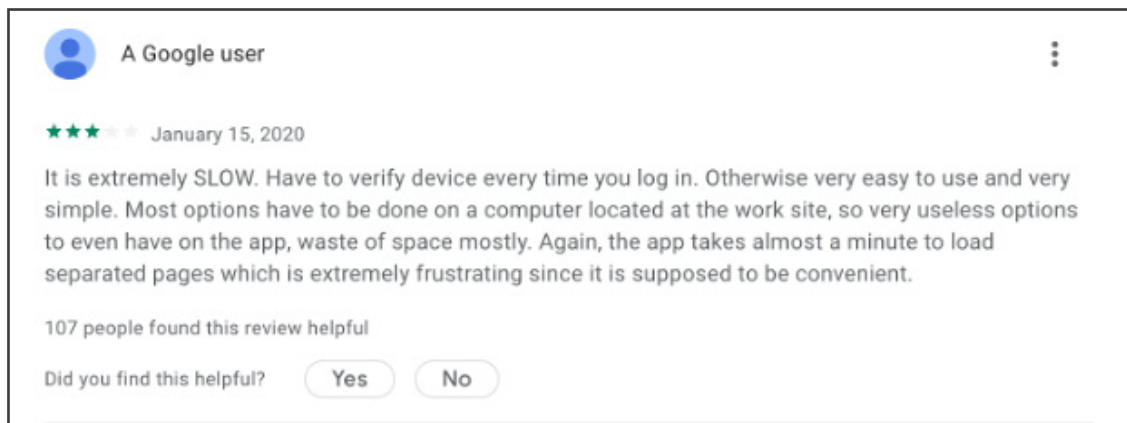
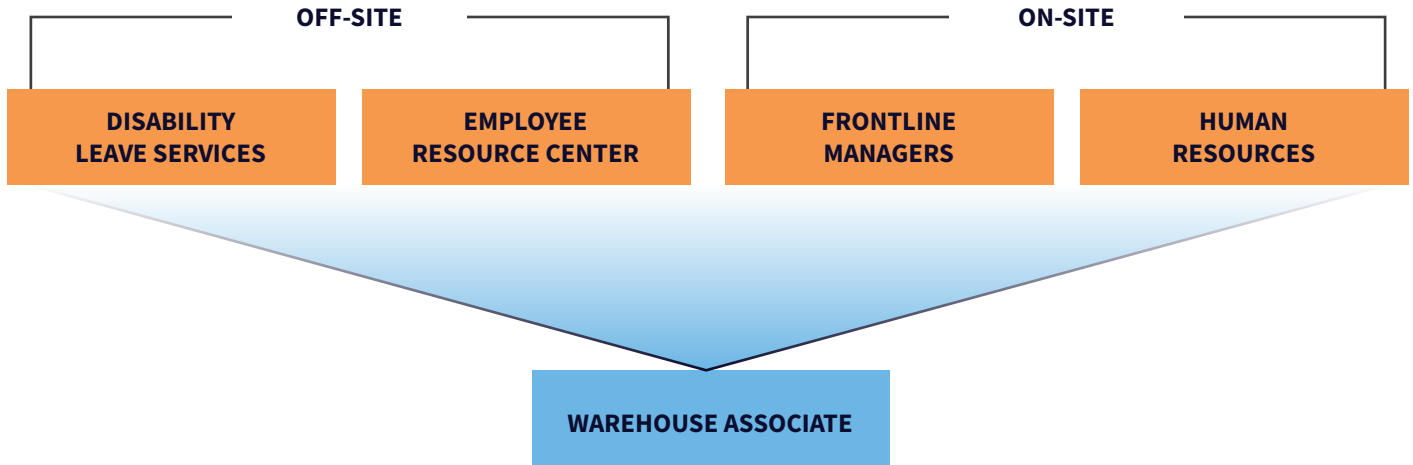


Figure 2. Amazon employees requesting an accommodation must navigate a dysfunctional corporate bureaucracy



submitting an online form. In some instances, these forms come back denied — a far cry from the interactive process called for by the ADA.²⁹

Theoretically, *Accommodations Consultants and Case Managers* with Amazon’s Disability Leave Services (DLS) department process accommodations requests, collect necessary information, and then make a decision on whether to accept or reject the request.³⁰ But DLS employees are off-site, and associates report frequent communication breakdowns between DLS employees and other departments and managers, including on-site human resources, front-line supervisors, and the Employee Resource Center (ERC), which is off-site.³¹

On-site managers and human resources employees are sometimes unaware of accommodations that have been granted by DLS or may not know that an employee has been placed on disability leave, and associates have reported needing to constantly defend their workplace accommodations to their supervisors. Similar issues often arise with workers on disability leave, who may receive contradictory orders from supervisors or their local HR department to report to work. In 2021, the New York Times interviewed more than 25 current and former Amazon employees who decried the company’s disability and leave system, and pointed to the plethora of errors and terminations that result from its dysfunction.³²

Kathleen, Wisconsin

After her position was eliminated at Amazon, Kathleen began to wonder whether the company had properly followed its own policy on workplace accommodations. But she had no way of knowing what the policy was, or if it was even written down anywhere. Associates on leave or that have lost their jobs are often unable to see company information and policies that may only be available on-site, or through the employee app. While she had been working at her delivery station Kathleen had asked for the employee handbook, and was told it was only accessible via a computer. But there were no computers available at the facility for associates to use.

Lanita, Arkansas

In 2022, Lanita Hammons, a warehouse associate at the LIT1 Fulfillment Center in Little Rock, Arkansas, had surgery on her shoulder, forcing her to go on short term disability leave. While on leave, Lanita received an email from Amazon telling her to report to work the next day, even though she was still recovering and had been told her leave would continue for another month or more. But, afraid to lose her job, Lanita went to her fulfillment center. When she arrived her badge wouldn't scan to let her clock-in, and after some discussion she was sent back home. But soon after, Lanita received another email telling her she needed to report to work, so despite the fact that her shoulder was still in pain, she once again went to LIT1. Once more, her badge didn't let her clock-in and after talking to HR for a second time they again sent her home.

More recently, miscommunication between departments has affected Lanita's workplace accommodations. Initially, her Disability Leave Services case manager approved Lanita's use of a walker for a position in inventory control and quality assurance. But after that case manager left Amazon, Lanita's new case manager informed her that the accommodation was still being processed, and that Lanita's on-site Senior Ops Manager was claiming she had never seen anything about Lanita's need for a walker. As of June 2023, Lanita is on leave while her accommodation is once again processed.



FORMS, DOCTORS VISITS, AND PAPERWORK

One of the greatest challenges for Amazon associates seeking workplace accommodations is collecting all the information and forms required by Amazon. Associates have reported exhausting back and forths with DLS, managers, and human resources personnel requesting additional information in order to make a determination. One worker described this process as “jumping through flaming hoops.” Often these requests require employees to make numerous visits to the doctor, which may mean taking time off work or spending

money on medical appointments. Associates also describe forms of documentation that are accepted in one instance might suddenly be deemed insufficient by a manager or someone in Amazon’s convoluted HR bureaucracy, leaving even workers with a granted accommodation afraid that it will be arbitrarily reversed. And when a temporary accommodation needs to be renewed, or when a worker requests a change to their schedule, the whole process can start all over again.

Sharon, Arkansas

Months after Sharon received her workplace accommodations she was moved to a new station. Upon arriving, her manager told her she needed to leave work and go to the doctor to renew her accommodations. Sharon met with HR, and was told her accommodations were on file and that another trip to the doctor wasn’t necessary. But her manager disagreed and insisted that Sharon needed to clock out and go to the doctor again. After another meeting between HR and her manager, Sharon eventually ended up having to miss work to go back to the doctor to confirm her accommodations all over again.

Patrick, Maryland

As Patrick approached the completion of physical therapy for his ankle tendinitis, he went back to his Orthopedist, who gave him a return work date of December 25, 2021. Patrick sent what he thought were the necessary forms to Amazon, but received little response. Finally, he was told that his doctor had filled out the forms wrong and that Patrick’s return date would have to be pushed back. A back and forth ensued, and Patrick estimates his doctor filled out the forms seven times in a process that took months and had no resolution. Patrick could not get a return date to work approved by Amazon even though he was deemed medically fit to return. This dragged on for so long that Patrick’s short-term disability leave expired in 2022 while he was still not allowed to return to work, and he had to begin the process of filling out forms and paperwork for long-term disability leave.

MANAGER DISCRETION OVER ACCOMMODATIONS

In some instances, the lack of coordination between departments boils down to managers failing to respect or acknowledge the accommodations granted to employees. In these cases, worksite supervisors, rather than trained professionals, may make decisions over what should be accommodated, or what constitutes a disability. In situations like this, it's no surprise managers often prioritize speed and unrealistic rates over safety and respect for disabilities. In June 2022, The New York State Division of Human Rights filed a complaint against Amazon over this issue, alleging that the company discriminated against pregnant employees and disabled employees who sought reasonable accommodations.³³ The complaint alleged that Amazon allowed managers to override the accommodations granted to employees by company accommodations consultants, whose job it was to determine those accommodations, citing three examples:

- A pregnant worker reportedly received an accommodation to limit the weight of packages they had to lift, but her worksite manager refused to follow the accommodation and the employee was required to continue lifting heavy packages. Despite objecting, the employee's accommodation was ignored and she

was subsequently injured while lifting a heavy item. The accommodations needed after this injury were denied by Amazon and the worker went on indefinite unpaid leave.³⁴

- A worker with a disability requested a modified work schedule related to their need for a specific sleep schedule. The request, filed with supporting medical documentation, was approved by Amazon's accommodation consultant. But after the worksite manager refused to accommodate the employee, the accommodation consultant reversed course and denied the accommodation, citing a lack of medical documentation.³⁵
- An employee requested a reduction in hours due to disability, and was initially granted the accommodations request by an accommodation consultant. Despite this, the workers' manager refused to change the schedule, even after extensive correspondence with the accommodations consultant. Finally, Amazon denied the accommodation and closed the matter.³⁶

DISCRIMINATORY TREATMENT

Amazon associates have also reported unfair treatment over disabilities and accommodations, even when those accommodations have been granted by the company. Often coming from on-site managers and supervisors, employees have described threatening language and discrimination against them after requesting workplace accommodations. In other instances, associates that are organizing to improve working conditions have claimed that Amazon used their need for accommodations as a pretense to push them out the door.

In June 2023, Jennifer Bates, a leader and spokesperson for the campaign to unionize an Amazon facility in Bessemer, Alabama was temporarily terminated over alleged attendance issues related to her need for leave and accommodations as a result of workplace injuries.³⁷ In response, the RWDSU put out a press release describing many of the issues mentioned in this report, including difficulty getting workplace accommodations and doctors' letters accepted, culminating in her access to the AtoZ app being disabled.³⁸

Amazon's points-based attendance system has previously come under intense criticism for discriminatorily penalizing workers for taking legally protected leave.³⁹ Contrary to Amazon's attendance policy, under the Family and Medical

Leave Act (FMLA), workers are entitled to emergency time-off without advance notice under certain circumstances.⁴⁰ Amazon associates with chronic medical conditions or disabilities often raise the fact they are awarded attendance points for needing to seek medical care, or when attempting to complete the medical appointments necessary for their accommodations requests. As Senators and Congresspeople explained in a letter to the Department of Labor and the Equal Employment Opportunity Commission: *"Amazon is clearly failing to inform workers of their right to take their protected leave. It does not inform workers of what the 'applicable law' is, and how it applies to their situation, keeping workers in the dark about the existing protections to which they are entitled, and intimidating them from exercising these rights by threats of termination."*⁴¹

In 2022, Jordan Flowers, one of the founders of the Amazon Labor Union, claimed that Amazon fired him for both his workplace organizing and his disability and need for accommodations.⁴² *More Perfect Union* covered the story and included examples of three other Amazon employees that felt like they had been targeted and discriminated against for their disabilities and medical conditions.⁴³ When disabled workers are made to feel vulnerable or threatened over their requests

Sharon, Arkansas

Although Sharon successfully received workplace accommodations for her injured knee, that approval only marked the beginning of a months-long process of harassment from multiple managers as she was moved around the facility from one position and supervisor to another. One manager told Sharon she "didn't give a damn" about her accommodations, and repeatedly ordered her to do things that fell outside the scope of her accommodations. Sharon would go speak to HR and be reassured that she didn't have to do those tasks, but soon after she'd get another impossible request from her manager. In other instances, HR would visit her and ask to double check her accommodations, even though they should have had them already on file. After raising the issue to the General Manager, Sharon was told she needed to stop complaining. It felt like every day she had to justify her disability and her accommodations. When Sharon was moved to a new station, her new manager didn't know she needed a chair and eventually brought her a broken one and ignored her when she pointed out that it was broken. In another instance, a manager told Sharon she was not eligible for Mandatory Extra Time due to her accommodation, even though her accommodation didn't in any way limit the number of hours she worked. Mandatory Extra Time during busy periods is something many Amazon associates rely on as a way to make a bit extra money during the holiday seasons. But now it seemed Sharon was being unfairly kept off the schedule because of her disability.

for workplace accommodations, their right and ability to organize for better working conditions is undermined as well.

In 2019, a class action lawsuit was filed in California alleging that Amazon intentionally discriminated against disabled employees by denying reasonable accommodations.⁴⁴ The case centers on temporary workers that were hired between 2015 and 2019, and were eligible to become permanent employees. However the lawsuit alleges that many disabled and injured employees were unfairly docked attendance points for valid medical leaves and absences, and that some employees were forced out of employment due to Amazon's refusal to grant workplace accommodations. Specifically, the plaintiffs allege that Amazon's operational policies and practices, including incentives and attitudes, prevented injured or disabled workers from becoming permanent employees.⁴⁵

INDEFINITE LEAVE

In many cases, as a result of requesting a workplace accommodation, associates find themselves placed on unpaid or disability leave as their requests for workplace accommodations take months to be resolved. The New York State Division of Human Rights called out this practice specifically in their 2022 complaint against Amazon, alleging that “Amazon has policies that force pregnant workers and disabled workers to take an unpaid leave of absence rather than allowing them to work with a reasonable accommodation.”⁴⁶

In many instances, this leave is triggered by a worker requesting accommodations, who may not be allowed to clock-in for seven days while their request is processed. During this period, the employee’s absences are excused, but they go without pay, so simply making an accommodations request can mean a hit on a worker’s income. Associates have also reported that if they fail to provide medical documentation within those 7 days, the week of excused absences will be deducted from an employees’ available unpaid time bank, potentially subjecting them to disciplinary

Dameion, Arkansas

Dameion began working at a Fulfillment Center in Arkansas in February of 2022. As a Veteran with a disability—he has 2 herniated discs and spondylosis—Dameion had been upfront about his need for workplace accommodations and was excited to find a workplace where he thought his accommodations would be respected. But a month after starting, Dameion realized that the position he was in was too hard on his body, and was causing him pain. He went to his VA doctor and put in a request for accommodations that included weight restrictions on packages and the need for a chair. If a seated position wasn’t available, Dameion’s doctor recommended he take a ten minute break every hour to sit down.

Amazon responded by putting Dameion on leave while they looked for a position where they could accommodate him. The first seven days of short-term disability leave are unpaid, so Dameion’s income took an immediate hit after his request, but he wasn’t too worried because he figured he would return to work within a few days. Then those days turned into weeks, and then those weeks turned into months. For the next six months, Dameion waited on short-term disability leave for Amazon to accommodate him. Being on disability leave meant earning only 60% of his income, which was hard to support his family on. Even worse, Amazon frequently failed to pay him the 60% and Dameion would have to call the Employee Resource Center, which would redirect him to his on-site manager, who would tell him the problem was fixed, only for the problem to reemerge a few weeks later.

Finally, after waiting half a year, Dameion was allowed to return to work with his accommodations. But new problems soon arose. First, he had to get surgery for an umbilical hernia, and despite needing time to recover, was told he had exhausted his available leave. Then there were challenges with his accommodations themselves. It seemed like half the packages he handled exceeded the weight restrictions his doctor had specified, and while Amazon had given him a plastic grabber to help him, it often made picking up items even more difficult. And since Amazon had not allowed Dameion to sit while at his station, he needed to take a break every hour to rest, which his managers required he clock-out for. Between the pain his body was in, and the decreased pay that came with clocking out nearly every hour, Dameion finally decided he couldn’t take it anymore and quit.

Even now, months after leaving Amazon, the impact of that workplace and the disregard it showed for a disability he developed while serving his country still stings. And Dameion’s body is still feeling the effects as well. In June 2023 he will be getting an MRI to look at three possibly torn tendons in his shoulder, which he believes comes from his time at Amazon.

action. If the accommodations process extends beyond 7 days, employees are instructed to take a leave of absence.

As in Patrick's case above, sometimes employees that could return from disability leave to their previous positions are delayed by excessive paperwork and bureaucracy. But in some cases Amazon claims that there are no positions available and employees are left waiting for this to change with no clear timeline. In 2020, *A Better Balance* filed a charge of discrimination with the EEOC on behalf of Michelle Posey, an Amazon worker in Oklahoma with a pregnancy-related disability.⁴⁷ Due to Ms. Posey's pregnancy, and history of epilepsy and preterm labor, her doctor recommended lifting restrictions for her job, which often involved moving and packing heavy items. But Amazon declined the request for several months and placed her on unpaid leave, during which time her family lost their housing. When Ms. Posey returned to work without accommodations, she was chastised for not meeting her productivity metrics; and when her doctor recommended bed rest, her application for leave took weeks to process and she was threatened with disciplinary action over her absence.⁴⁸

In another instance, Kali Kennelly, an Amazon associate from Washington, was injured while working and placed on leave when her facility could not accommodate her. Facing a reduced income and no clear timeline for a return to work, Ms. Kennelly was forced to sell her car after she couldn't keep making payments on it.⁴⁹ And in 2021, a lawsuit was filed in California alleging that an Amazon employee was effectively terminated for her disability because the company left her "in a state of limbo, without pay, while waiting for numerous employees from various departments to address her accommodation request."⁵⁰

When placed on such a leave with no clear timeline for return or resolution, workers have two choices. Either tighten their belts and wait, or look for another job. While short-term disability leave covers 60% of pay for six months, the negative impact this has on family budgets can be devastating. In some cases, workers are placed on unpaid leave, placing even greater strain on their expenses, livelihoods, and families. In other instances their short-term disability leave expires and they begin the complicated process of trying to get long-term disability.

Patrick, Maryland

As Patrick waited on Amazon to approve his return to work, his short-term disability leave expired in January of 2022. Despite his doctor's recommendation that he could safely return to his job, Amazon was never satisfied with the paperwork and information Patrick provided over and over again. For the next few months, he tried to apply for long-term disability with little success (in one instance, a representative from the provider failed to appear at a scheduled meeting with him). Finally in April, after months without an income, Patrick decided he couldn't wait any longer for Amazon to grant his return, so he applied to a job with Dick's Sporting Goods and was hired shortly after. Then in July, he received a notice from Amazon that he was at risk of termination for job abandonment. This, after months of silence from the company which had refused to allow him to return to his position the previous year. Soon after, while traveling for his grandfather's funeral, Patrick was notified he'd been terminated.

EEOC COMPLAINTS

Workers that feel they have been discriminated against by an employer can file complaints with the Equal Employment Opportunity Commission, but often this process can take a long time and may offer little in the way of justice. The EEOC's own website says that the average time to investigate and resolve a charge is 10 to 15 months.⁵¹ Detailed instructions for workers seeking to file EEOC complaints specifically against Amazon have also appeared online at protectamazonworkers.com, offering advice to workers desperate for guidance amidst a confusing process.⁵²

In November 2022, Sharon looked into filing an EEOC complaint over the discrimination she faced at her facility in Arkansas, but was offered an initial consultation with a

government representative in March, before she could file an actual complaint online. When Dameion filed an EEOC complaint in April 2023, he was given an initial consultation date for September of that year. For warehouse associates that are struggling to maintain their positions at Amazon or ensure that they can return to work safely, a five month delay is often too long to wait.

When EEOC complaints do move forward, workers can find themselves facing off against Amazon lawyers. Associates who might have lost their job or be on leave with reduced pay are now expected to fund a legal battle against one of the largest companies in the world. Not surprisingly, the pressure to settle with Amazon is immense.

Kathleen, Wisconsin

After Kathleen's position at Amazon was terminated, she cross-filed a discrimination complaint with Wisconsin's Department of Workforce Development and the EEOC, claiming wrongful termination and failure to accommodate. When Wisconsin began to investigate her case, Amazon argued that Kathleen didn't even have a disability, so she submitted a lengthy rebuttal with 26 exhibits. About six months after she had first filed her complaint, the state investigator found probable cause, and the case went to mediation.

Amazon then tried to have the case thrown out over untimely filing, since the first alleged instance of discrimination had occurred in 2018 and in Wisconsin employees have 300 days to file a discrimination claim against an employer. But Kathleen began to research the matter and found something called "continuous violation theory" based on the idea that Amazon's discrimination had been ongoing, as the company's failure to follow an interactive accommodations process had persisted throughout her time at Amazon.

However, without any legal training or background Kathleen felt like she couldn't present her case successfully. How could workers who had been terminated or put on leave expect to compete against Amazon's army of lawyers and seemingly infinite legal budget. So Kathleen hired a lawyer.

Amazon offered Kathleen a settlement several times throughout this process. While their initial offer of \$1,000 was eventually upped to \$5,000, it came with strings attached. First, accepting the money was contingent on Kathleen never again working for any third party that had business with Amazon. After being forced out of her Delivery Station Kathleen had begun working with the United States Postal Service, and had found a position and schedule that she enjoyed. This proposed settlement would mean she could no longer work for USPS which has extensive business dealings with Amazon. Eventually an exception was carved out for USPS, but considering the number of firms that use Amazon Web Services, it was clear this agreement would permanently restrict and impede Kathleen's employment and career

prospects, which as a person with a disability already felt limited. The settlement also forbade Kathleen from talking about the agreement or sharing her story. Kathleen couldn't accept these conditions for \$5,000, so she refused the settlement.

Declining the settlement caused Kathleen's lawyer to quit the case, and as a trial date was set for March 2023, Kathleen was representing herself again. She began to prepare her case, watching Youtube videos on how to prepare interrogatories, combing the internet for advice and tips, laying out documents and notes all over her dining room table. The stress and anxiety of following proper court procedures and facing Amazon's massive legal team was overwhelming. The repeated phone calls from Amazon's lawyers weren't helping, as they often felt intimidating and threatening.

Eventually, Amazon sent interrogatories to Kathleen asking for records of written and verbal conversations she had had about Amazon. This would have included posts, messages, and comments from Kathleen's Facebook group. The privacy of a group she had created as a safe place for Amazon associates to ask for assistance and seek advice was suddenly at risk. Would those group members suddenly be exposed to depositions from Amazon? Complying with this request would have destroyed the community she had built through trust and solidarity. She couldn't do it.

Kathleen chose to withdraw her cross-filed complaint in Wisconsin, but didn't withdraw her EEOC case. While the Wisconsin case just involved her, Kathleen's hope is that the EEOC will look at her case alongside the other Amazon associates who have filed complaints with the agency, and notice the recurring patterns of discrimination at Amazon. Her hope is that someone will finally listen to disabled Amazon associates.

WORK OPPORTUNITY TAX CREDIT

By hiring disabled workers, and other targeted groups, Amazon has become one of the top beneficiaries of the Work Opportunity Tax Credit (WOTC).⁵³ Administered by the U.S. Department of Labor, The U.S. Department of Treasury, and the Internal Revenue Service, the WOTC is a business tax credit for employers that hire from specific target groups, including those receiving supplemental security income (SSI).^{54, 55} It's estimated that employers receive \$2 billion each year from the WOTC for hiring these workers.⁵⁶ Since SSI is paid by the government to people who have qualifying disabilities and limited income, employers, like Amazon, can recoup a portion of the wages they pay those employees.⁵⁷ By claiming this tax credit, Amazon can receive up to \$2,400 for wages paid to an employee with a disability, just as long as they work 400 hours.⁵⁸ When asked about the WOTC by ProPublica, Amazon spokesperson Barbara Agrait responded: "Like many other companies, we utilize the Work Opportunity Tax Credit and we believe it helps to break down barriers some may face when seeking employment and encourages a strong and diverse workforce."⁵⁹

But one of the main criticisms of the WOTC is that it incentivizes short-term hires, since it can only be claimed for a worker's first year of employment. In fact the full tax benefit

can be claimed, after only 400 hours, or ten weeks of full-time employment.⁶⁰ For a business like Amazon, which is known for its extreme turnover, the WOTC can serve as a powerful incentive to churn through employees.⁶¹

When Kathleen was hired at Amazon, she was asked to complete a screening questionnaire that determined whether she qualified for the WOTC.⁶² Later, as she fought for reasonable workplace accommodations and then filed an EEOC complaint for discrimination on the basis of disability, she wondered if the company had claimed that tax credit for hiring her. Was Amazon receiving a government handout for hiring a worker with a disability, while simultaneously denying and downplaying that disability? And the WOTC isn't the only tax incentive available to employers for hiring disabled workers, there are also state programs from which Amazon may benefit.⁶³ How many disabled employees is Amazon receiving tax credits for one day, and then pushing out the door the next?

ASSOCIATE RECOMMENDATIONS

Given the need for systemic change, current and former Amazon associates with United for Respect are coming together to advocate for not just themselves, but all Amazon employees. The workers whose stories are featured in this report, along with others from across the country, have created a committee fighting for Disability Justice at Amazon. Their recommendations, based on their own experience fighting for their rights at Amazon, are the following:

- **Accommodations Upon Request**
To prevent injuries during a lengthy approval process, initial temporary accommodations should be granted immediately upon request, while employees complete the necessary documentation from independent medical professionals in order to have these accommodations finalized.
- **Follow the ADA**
Amazon must follow the interactive workplace accommodations process defined by the ADA. Decision making should be transparent and done in consultation with employees, as both parties seek to find solutions that work through a back and forth process. There should also be an appeal process for workplace accommodations that are denied.
- **Training and Education**
All warehouse associates should receive training on workplace accommodations and disability awareness and be informed of their rights under the ADA. All supervisors should participate in similar training to reduce incidents of harassment of, or discrimination against, associates with workplace accommodation. Company policies and the process for requesting workplace accommodations should be freely available to employees and potential job applicants.
- **On-site Specialists**
On-site impartial specialists should be responsible for each workplace accommodation request. Employees should have an open-line of communication with their unique specialist, who will be responsible for

informing all relevant departments and managers of accommodations, and ensuring they are enforced.

- **No Retaliation For Requesting an Accommodation**
There should be no retaliation against, or harassment of, Amazon employees that request workplace accommodations. Employees should be given paid time off to fulfill the medical documentation required by the accommodations process, and should not earn UPT points when they miss work due to a lack of an accommodation.
- **End to Exploitative Quotas and Surveillance**
Amazon should end the productivity quotas and workplace surveillance that lead to Amazon's injury crisis and drive an unsafe pace of work, for all employees, both those with accommodations and those without.

As Amazon's broken accommodations process drives workers to desperation, they have sought help and support from all corners: other associates on social media, worker centers, labor unions, the EEOC, lawyers, elected officials, and disability justice organizations. Amazon's accommodations system often leaves these workers isolated and battling a non-responsive and unhelpful corporate bureaucracy. But they are not alone, there are thousands of employees just like them, eager to do their job despite the hurdles Amazon places in their way. Now these employees are coming together and demanding that Amazon take steps to ensure that disabled people really are welcome at Amazon.

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