

Contact:

Aidan O'Shea, Public Justice,

aoshea@publicjustice.net

Yatziri Tovar, Make the Road New York,

yatziri.tovar@maketheroadny.org, 917-771-2818

Juno Turner, Towards Justice,

juno@towardsjustice.org

For Immediate Release

June 3, 2020

**Amazon Workers and Their Family Members File Suit for Workplace Policy Changes to Stop
Community Spread of COVID-19**

Three Staten Island warehouse workers, and three members of their households, demand changes to facility conditions and leave policies, in addition to contact tracing by Amazon, after workers fall ill

Workers and family members of workers at the JFK8 Amazon fulfillment center in Staten Island are [taking legal action](#) to force changes to on-the-job and leave policies that put themselves and the surrounding community at serious risk of COVID-19 exposure. The workers fear for their health and lives because operations of the facility are not in line with CDC and New York State public health guidance on preventing the spread of coronavirus. Workers have seen that leave policies incentivize symptomatic and other exposed workers to come to work and not take proper precautions during their shifts.

The JFK8 facility is 855,000 square feet in size, employs 5,000 workers, and serves as the gateway to New York City—Amazon's single largest market. It is also a facility where Amazon workers have organized multiple walkouts, after which one worker was fired in retaliation, leading Amazon Vice President Tim Bray to resign in protest over the working conditions.

In today's complaint, the workers and family members seek a number of urgent changes, including a more transparent leave policy that encourages workers to stay home when dictated by state or federal public health guidance, without fear of losing their jobs; prompt payment of quarantine leave in accordance with New York's Paid Family Leave law; an increase to the allowance for "Time Off Task" so that workers can wash their hands and/or clean their work stations; and more thorough disinfection of the facility after a worker tests positive. The plaintiffs also demand that Amazon follow CDC guidance for contact tracing when one of its workers tests positive for the virus (instead of relying on its own surveillance footage to determine who was exposed) or delegate contact tracing responsibilities to a trained professional.

Dangerous Amazon work and leave policies at the JFK8 facility being challenged by this lawsuit include:

- Amazon discourages workers from performing basic hygiene, like washing or sanitizing their hands, when doing so would require them to step away, even for a moment, from their bustling workstations
- Amazon refuses to change operations to properly sanitize workstations and high-touch surfaces, even when the workers who have touched those surfaces contract the virus that causes COVID-19
- Amazon fails to clearly communicate to workers about what they should do if they begin experiencing symptoms or believe they've been exposed to a coworker with COVID-19, and denies prompt payment of quarantine leave benefits, as required by New York law, for

those who have missed work because of mandatory isolation ordered by a local health department

- Amazon purports to take responsibility for “contact tracing,” even while declining to take the most basic steps in tracking worker contacts and in some cases purposefully concealing information about who has contracted the virus from the coworkers who may have come into contact with it

The complaint filed by the workers and their counsel at Make the Road New York, Public Justice, Towards Justice, and Terrell Marshall Law Group today alleges Amazon’s operations at JFK8 constitute a public nuisance because they unreasonably interfere with the common public right to public health and that Amazon’s actions constitute a breach of Amazon’s duty to provide its workers with a reasonably safe workplace. The suit does not seek money damages aside from back pay for paid quarantine leave, but asks the court to force Amazon to comply with CDC guidelines, state public health orders, and the guidance of health professionals.

The action filed today is among the first seeking to secure injunctive relief to protect frontline workers from the coronavirus, following a suit filed by a Smithfield Foods worker and worker organization in Milan, Mo., who were also represented by Public Justice and Towards Justice. Plaintiffs include JFK8 worker Barbara Chandler and her son Luis. Barbara tested positive for COVID-19 in March 2020 and several members of her household subsequently became sick. These household members include Luis as well as a cousin who died in April after experiencing COVID-19 symptoms.

The group of plaintiffs also includes Make the Road New York member Derrick Palmer and his partner Kendia Mesidor. Kendia refrained from visiting her dying father at home in the last weeks of his life because she believed Derrick’s work for Amazon might have given them the virus and she feared spreading it to her parents. JFK8 employee Benita Rouse and her son Alexander, with whom she shares a small apartment, are also plaintiffs in today’s suit.

“Workers at Amazon’s JFK8 facility are asking a court to enforce public health guidance at our workplace because we’ve seen how the company’s current leave and break policies and failure to do thorough contact tracing of ill workers’ interactions have put all of us at risk,” said **Derrick Palmer, plaintiff in the suit filed today**. “As someone whose partner felt it was unsafe to visit her elderly family member because of the dangerous conditions at my job, I know too well the costs of Amazon’s failure to stop the spread of COVID-19 in the facility. We want to protect our own health, but also peace of mind for our family members, and safety for the many communities in which JFK8 workers live.”

“Again, Public Justice is using the civil justice system to do what a mega-corporation refuses to do voluntarily for its workers, enforcing laws when the federal government issues only optional guidelines and trusts the employer to do the right thing,” said **Karla Gilbride, Cartwright-Baron Senior Attorney at Public Justice** and counsel for the plaintiffs. “All our clients are asking for from Amazon is to comply with New York’s paid leave law and take simple steps that will make JFK8 safer and assuage their fears of contracting the virus - for themselves, for their loved ones, and for a city that has already seen so much illness and death from coronavirus.”

“The largest corporation in the world has been profiting off the COVID-19 crisis, while leaving its workers unprotected and at risk of getting sick and even dying,” said **Deborah Axt, Co-Executive Director of Make the Road New York**. “Unprotected workers risk carrying the virus home, putting their families and

the public in danger. Amazon's failure to follow public health guidance to protect its workers' health and safety is unacceptable. Amazon must provide a safe workplace for all its employees and enforce CDC guidelines to protect its workers, their loved ones and our communities."

"Despite the many workers already confirmed sick, Amazon continues to keep policies in place that discourage workers from taking time to protect themselves and their families. Amazon has chosen to operate in a manner that constitutes a public nuisance, spreading a deadly virus in communities already devastated by this pandemic. Fortunately, the law provides a remedy," said **Juno Turner, Litigation Director at Towards Justice** and counsel for the plaintiffs. "No worker should have to make the choice that so many at the JFK8 facility have to make: you can keep your job or seriously reduce your risk of contracting or spreading the virus, but not both. Amazon failed to prioritize safer leave and break policies, and now the court must make that choice for them."

"A ruling in favor of the plaintiffs in this case regarding the JFK8 facility will send a clear message to Amazon on how it can and should operate in a safer way everywhere," said **Beth Terrell of Terrell Marshall Law Group**, also counsel for the plaintiffs. "Amazon is prospering during a time of unprecedented sacrifice, and can more than afford to take basic steps to prevent widespread infection of its neighbors in the communities in which it operates."

The plaintiffs are represented by Public Justice, Towards Justice, Make the Road NY, and Terrell Marshall Law Group. A copy of the complaint, detailing each piece of relief sought by the plaintiffs, is available [here](#).

About Public Justice

Public Justice pursues high impact lawsuits to combat social and economic injustice, protect the Earth's sustainability, and challenge predatory corporate conduct and government abuses.

About Towards Justice

Towards Justice is a nonprofit law firm that seeks to advance economic justice through impact litigation, strategic policy advocacy, and capacity building.

About Make the Road NY

Make the Road New York (MRNY) builds the power of immigrant and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. We have 24,000+ members and operate five community centers in Bushwick, Brooklyn; Jackson Heights, Queens; Port Richmond, Staten Island; Brentwood, Long Island; and White Plains, Westchester County. On Twitter: @MaketheRoadNY

About Terrell Marshall Law Group

Terrell Marshall is a national law firm located in Seattle, Washington, that focuses on complex civil with an emphasis on consumer protection, product defect, civil rights, and wage and hour cases.