



The Human Toll: New Data on New York State's Escalating Warehouse Worker Injury Crisis and How Lawmakers Should Respond

Irene Tung and Nicole Marquez
FEBRUARY 2024

In partnership with:



The Human Toll: New Data on New York State’s Escalating Warehouse Worker Injury Crisis and How Lawmakers Should Respond

Newly available data from the Bureau of Labor Statistics (BLS) reveal a growing injury crisis for warehouse workers in New York State and underscore the urgent need for state lawmakers to act. The Warehouse Worker Injury Reduction Act (WWIRA) (S5081/A8907) is a worker centered solution to reduce and prevent injuries, improve workplace conditions, and strengthen health and safety rights for warehouse workers in New York.

Key takeaways from the new BLS data include:

- 1. One in 11 New York State warehouse workers experiences an injury requiring medical attention each year.**

The latest BLS data show that warehouse workers in New York State experience injuries requiring medical attention at a rate of 8.8 cases for every 100 full time equivalent workers (FTE).¹ This is the equivalent of one injury for every 11 workers annually. The vast majority of warehouse workers’ injuries nationwide are musculoskeletal injuries such as “sprains, strains and tears.”² And due to occupational segregation, Black and Latinx workers and immigrant workers are often overrepresented in warehouse jobs and can be disproportionately impacted by high injury rates.³

- 2. The New York State warehouse worker injury rate is increasing rapidly and is now more than double what it was in 2017—with the latest available data showing a 20 percent jump in one year.**

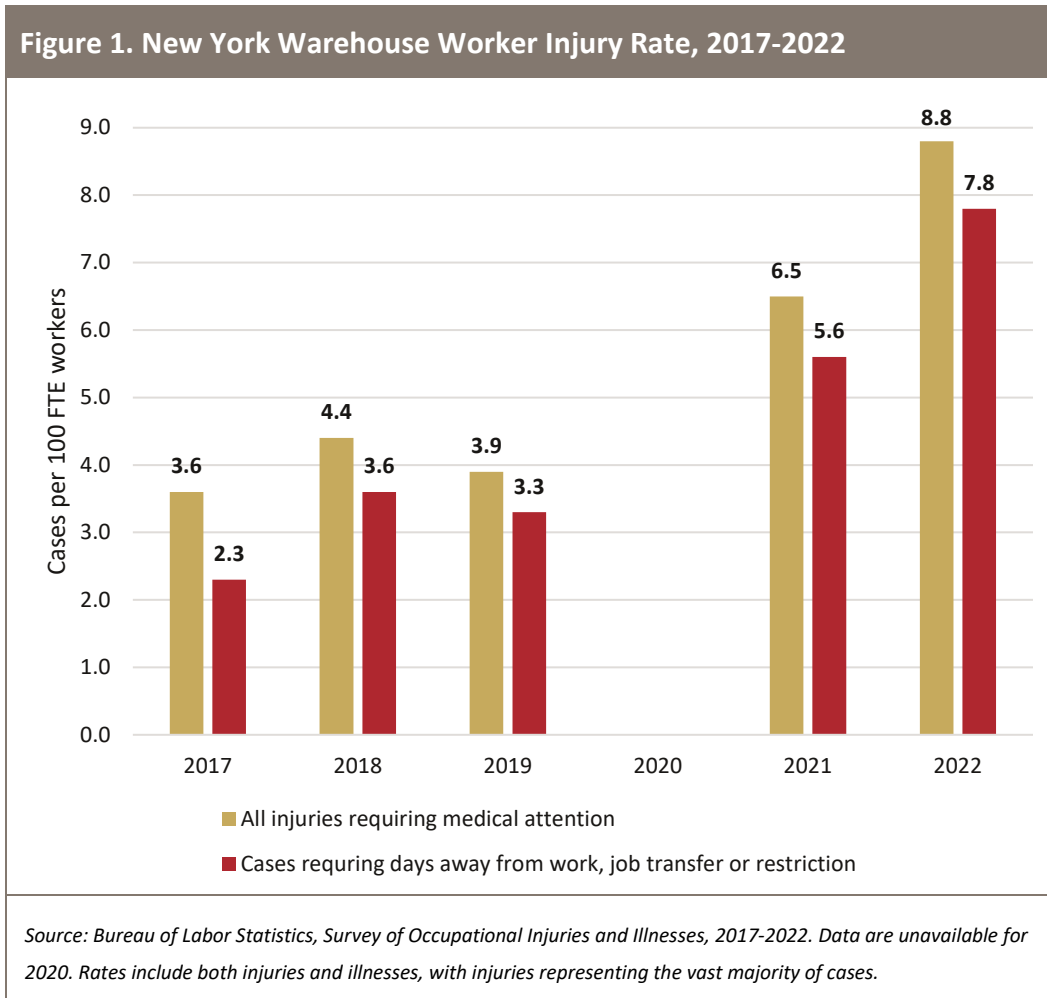
Between 2017 and 2022, the rate of warehouse worker injuries in New York State more than doubled from a rate of 3.6 to 8.8 cases per 100 workers, including a 20 percent jump from 2021 (6.5 cases per 100 workers) to 2022 (8.8). This means that in

One in 11
New York State
warehouse workers
experiences an injury
requiring medical
attention each year.



2017, there was one injury for every 28 workers, but by 2022 the injury rate had increased to one injury for every 11 workers.

Those injuries that require workers to miss days of work or be transferred to a different job are the most serious type. Cases of the most serious types of warehouse worker injury in New York State have increased especially rapidly, and that rate is now triple the rate it was in 2017 (See Figure 1).



3. Injuries are getting more severe, with the share of injuries requiring missed days of work or job transfer now at 89 percent, as compared to 60 percent in 2017.

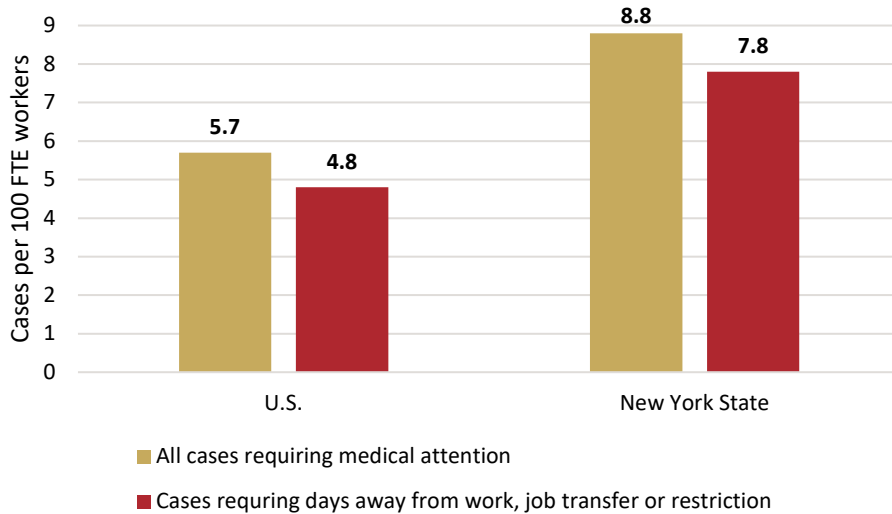
As mentioned above, those injuries that require workers to miss days of work or be transferred to a different job are the most serious type. Cases of the most serious types of warehouse worker injuries in New York State now represent a much higher share of reported injuries than in 2017.⁴

4. The New York State warehouse worker injury rate is 54 percent higher than the national average for warehouse workers.

The warehouse worker injury rate in New York State of 8.8 injuries per 100 FTE is 54 percent higher than the national U.S. warehouse rate of 5.7 injuries per 100 FTE.

For the most serious injuries—those that require workers to miss days of work or be transferred to a different job—the difference between New York State and the national average is even starker. For these injuries, the New York State rate of 7.8 is 63 percent higher than national U.S. rate of 4.8.

Figure 2. Warehouse Worker Injury Rates in the U.S. and in New York State



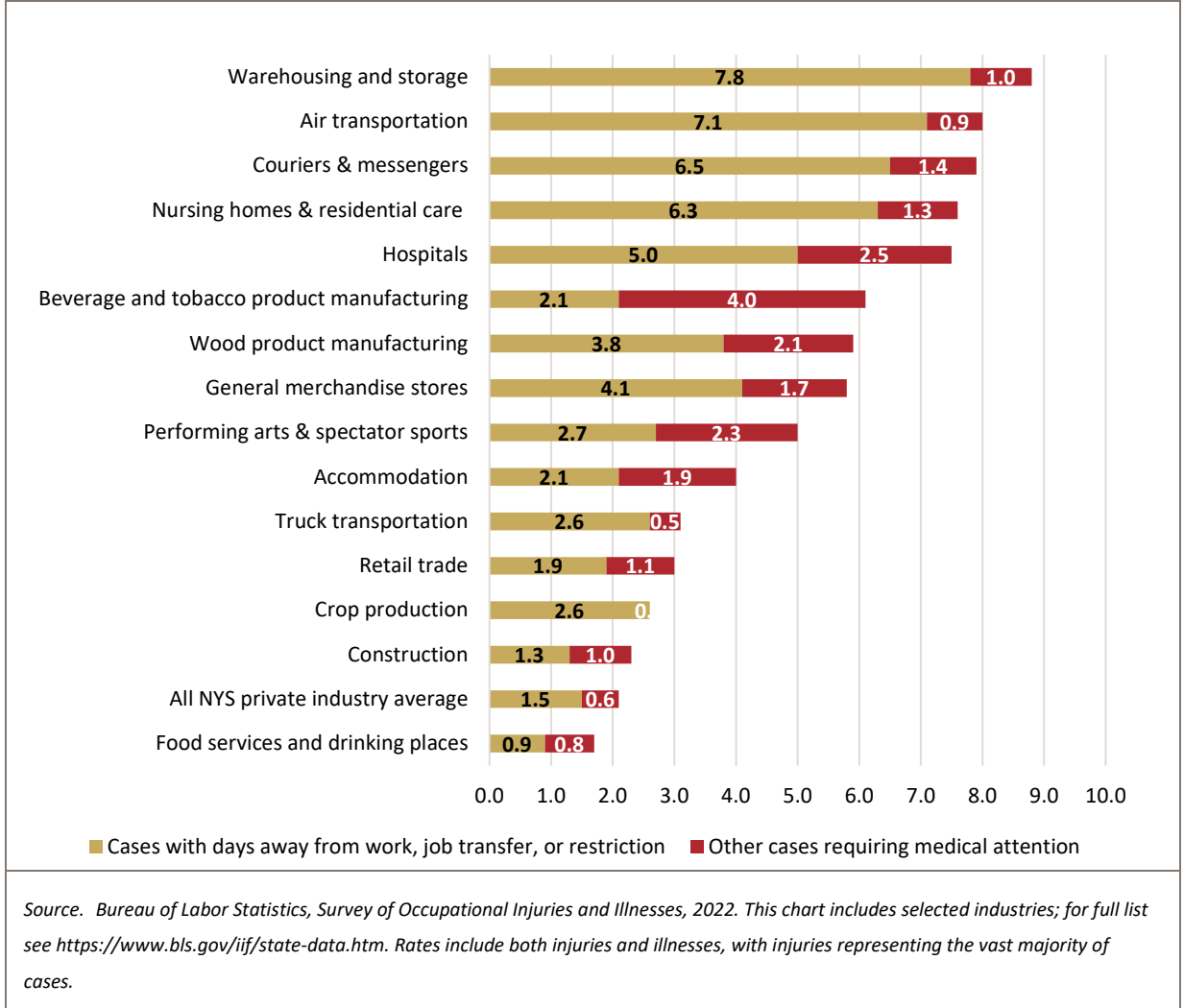
Source. Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, 2017-2022. Rates include both injuries and illnesses, with injuries representing the vast majority of cases.

5. Warehouse workers are injured more frequently than workers in any other industry in New York State.

Warehousing ranks as the industry with the highest rate of injury among all industries in New York State (Figure 3).



Figure 3. New York State Industries Ranked by Injury Rate



Pass the Warehouse Worker Injury Reduction Act

The high and rapidly increasing rates of injury in the warehouse industry underscore the urgent need for New York State to take action. New York State lawmakers took an important step in 2022 by passing the Warehouse Worker Protection Act, regulating dangerous quotas in the industry. To effectively mitigate the warehouse worker injury crisis, and create safer, healthier workplaces for warehouse workers in New York, lawmakers must also pass the Warehouse Worker Injury Reduction Act (WWIRA) (S5081/A8907). The proposed Act would:

Require expert evaluation of each large warehouse for potential risks of musculoskeletal disorders—the most frequent type of serious, disabling injury in the warehousing industry.

Mandate effective worker training on the prevention of musculoskeletal injury and the formation of worker health and safety committees to address worksite hazards. Worker

health and safety committees create a rebalance of power through mandating worker engagement in the process of developing, piloting, and evaluating the musculoskeletal injury prevention plan and training. Worker engagement and interaction are critical and key components to designing and implementing effective training. They support deeper accessibility, ensuring that workers are involved in the development of the plan as well as the training, as they are the true experts on the hazards of the job and on worker-centered, proven and practical solutions for their own workplaces. Additionally, effective training requires the employer to provide training in the language that each worker understands and the opportunity for interactive dialogue between the trainer and trainee.

Faced with reports of higher recorded injuries, workers must have a meaningful right to enforce and vindicate their rights, especially related to retaliation.

Improve on-site medical care to ensure that warehouse workers with symptoms of musculoskeletal injuries receive appropriate treatment and medical referral in a timely manner.

Establish a private right of action to allow employees to directly enforce their rights under the Act. Faced with reports of higher recorded injuries, workers must have a meaningful right to enforce and vindicate their rights, especially related to retaliation.

Grant the New York State Department of Labor additional powers to ensure that the law is effectively enforced, including establishing a pool of qualified experts to do on-site evaluations. Moreover, in conjunction with new federal process enhancements for supporting labor enforcement investigations involving immigrant workers, the Act will provide an additional avenue for the New York State Department of Labor to support immigrant workers in speaking up about injuries, workplace hazards, and worksite solutions to reduce musculoskeletal injuries.

Allocate \$5 million in the New York State budget to implement and enforce the Warehouse Worker Injury Reduction Act. This would cover staff ergonomists to oversee injury reduction programs, as well as enforcement and administrative costs.

Endnotes

1. Unless otherwise indicated, the underlying data for all of the statistics in this brief come from the Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses, 2022, available at: <https://www.bls.gov/iif/state-data.htm>. When we refer to the warehousing industry, we are referring to establishments that fall under the North American Industry Classification System (NAICS) code 4921. The term “injuries” in this brief includes both those cases reported by employers as “injuries” and those reported as work-related “illnesses.” Work-related “illnesses” account for only a small fraction of reported cases and could include heat-related conditions, skin diseases, respiratory conditions, and poisoning, among others.
2. Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses, Biennial case and demographic characteristics for work-related injuries and illnesses involving days away from work, restricted activity, or job transfer - 2021-22, available at: <https://www.bls.gov/iif/nonfatal-injuries-and-illnesses-tables.htm>
3. Hye Jin Rho, et al, *A Basic Demographic Profile of Workers in Frontline Industries*, CEPR, April 7, 2020, <https://cepr.net/a-basic-demographic-profile-of-workers-in-frontline-industries/>; Irene Tung, *Fighting for Safe Work: Injury Data Show Urgent Need for Intervention in NY State’s Warehouses*, National Employment Law Project, 2023, <https://www.nelp.org/wp-content/uploads/Fighting-for-Safe-Work-Data-Brief.pdf>.
4. ⁴ Note the true rates may be even higher given underreporting of injuries and resulting missed days of work. See Beth Gutelius and Sanjay Pinto, *Pain Points: Data on Work Intensity, Monitoring, and Health at Amazon Warehouses*. Center for Urban Economic Development, University of Illinois Chicago, 2023, https://cued.uic.edu/wp-content/uploads/sites/219/2023/10/Pain-Points_Final_Oct2023.pdf.