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LC001397

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- WAREHOUSE WORKER  
PROTECTION ACT

Introduced By: Representatives Shanley, Craven, Casey, McNamara, Fellela, Solomon,  
Edwards, Alzate, and Corvese

Date Introduced: February 17, 2023

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR RELATIONS"  
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 60

4 WAREHOUSE WORKER PROTECTION ACT

5 **28-60-1. Short title.**

6 This chapter shall be known and may be cited as the "Warehouse Worker Protection Act".

7 **28-60-2. Legislative findings.**

8 The general assembly finds and declares the following:

9 (1) The rapid growth of just-in-time logistics and same- and next-day consumer package  
10 delivery, and advances in technology used for tracking employee productivity, have led to a rise in  
11 the number of warehouse and distribution center workers who are subject to quantified work quotas.

12 (2) Warehouse and distribution center employees who work under those quotas are  
13 expected to complete a quantified number of tasks within specific time periods, often measured  
14 down to the minute or second, and face adverse employment action, including suspension or  
15 termination, if they fail to do so.

16 (3) Those quotas generally do not allow for workers to comply with safety guidelines or to  
17 recover from strenuous activity during productive work time, leaving warehouse and distribution  
18 center employees who work under them at high risk of injury and illness.

1 (4) The quotas under which warehouse and distribution center employees regularly work  
2 also affect their compensation. California and many cities require employers to pay their employees  
3 a minimum-wage rate. Warehouse and distribution center employees who work under a quota,  
4 however, do not receive the full benefit of minimum wages if their quota is increased to make up  
5 for the direct or indirect effect of a minimum-wage increase.

6 (5) Quotas in occupations that are already physically demanding not only increase  
7 accidents, but they also incentivize unsafe work. The workforce in warehouse and logistics is  
8 largely comprised of people of color who depend upon these jobs to provide for their families and  
9 often see no alternative but to prioritize quota compliance over their own safety. These workers  
10 end up working faster than is healthy in order to keep their jobs.

11 (6) Workplace injuries can take a terrible toll on workers, their families and their  
12 communities, and can create substantial costs for employers. According to the most recent data  
13 (2020) released by the Bureau of Labor Statistics, the warehouse industry itself reports a rate of  
14 serious work-related injuries involving lost time or restricted duty (4.0 cases/100 full-time workers)  
15 that is more than twice the average injury rates for all private industry (1.7 cases/100 full-time  
16 workers). The most common types of work-related serious injury reported by employers in the  
17 warehouse sector are musculoskeletal injuries, which often require workers to miss work and can  
18 force workers permanently out of the job and even out of the workforce.

19 **28-60-3. Definitions.**

20 As used in this chapter:

21 (1) “Defined time period” means any unit of time measurement equal to or less than the  
22 duration of an employee’s shift, and includes hours, minutes, and seconds and any fraction thereof.

23 (2) "Director" means director of the department of labor and training.

24 (3) “Department” means the department of labor and training.

25 (4) “Employee” means a nonexempt employee who works at a warehouse distribution  
26 center.

27 (5)(i) “Employee work speed data” means information an employer collects, stores,  
28 analyzes, or interprets relating to an individual employee’s performance of a quota, including, but  
29 not limited to, quantities of tasks performed, quantities of items or materials handled or produced,  
30 rates or speeds of tasks performed, measurements or metrics of employee performance in relation  
31 to a quota, and time categorized as performing tasks or not performing tasks.

32 (ii) “Employee work speed data” does not include qualitative performance assessments,  
33 personnel records, or itemized wage statements, except for any content of those records that  
34 includes employee work speed data as defined in this definition.

1 (6) “Employer” means a person who directly or indirectly, or through an agent or any other  
2 person, including through the services of a third-party employer, temporary service, or staffing  
3 agency or similar entity, employs or exercises control over the wages, hours, or working conditions  
4 of one hundred (100) or more employees at a single warehouse distribution center or one thousand  
5 (1,000) or more employees at one or more warehouse distribution centers in the state.

6 (7) “Person” means an individual, corporation, partnership, limited partnership, limited  
7 liability partnership, limited liability company, business trust, estate, trust, association, joint  
8 venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or  
9 foreign.

10 (8) “Quota” means a work standard under which an employee is assigned or required to  
11 perform at a specified productivity speed, or perform a quantified number of tasks, or to handle or  
12 produce a quantified amount of material, within a defined time period and under which the  
13 employee may suffer an adverse employment action if the employee fails to complete the  
14 performance standard.

15 (9)(i) “Warehouse distribution center” means an establishment as defined by any of the  
16 following North American Industry Classification System (NAICS) Codes, however that  
17 establishment is denominated:

18 (A) 493110 for General Warehousing and Storage.

19 (B) 423 for Merchant Wholesalers, Durable Goods.

20 (C) 424 for Merchant Wholesalers, Nondurable Goods.

21 (D) 454110 for Electronic Shopping and Mail-Order Houses.

22 **28-60-4. Disclosure of quotas.**

23 (a) Each employer shall provide to each employee, upon hire, a written description of each  
24 quota to which the employee is subject, including the quantified number of tasks to be performed  
25 or materials to be produced or handled, within the defined time period, and any potential adverse  
26 employment action that could result from the failure to meet the quota. The requirement to disclose  
27 also applies to any changes in the quota.

28 (b) Nothing in this section requires an employer to use quotas or monitor work speed data.  
29 An employer that does not monitor this data has no obligation to provide it.

30 **28-60-5. Meal and rest periods.**

31 An employee shall not be required to meet a quota that prevents compliance with meal or  
32 rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom  
33 facilities, or occupational health and safety laws in the labor laws or department standards. An  
34 employer shall not take adverse employment action against an employee for failure to meet a quota

1 that does not allow a worker to comply with meal and rest periods, use of bathroom facilities, or  
2 occupational health and safety laws, labor laws, or for failure to meet a quota that has not been  
3 disclosed to an employee.

4 **28-60-6. Employee information request.**

5 Employees may request from the employer the written description of the quota, and a copy  
6 of the employee's own speed data as well as the aggregated work speed data for comparable  
7 employees working in the facility.

8 **28-60-7. Unlawful retaliation.**

9 There shall be a rebuttable presumption of unlawful retaliation if an employer in any  
10 manner discriminates, retaliates, or takes any adverse action against any employee because an  
11 employee exercises their rights pursuant to this chapter.

12 **28-60-8. Severability.**

13 The provisions of this chapter are severable. If any provision or its application is held  
14 invalid, that invalidity shall not affect other provisions or applications that can be given effect  
15 without the invalid provision or application.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS -- WAREHOUSE WORKER  
PROTECTION ACT

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1           This act would require employers to provide each employee, defined as a nonexempt  
2 employee who works at a warehouse distribution center, upon hire, with a written description of  
3 each quota to which the employee is subject, including the quantified number of tasks to be  
4 performed or materials to be produced or handled, within the defined time period and any potential  
5 adverse employment action that could result from failure to meet the quota.

6           This act would take effect upon passage.

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