

“Amazon ruined my life”

Amazon hired private detectives to spy on injured worker

Tom Hall
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When Michelle Quinones, a 27-year-old living in North Texas, developed carpal tunnel from working at Amazon, she had no idea the nightmare that was in store.

When Amazon denied her repeated requests for surgery to her wrists, the corporation’s workers compensation administrator hired private investigators to spy on and harass Michelle, leaving her terrified and unable to sleep. Agents staked out her apartment, took photos of her without her knowledge, made detailed reports about her whereabouts, and on one occasion physically grabbed her injured wrist.

Since getting injured in late 2017 from her work as a picker, Michelle has been unable to return to work at Amazon or find other employment which can accommodate her injuries. She eventually dropped out of college, lost her apartment and was forced to sell her belongings and go into debt in order to pay for daily expenses. Without the help of close family, she says she would be homeless.

Despite this, Amazon and its workers compensation administrator Sedgwick is accusing her of malingering and exaggerating the extent of her injuries, hiring private investigators to help build a case against her.

Michelle is originally from New Jersey, but moved to the Dallas-Fort Worth area in June 2017. “I just wanted to experience something like a calmer, more relaxed and slow-paced life while going to school,” she says. “My sister moved [to Dallas] the year before me and never wants to move back to the East Coast, so I wanted to see for myself and have less stress and distraction while in school.”

Michelle transferred from a tech school in New Jersey to a local Fort Worth college for one semester, and then to a major public university, where she majored in Electrical Engineering.

Michelle decided to apply for a job at Amazon when she heard from friends who had worked at an Amazon facility in Elizabeth, New Jersey, that the hiring process was quick and simple. “They told me I could expect to get hired within a month, which is what happened.” After attending an Amazon hiring event, Michelle began work at Amazon’s FTW 3-4 fulfillment center in Fort Worth in July 2017.

Michelle’s starting base pay was \$12.50 per hour, then the standard for fulfillment center workers throughout the area. To increase her income, she volunteered to work overnight and weekend shifts, which brought her pay up to \$13.50 per hour.

Michelle was hired as a picker, whose responsibility is to pull items from movable shelves, called “pods,” and send them down the line in baskets called “totes” to be boxed and readied for shipping. The pods are pulled and sent to pickers by hi-tech robotic vehicles, which resemble large Roomba vacuums.

As with all new hires, Michelle started out picking “singles,” which tend to be larger and heavier items. At their stations, pickers have to use a stepladder to access items from higher shelves. Michelle describes having

to walk down the ladder with one hand holding a large and heavy item, with her other hand on the ladder’s railing for balance.

Michelle recalls that, as a singles picker, she was required to make a rate of between 220 and 240 items per hour. “The clock doesn’t stop for anything,” except for two 15 minute breaks and one 30 minute break in a 10-hour shift. If Michelle had to walk a tote down to its next destination because nobody was available to take it from her station, that counted against her rate, she says.

If workers want to use the bathroom during a break, they must walk roughly 5 minutes across the massive facility to the restroom, time which counts against their break. “You can go to the bathroom or go through security to get to your locker, but you have to be back within 15 minutes. Really, after all that walking, you only have a 5 minute break left. You don’t have enough time to sit down until you take your 30 minute break.”

Michelle eventually was moved to picking “flats,” the term for flat or smaller items. Because the items are smaller, the rate is much higher: 360 items per hour. “A lot of the items get stuck in the bin, and you have to pull a band out at the front of a bin to access it. You have to work really fast. You are going up and down faster. It’s the same situation as before if you want to take a break. I was moved there after the first two weeks because my rate was so high. They will point out to you if someone else is doing your job faster than you. I was in the top 10 percent for the entire building.”

“After flats, they moved me to what they call ‘the wall.’ The wall is the same rate as flats, but they try to get you to hit 380 to 400 items per hour,” Michelle says.

“The ‘wall’ is where items are put together to be shipped out as one order. They can be any size or shape. They can be above or below you. And these items can be heavy. I am 5’3”, and you are moving up and down the ladder picking 380 items per hour for 10 hours. You can’t take time to sit down at your station; you can get fired or sent home for sitting on the ladder.”

“I was a good employee,” Michelle says, “because I didn’t want points against me. You can get fired with enough points. I didn’t go to the bathroom except during my breaks and I didn’t get as much water. It was extremely hot, and I could hardly feel the fan.”

Although she was one of the fastest workers in the facility, Michelle says she was rarely given to the opportunity to take VTO, or voluntary time off, when business was slower. “They wanted to keep the fastest people on site. Often I was there by myself doing one entire section.”

Eventually, Michelle began experiencing pain in both of her wrists. Not wanting to take time off from work, Michelle went to Amcare, Amazon’s onsite triage center, several times to get her wrists iced down for the pain. “They would give it for 20 minutes and send me back to my station. They would also give me Tylenol or ibuprofen for the pain.” To avoid having

the time spent at Amcare counted against her rate, Michelle had to go during one of her breaks.

Amcare's write-up of Michelle's visit to Amcare on October 14 shows how the company attempted to blame her for her injuries. According to the report, Michelle said she "may have struck the ladder" at her station with her right hand, but "did not recall the exact incident when this action may have occurred." Michelle says today that this conversation consisted of Amcare repeatedly suggesting to her in a leading fashion that she might have hit something.

The Amcare staff seized upon this supposed confession to declare that Michelle was injured because of "failure to keep eyes on task/path." The "corrective action" reads, "[Manager] will announce at standup [meeting] the importance of keeping eyes on task/path while working to prevent unsafe behaviors/injuries."

On November 19, 2017, at 2 a.m., Michelle went in to Amcare to get her left wrist iced down. While she was there, she mentioned that she wanted a pack for her right wrist too. "They said, this is a whole new case, you are going to have to go to a doctor to get treatment for your right wrist and you can't come back until you get the ok from them."

Amcare gave Michelle a packet of documents to sign. She says she did not understand at first what she was signing, and was midway through it before she realized that she was filing a workers compensation claim.

"I went to the doctor that afternoon. I was given work restrictions and splints for my left and right wrists," Michelle says.

"I was told that Amazon couldn't accommodate those restrictions. I received a referral for physical therapy and steroids."

Michelle underwent 6 sessions of physical therapy over 2 weeks beginning on December 7 of that year. When the therapy ended on December 21, Michelle's pain symptoms had not improved. Her therapist did not recommend further physical therapy and suggested that she receive a further diagnosis.

"At some point the accommodations team [at Amazon] called me and told me they had an accommodation for me. But they told me that I would be going back to my regular job. They claimed that my doctor said I didn't have a weight limit on my restrictions." In fact, after her initial doctor's visit she was restricted to lifting no more than 20 pounds for no more than 4 hours per day.

"Then I had an MRI," she says. "It showed I had tears in my wrist and carpal tunnel. I got a referral for a hand surgeon, who said that I needed surgery."

However, Amazon's workers compensation administrator Sedgwick has repeatedly denied her requests to receive a CT scan, which is needed before she can receive the surgery. More than a year after her initial workers compensation claim, Michelle has yet to receive surgery.

Sedgwick is claiming that Michelle only strained her wrists, and that the injury was due to a pre-existing condition. She currently has a contested hearing scheduled for January 2019.

Sedgwick employs a so-called "peer review" process where doctors retained by the company second-guess the diagnoses received by workers, usually in favor of Amazon. In many cases, they issue their opinions from remote locations without even seeing the patients, relying exclusively on written reports and phone interviews.

However, Michelle was able to have an in-person RME, or required medical examination. The doctor administering the RME refused to allow Michelle's boyfriend into the examination room, claiming that there was no space in the room. "The exam was strange," Michelle says. "When he asked me if there's anything I wanted to add I began to talk about the pain and numbness, but he cut me off saying, 'Well that's it for today' mid-sentence."

Instead of providing Michelle with needed surgery, Sedgwick engaged at least one private investigator to spy on Michelle to bolster the case against her. At the beginning of 2018, Michelle was returning to her

apartment one day and saw a man setting up a camera in a tree facing her front door. Michelle says she thought at first that the building owners were installing a new security system. "But they didn't leave a note," she says.

"A month later I got a packet in the mail [of workers compensation documents] which included a report by a private investigator. They had photos of me sitting on my balcony."

While shocking, spying by employers and insurance companies in workers compensation cases, known as "sub rosa" investigation, is not uncommon. The object of such surveillance is to catch claimants performing physical activities which the employer can then use in court proceedings to claim that the worker is malingering, or faking or exaggerating their injuries.

"When I told my treating doctor about it, he said that it was common, but that if I had any red flags I would not have received a copy of the surveillance. Instead, *he* would have received one and Amazon would have kept one for court." In other words, Amazon/Sedgwick's surveillance of Michelle failed to turn up anything incriminating.

But an unnerving encounter a short time later suggests that the company decided to double down with even more intrusive spying. One day, when Michelle brought her dog to the dog park, a stranger came by and sat down next to her on the park bench. "A few minutes pass and he starts talking to me, asking me about my dog, random little things. Then he asks if I build things for my job. I realized after I got home that all of his questions were centered around my hands. He asked things like, what I do for a living, what I'm studying. Whatever my answer was, he said that he did the same thing, to make it seem like we had things in common."

"Then he asked me if I am working," Michelle says, "and I say, 'I work at Amazon.' He wanted to know more about that, why I wasn't at work. I said I was out on an injury. He started asking me about hobbies, extracurriculars. I said I did go zip lining once, which you don't use your hands for because your weight is supported by the harness."

"Towards the end of the conversation, he cuts me off and asks, 'You're not Dominican, are you? You're not dark enough to be Dominican,' and he grabs me by the arm. I pull my arm back in shock and pain, and I realized, this guy is a private investigator. He was asking these strange questions you don't ask someone you just met. At that point I realized I was probably being followed for a while."

The realization that Amazon/Sedgwick was spying on her has caused Michelle intense emotional distress. "With the camera, that affected me the worst. The night that I got the packet, I couldn't sleep with my light off. The maintenance guy for the building came around later and he asks why my lights were on, and I say someone put a camera on the tree and is spying on me. I asked him, 'is that even legal?'"

"I wasn't able to leave my apartment without being paranoid. I thought I was being followed all day and I had so many mental breakdowns. I was having panic attacks, where I couldn't breathe." She was prescribed medication, but was initially unable to pay the \$57 prescription cost. She was eventually able to get the prescription for \$13 out of pocket.

To add insult to injury, the packet of documents which contained the surveillance report did not contain a copy of the Amcare report she filed the night of November 18-19, a document which Michelle has still not received. Instead, the packet contained the report from her October 14 visit to Amcare, when Michelle sought treatment for her right wrist. Michelle believes this is because Amazon is trying to minimize the extent of her injuries by withholding information. The October 14 report also states that she had sustained the injury to her right wrist on October 7 but did not report it for a week afterward, a claim which Michelle denies. "It's just causing a lot of confusion and gave them reason to try to minimize my injury as a 'strain/sprain.' A year and 1 month late and still no surgery."

Unable to work due to her injuries, Michelle has had to survive off of her workers compensation benefits, which have been reduced twice since

her initial injury. Because she pays 25 percent of her benefits to her lawyer, whom she hired to help her navigate the process, her total income amounts to only \$232 per week. At times she has had to choose between buying food for herself and buying food for her dog. She has set up a Gofundme page to help her pay her bills.

“I almost got evicted because I couldn’t pay the rent,” Michelle says. “I actually got an eviction notice, but I was able to pay just in time by selling practically everything I owned, with nothing left but my clothes, and by maxing out my credit card.” In the end, however, Michelle ended up moving in with her sister to save money. However, Michelle is still \$2,000 in debt.

Because she experiences pain when using a keyboard or writing for long periods, Michelle had to drop out of her college courses this February, and has not been back to school since.

Suddenly, around May, her workers compensation benefits stopped for a period of five weeks without warning. “Three weeks in, I got a notice that the payments stopped because my case was in peer review.” Even though she was still injured, the loss of income pushed her to try and find a job. “I found a sandwich shop by my house that needed an assistant manager for 6 hour shifts, four days a week. Even though the work was less strenuous than Amazon, “my arm was killing me,” she says. “The pain was at a full 10 out of 10. One day, while I was working, I couldn’t bear it, and I went to the emergency room. Since then I have not worked.”

Michelle’s experience is not an isolated incident. Current and former Amazon workers from as far away as Spain, interviewed by the *International Amazon Workers Voice*, have reported essentially similar stories, where injuries sustained due to Amazon’s breakneck speedup regime quickly lead to economic destitution and the prospect of homelessness, while Amazon works systematically to deny them medical treatment and compensation.

Other Amazon workers attempt to work through their injuries, like Michelle did initially, to avoid falling into the brutal workers compensation system, where the outcomes favor the insurance companies and the employers. “The day I was leaving, I spoke to an older woman in her 50s who said she was dealing with the same thing for so long, but that she couldn’t afford to miss work because she has a family to support. She said knew that they would get rid of her if she reported it.”

It is noteworthy that Michelle’s injury occurred only four miles to the north of Amazon’s DFW7 fulfillment center, where Amazon worker and whistleblower Shannon Allen is employed. Shannon, who was also injured in the fall of 2017, lost her home and began living in her car in her facility’s parking lot. Her story was first reported by the *International Amazon Workers Voice* in May.

Reading about the stories of other Amazon workers from all over the world on the internet made Michelle realize that her experiences were part of a broader problem. After finding Shannon Allen’s popular YouTube channel, Michelle was inspired to make her own videos documenting her experiences with Amazon. After watching one of Shannon Allen’s videos, in which she implored other Amazon workers with similar stories to contact her, she reached out to Shannon on Facebook, and was surprised when Shannon responded almost immediately.

“The rich are only helping the rich,” Michelle says. “They want to keep us, the working class, always down. And if anyone says anything they either lose everything they own or the insurance company goes against them. People are getting paid to keep quiet. Shannon Allen was offered \$3,500 from Amazon in return for her silence, but she said no. Jeff Bezos wants us to be like robots, replaceable.”

“I’m hoping that more people come out after my videos. There are people that aren’t getting the help they need. There are surely people even worse off than we are.”



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