



WORKWORLD LAW

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September 6, 2024

VIA ELECTRONIC FILING

CALIFORNIA LABOR AND
WORKFORCE DEVELOPMENT AGENCY
ATTN. PAGA ADMINISTRATOR
455 GOLDEN GATE AVENUE, 10TH FLOOR
SAN FRANCISCO, CA 94102

CALIFORNIA DIVISION OF
OCCUPATIONAL SAFETY AND HEALTH
455 GOLDEN GATE AVE., RM. 9516
SAN FRANCISCO, CA 94102

VIA U.S. CERTIFIED MAIL

Amazon.com Services LLC
440 Terry Ave North
Seattle, WA 98109

Amazon.com Services LLC
202 Westlake Ave N
Seattle, WA 98109

Re: Maria Coronado's Notice of Claims/Labor Code Private Attorneys General Act of 2004, California Labor Code §§ 2698, *et seq.*

To the California Division of Occupational Safety and Health, California Labor and Workforce Development Agency, and Amazon.com Services LLC ("Amazon"):

WorkWorld Law Corp. represents Maria Coronado who intends to bring an action under the Private Attorneys General Act of 2004 ("PAGA"), Labor Code sections 2698, *et seq.*, on behalf of herself, approximately 10,000 similarly situated current and former aggrieved employees employed by Amazon.com Services LLC throughout the State of California between September 6, 2023, and the conclusion of the forthcoming action ("Statutory Period"), and the People of the State of California (collectively "Employees").

PAGA, specifically Section 2699 of the California Labor Code, permits an aggrieved employee to recover civil penalties set forth within the California Labor Code for violations of the California Labor Code. In addition, Section 2699(f) establishes civil penalties for violations of California Labor Code provisions that do not contain their own civil penalties. Employees intend to bring a civil action to recover civil penalties for the violations identified below, including civil penalties pursuant to Section 2699, subdivision (f) as well as those civil penalties specifically set forth within the text of the California Labor Code. Those penalties are sought for violations committed against Employees of Amazon.

* * *

Maria Coronado worked for Amazon from 2022 until 2024 in various positions at various locations in California. Ms. Coronado worked at different locations — each of which had different duties, assignments, and hazards — generally for months at a time.

While Ms. Coronado worked at Amazon, she and the Employees were not properly trained for the work Amazon had them doing, particularly when Amazon assigned Employees to a new job assignment.

For example, when she started working at Amazon, Ms. Coronado received training to scan and ship with machines, but when Ms. Coronado was assigned to a different location (a new assignment), the machines were robots, presenting new processes, challenges, hazards, and risks, and Amazon did not provide additional safety training as required by law. Ms. was trained for one position, but then Amazon shifted her to go to a different job assignment for which lacked training.

Ms. Coronado expressed her worries to supervisors about the unsafe things she witnessed at Amazon, but there was no response by Amazon. Ms. Coronado witnessed people not wearing masks during COVID protocols, employees air pods in their ears while working on the floor, and employees using broken carts to load boxes. Amazon did not respond to Ms. Coronado's safety complaints.

Ms. Coronado's first injury at Amazon was to her eyebrow. While she was scanning at the machines, her supervisor did not tell her he was working behind her, and this caused his jam pole to hit Ms. Coronado in her eyebrow bone. Ms. Coronado's supervisor laughed. He told Ms. Coronado that if Safety representatives comes around not to report her injury to them. Ms. Coronado disagreed and went to Safety herself and reported the incident. Safety had her fill out a report and Ms. Coronado took some medication for the swelling of her eye. Otherwise, there was no response or action by Amazon.

In 2024, Ms. Coronado injured her right hand during her shift. She reported her injury to Safety and they took her to Amazon Medical Care. They gave Ms. Coronado ice and Tylenol for the pain, and sent her back to work, telling her to work the rest of her shift with her left hand with no additional training regarding how she could safely do this one-handed.

There was no adequate investigation regarding the cause of Employees' injuries, including Ms. Coronado's injuries, or preventative measures that could have helped avoid them.

Employees seek to bring this action to remedy these and other violations of the California Labor Code discussed below.

* * *

A. Failure to Establish, Implement, and Maintain Effective Injury and Illness Prevention Program

“Every employer and every employee shall comply with occupational safety and health standards, with Section 25910 of the Health and Safety Code, and with all rules, regulations, and orders pursuant to this division which are applicable to his own actions and conduct.” Lab. Code § 6407.

“Every employer shall establish, implement, and maintain an effective injury prevention program. The program shall be written, except as provided in subdivision (e), and shall include, but not be limited to, the following elements: (1) Identification of the person or persons responsible for implementing the program. (2) The employer’s system for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. (3) The employer’s methods and procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner. (4) An occupational health and safety training program designed to instruct employees in general safe and healthy work practices and to provide specific instruction with respect to hazards specific to each employee’s job assignment. (5) The employer’s system for communicating with employees on occupational health and safety matters, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. (6) The employer’s system for ensuring that employees comply with safe and healthy work practices, which may include disciplinary action.” Lab. Code, 6401.7, subd. (a). “The employer shall correct unsafe and unhealthy conditions and work practices in a timely manner based on the severity of the hazard.” Lab. Code, 6401.7, subd. (b).

“The employer shall train all employees when the training program is first established, all new employees, and all employees given a new job assignment, and shall train employees whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard, and whenever the employer receives notification of a new or previously unrecognized hazard.” Lab. Code, 6401.7, subd. (c). “The employer shall keep appropriate records of steps taken to implement and maintain the program.” Lab. Code, 6401.7, subd. (d). The standards board shall adopt a standard setting forth the employer’s duties under this section....” Lab. Code, 6401.7, subd. (e)(1).

To substantially comply with Section 6401.7, pursuant to regulations the employer must provide adequate meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees. Moreover, records of the steps taken to implement and maintain the Program shall include: (1) Records of scheduled and periodic inspections to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been

identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one (1) year; and (2) Documentation of safety and health training for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers.

Throughout the Statutory Period, Amazon failed to establish, implement, and maintain an effective injury and illness prevention program. Amazon also failed to provide occupational health and safety retraining designed to instruct Employees in general safe and healthy work practices and to provide specific instruction with respect to hazards specific to each Employee's job assignment when Amazon reassigned Employees to a new job assignment. Amazon also failed to investigate and take corrective action in response to reports of unsafe working conditions and practices.

Amazon is subject to civil penalties as provided by law.

B. Permitting Unsafe Work and Failure to Provide Safe Workplace, Practices, and Processes

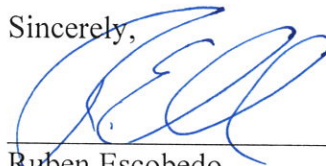
Employees incorporate the preceding sections herein. By committing the acts and omissions described in the preceding sections during the Statutory Period, Amazon also violated Labor Code, §§ 5400, 6401, 6402, 6403, 6404 by requiring and permitting unsafe work, and failing to provide safe workplaces, practices, and processes to its Employees.

Amazon is subject to additional civil penalties as provided by law.

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Please do not hesitate to contact the undersigned if you would like to discuss this matter further. Thank you for your attention to this matter.

Sincerely,



Ruben Escobedo