

STATEMENT OF TESTIMONY

Good morning members of the Workforce Protections Subcommittee of the House Committee on Education and Labor. I'd like to thank Chair Alma Adams and Ranking Member Fred Keller for the invitation to share my story today on the importance of health and safety protections for warehouse workers.

My name is Janeth Caicedo and I am here to testify about the importance of workplace safety standards for warehouse workers.

I can't explain why, but it seems that our society sees it as normal that the workers who get paid the least to do the most physically demanding jobs should *expect* to risk their health and safety at work. We need to change this expectation. Warehouse and logistics workers are essential to our economy, and the health and safety risks they are subject to must be exposed.

This summer, three New Jersey Amazon workers died on the job within three weeks of each other. It's hard to believe that it is just a coincidence that these workers passed away during one of the busiest times of year for Amazon- Prime Day. Perhaps not everyone can understand what it's like for families like these to suffer a loss due to health and safety risks at their job being ignored. Unfortunately I can.

On August 19th, 2019, my brother, Edilberto Caicedo, came to my bedroom door and he yelled to me, "Hey, lazy monster. It's time to go to work. I'll see you at five." He headed out to his assignment at TI Logistics in Kearny, NewJ, a company that managed warehousing and distribution of products for companies like CVS and American Eagle. The reason I say his assignment rather than his job is because my brother was a temp worker, employed via an unlicensed staffing agency. Warehouse workers employed via staffing agencies in New Jersey and elsewhere are much more likely to risk serious injury than even the already dangerous jobs performed by direct-hire warehouse workers. At nine, I received a call that my brother Edilberto was at the hospital with a very, very dangerous injury in his brain. He died four days later. It was a drastic change in my life, in my family's life, and nothing, nothing has been the same again.

My mom, who is 93 years old, still feels that he will come one day to tell her what happened. I think the accident was the company's fault. The company didn't follow OSHA regulations. There was no interest in keeping a safe workplace at all. The company was accepting contract after contract and piling people inside the warehouse without maintaining any type of safety protocol. The equipment was also unsafe. The company didn't keep up the machines and didn't provide adequate training. These conditions would end up killing my brother.

The conditions in my brother Edilberto's workplace were not safe at all. The managers focused only on adding customer after customer, and though they continued piling people inside the warehouse they never paused to make sure that there were reasonable safe working conditions that would allow workers to go home at the end of each day to their families. Equipment wasn't maintained, and continued to be used when it wasn't working properly, but temporary warehouse workers like my brother could not speak up about safety risks and expect to keep their jobs.

Whether from the staffing agencies themselves, or the companies that contract with them, when temporary workers speak up, they are retaliated against. They are removed from their assignment, taken off the schedule, or fired. As the other witnesses have explained, the

warehousing and logistics industry is rife with safety risks, but imagine what this means for workers employed in warehouses via staffing agencies, which by design shield companies from responsibility for the working conditions of the workers they employ. Temporary warehouse workers like my brother don't *worry* that they'll face retaliation for raising safety issues; they *know* they will.

To even call my brother a "temp worker" is not entirely accurate. After my brother's death I began to look more closely at the industry he worked in, and particularly into staffing agencies' role in health and safety at warehouses in New Jersey. I learned about a study from 2015 that showed that nearly half of all New Jersey warehouse workers are, quote, "temporary workers", and that a majority of these temporary workers worked at the same assignment for more than two years. Temporary workers, in addition to the outsized risk to their safety, generally do not qualify for health benefits, often have their wages stolen, are subject to predatory fees, and are threatened when they try to take legally allowed time off. That is certainly the case in New Jersey. It is important to understand that these workers are not just filling in when other workers aren't available; they are the backbone of an industry that is critical to our state's economy, but they lack the safety protections they deserve.

And what happened to my brother Edilberto is not an isolated incident. Tragedy for warehouse workers, particularly temporary warehouse workers, is nothing new. To mention just a few, over Labor Day Weekend, four temp workers were killed when the van carrying them back from a warehouse job crashed in Palisades Park, New Jersey. In 2014, Ronald Smith, a temporary worker assigned by Abacus Staffing to work at an Amazon facility in Avenel NJ was killed on the job in a forklift accident. In 2013, temporary worker Day Davis was killed on his *first day* of work at a Bacardi warehouse in Florida. In 2020, Duntate Young, a 23-year-old temporary worker assigned to work at FedEx in Tennessee was killed when she was crushed by a shipping container. Despite regulators determination that FedEx failed to keep its workplace "free from recognized hazards that were causing or likely to cause death or serious physical harm to employees," this multi-billion dollar corporation was fined only \$5960. Is that the value we place on a human life? 6000 dollars?!

As you can clearly see, the conditions in many warehouses, and in the one where my brother worked, are not fit for a human being. As you consider taking additional steps to protect US warehouse workers, I want you to keep in mind all of the temporary workers in New Jersey like my brother Edilberto, that performed essential work for one of our state's most important industries, but paid the cost of employer negligence with his life.

Don't forget that you can make the difference. I think that any worker deserves respectful, dignified treatment and a safe workplace, and you, as representatives elected to protect our country and you, as our representatives, are needed to make sure workers' lives are protected. Please be fair to us. You are now the tool to make sure that a lot of lives are saved and you are going to make the difference. Please do it. I want that you think about the possibility that somebody has your life or one of your family member's life in his hands, and you wish that they'd make the good decision, the right decision.

Legislators, both on the state level and on the federal level, must take action to assure that all warehouse workers get the basic protections that they need so that their spouses, their children, their brothers, and their sisters, don't go through what my family and I have been forced to go through. This means we need protections for both direct-hire and temporary warehouse workers.

Each day that passes without sufficient regulation of warehouse worker safety is another day that we should *expect* the worst to occur. Now you have the power to make a difference. You have the power to save lives. You have the power to give the people a different life. Please work to change warehouse work to make it safe for everyone. You are going to go back home and you be able to hug your family. I won't be able to hug my brother again. So when you hug your family, please think about the difference that you are going to make. I wish you and I wish that your family is safe and protected. Thank you again to Chair Adams, Ranking Member Keller, and all of the members of the subcommittee for having me here today to share my experience with you, and for taking these life and death matters seriously.