Labor & Coalition Building

This chapter will describe what warehouse employment can be like for the most vulnerable people employed in the industry -- those in 'unskilled' low wage positions -- in the region, focusing on precarious hiring practices, low wages and wage theft, dangerous working conditions, and other common practices.

As discussed in Chapter 3, people commute to Fontana from other municipalities for Trade and Transportation sector work, and Fontana residents commute to other municipalities for warehousing work as well. As such, this chapter will consider workers throughout the Inland Empire. We will examine organizing efforts around warehouses and warehouse labor in the region and make recommendations to the city about how to engage with coalitions. This chapter relies heavily on a cluster of researchers and academics that have studied warehousing and employment in the Inland Empire for more than 14 years.

It is important to note that many warehouse workers are Latinx and that their racialized identities exacerbate the precarity of their employment. We will not delve into the ways that race impacts the experiences of warehouse workers; to better understand this important aspect of warehouse labor in the Inland Empire, we recommend reading "The matrix of exploitation and temporary employment: Earnings inequality among Inland Southern California's blue-collar warehouse workers" by Juliann Emmons Allison, Joel S. Herrera, Jason Struna, and Ellen Reese, as well as other works by these authors.[1]

Introduction

Fontana and municipalities throughout the Inland Empire play an important role in America's connection to the global supply chain. The ports of Los Angeles and Long Beach together process 17 million Twenty-foot Equivalent Units (TEUs) annually (Port of Los Angeles 2021; Port of Long Beach 2021). All of these goods must be stored, processed, and distributed in the region, primarily the Inland Empire.

[1] Emmons Allison, Juliann, Joel S. Herrera, Jason Struna, and Ellen Reese. 2018. "The Matrix of Exploitation and Temporary Employment: Earnings Inequality among Inland Southern California's Blue-Collar Warehouse Workers." *Journal of Labor and Society* 21 (4): 533–60. https://doi.org/10.1111/wusa.12366.

It is the people of the Inland Empire who make this work happen. Their physical labor is an integral part of the global supply chain. Without it, the supply chain breaks. The seeming abundance of 'cheap labor' in the region is a documented part of the attraction of warehouses and logistics businesses to the region, in addition to its pivotal location next to highways and the ports (IEc and CALSTART 2020).

Warehouse Labor

'Warehouses,' 'logistics centers,' 'distribution centers,' 'e-commerce centers,' and 'industrial commerce centers' are only some of the names for the diverse arrangements of goods movement in the Inland Empire. Some warehouses serve traditional retail operations, while others serve the growing e-commerce industry. Some retailers own the storage and distribution facilities they use, while others contract with independently owned warehouses or third party logistics groups (3PLs) to perform storage, sorting, and the like or manage others' work. Likewise, some firms and 3PLs hire their workers directly, while others use temporary employment agencies (temp agencies) to hire temporary employees ('temps') (Gutelius and Theodore 2019). As discussed below, temp agencies are used to hire people for a few days to multiple years, which causes employment precarity.

Temporary Labor

Temp agencies are not unique to the Inland Empire or to the logistics industry. Nationally, employment in temporary labor has been on the rise since the 1990s. Across all occupations and industries, the average weekly hours of temp employees has decreased from 35 hours per week to 34 since 2014, indicating that more people are working fewer hours through temporary employment (Luo, Mann, and Holden 2010; 2021).

In 2018, 610,000 people worked as temps in warehouse-related occupations, constituting 17% of temporary laborers nationally, according to the Bureau of Labor Statistics. Between 2010 and 2018, laborers within the transportation and materials moving occupations (the classification for most people working in warehouses) were the largest portion of temporary workers nationally. As of 2018, more than 1 in 5 'laborers and hand freight, stock, and material movers' are employed through temp agencies. Though not the focus of this report, it is important to note that temps in industrial truck and tractor operating -- a critical part of the logistics industry in the Inland Empire -- also grew during the same time period. One tenth of all people employed in this occupation across all industries are temps (Lou et al 2021).

The Bureau of Labor Statistics likely does not count every temporary employee, as their statistics rely on numbers reported by the temp agencies. It is difficult to quantify the fluctuations of workers regularly in and out of employment at different agencies and within different warehouses in a single number (De Lara 2018, chap. 6).

How do companies benefit from using temporary staffing? Flexible staffing optimizes efficiency within the supply chain; temp agencies enable distribution centers to have the exact number of workers necessary at a given time, which eases the administrative work of hiring or firing permanent employees. This enables warehouses and their staffing companies to scale up in size for high-productivity months. It also enables companies to pay workers less for very strenuous work (Bonacich and De Lara 2009). Even without temp agencies, warehouse companies can and do still maintain flexibility in their directly hired labor pool by changing shift lengths after shifts have begun. (Loewen 2018).

Vulnerable Employment

The next section discusses ways warehouse work leaves people employed in the industry open to harm. Warehouse employees were recognized as frontline workers early in the COVID-19 pandemic (Alamo 2020); despite their pivotal work in maintaining the flow of goods to people across the country, for many the terms of their employment leave them vulnerable.

Hiring people for short-term or long-term periods through temp agencies creates vulnerability. Workers do not have security in the terms of their employment and therefore cannot make long-ranging financial plans or investments. Short-term employment, for weeks or months, means individuals must constantly devote time and energy to securing future employment. Long term employment through temp agencies denies people access to company benefits, though even direct employment may not result in stable, well paid jobs.

No benefits

Warehouse workers hired indirectly do not receive company benefits, like vacation time, paid sick leave, or health insurance. In general, warehouse workers are under-insured. A UC Riverside study of both temp and directly-hired workers found that only 35% of respondents had any kind of health insurance (Allison et al. 2015), despite that the majority of respondents (78%) worked at least 35 hours a week. Other research shows that about one third of Latinx warehouse workers in the Inland Empire delay seeking medical care due to costs and that, overall, survey respondents seek medical care less than the national

average. There is a statistically significant relationship between workers' temporary employment status and decreased visits to medical care (Emmons Allison et al. 2017).

High injury

Low rates of insurance are especially notable because of the high-rate of workplace injury experienced by warehouse workers. Companies value workers maintaining a fast pace while moving heavy objects and actively incentivize workers to physically extend themselves to improve efficiency. Consequently, workplace injuries are common in distribution centers (Warehouse Workers United and Cornelio 2011). Amazon warehouses specifically are known for having nearly twice the rate of workplace injury as non-Amazon warehouses ("Primed for Pain: Amazon's Epidemic of Workplace Injuries" 2021; Greene and Alcantara 2021).

Nationally, injuries are reported twice as often in warehousing than in all private industries (Bureau of Labor Statistics 2018). There is likely under-reporting to the Bureau of Labor Statistics of workplace injuries in warehousing. If workplaces do not record and report injuries, they can more easily deny that injuries are workplace-related and avoid insurance issues. Additionally, people are less likely to report injuries when they are afraid of losing their positions, missing work, or retaliation (Struna 2015, sec. Injury and Illness).

Wage theft

Wage theft has been common in low-paying jobs nationally for decades (Bernhardt, Milkman, and Theodore 2009) and the Inland Empire is no exception (Cal/OSHA 2021). Over $27 million in wages have been returned to warehouse workers in the region the past 5 years, and the California Labor Commission's "Wage Theft Is A Crime" campaign specifically targets the Inland Empire region (Bernstein 2017). Extended shifts without overtime or breaks for basic needs to handle the peaks in goods are a common example of wage theft in warehouses. AB 1003, passed in 2021, increases the penalty to companies for intentional wage theft (Gonzalez 2021). AB 1003 is not a perfect solution; this process still relies on workers filing citations, which can be an arduous process.

There are also more subtle forms of wage theft in the industry through the use of charge cards. When temp agencies use charge cards to process their payroll, they move the cost burden of payroll onto workers. If a person is unbanked or under-banked, they can incur transaction fees or inactivity fees while accessing their wages. To keep these cards active, workers must leave a minimum balance, meaning they are unable to access their entire paycheck (De Lara 2018, chap. 6).

Wages

This section discusses the disparities between a living wage, median hourly wages, and the wages of temporary and part-time workers in the logistics industry in the Inland Empire.

Official Bureau of Labor Statistics data from the first quarter of 2020 describes median and mean wages for various warehouse occupations in Riverside and San Bernardino Counties in Figure 4.01. The two most common positions -- “Stockers and Order Fillers” and “Laborers and Freight, Stock, and Material movers, Hand” -- collectively officially include 114,730 people in San Bernardino and Riverside counties. The median and mean reported wages vary slightly -- $14.80 and $14.96 versus $16.92 and $17.56, respectively -- but both are below the minimum living wage for the MSA region of $18.48 for a single person to support themself.

Figure 4.01 does not include wage information for temporary workers or workers employed at e-commerce sites, both of which are categorized with different NAICS codes (Gutelius and Theodore 2019).

As has been pointed out through conversations with Fontana city staff, there are positions available with much higher wages, such as some of those at Amazon facilities in the region that pay $25.00 an hour. We, the authors of this report, cannot stress enough that such positions do not represent the majority of employment opportunities in the industry, especially for residents without associate or bachelor degrees. A casual look at anonymized payroll analysis, such as that provided by ZipRecruiter, shows that, as of November 2021, 74% of ‘warehousing’ positions available in Fontana offer less than $25.00 an hour and that ‘Amazon warehouse’ positions in the area pay on average $14.30 to 15.30 an hour (ZipRecruiter 2021a; 2021b; 2021c; 2021d). These numbers align with wage data presented in Chapter 3 and in Figure 4.01 below.

Figure 4.01 Occupational Employment (May 2020) & Wage (2021 - 1st Quarter) Data for Transportation and Material Moving Occupations in Riverside-San Bernardino-Ontario MSA

Occupational Title	May 2020 Employment Estimates	Median Hourly Wage	Mean Hourly Wage	Mean Annual Wage
MSA regional living wage			*$18.48*	*$38,438*
Stockers and Order Fillers	57,780	$14.80	$16.92	$35,202
Laborers and Freight, Stock, and Material Movers, Hand	56,950	$14.96	$17.56	$36,519
Packers and Packagers, Hand	12,850	**14.00	$14.68	$30,529
Driver/Sales Workers	5,480	$16.38	$18.25	$37,960
Cleaners of Vehicles and Equipment	4,310	**14.00	$14.73	$32,711
Machine Feeders and Offbearers	2,260	$16.85	$17.03	$35,439
Material Moving Workers, All Other	960	$14.56	$16.64	$34,625

Source: OEWS Employment and Wage Statistics Data Tables, Employment Development Department for the State of California. Geographic Area: Riverside-San Bernardino-Ontario MSA. 2021 1st Quarter. https://www.labormarketinfo.edd.ca.gov/data/oes-employment-and-wages.html#OES

***: California minimum wage is currently $14.00.*

Historically, prominent regional economists and other professionals associated with SCAG supported the growth of warehousing in the region in large part due to proposed higher wage jobs for lower income workers. However, their arguments were based on economic calculations that included broad categories of higher paying jobs that are neither prominent in the industry as represented in Fontana nor available to many residents of Fontana due to educational attainment and training (De Lara 2018, chap. 6).

Independent research in the past 10 years suggests many workers in the region make less than official Bureau of Labor statistics numbers. In a 2013 study of warehouse workers, researchers found that survey respondents and American Community Survey (ACS) data for Riverside and San Bernardino Counties reported workers making well below a living wage. Of respondents working at least 20 hours a week, the median annual income was $15,000. ACS data showed directly hired workers making slightly more, at $20,000 annually (Allison et al. 2015). $15,000 annually amounts to less than the 2013 California minimum wage of $8.00 an hour at full time.

Nationally, warehouse worker wages have fallen since 2001 when adjusted for inflation, despite the success of the industry and rise in employment numbers in that time (Gutelius and Theodore 2019).

When workers are only hired for part-time or short term positions, they will make less than the yearly mean wages listed, as described in the previous section. When workers are forced to use pay cards instead of receiving cash or check wages, they implicitly lose money due to the fees associated with the card. These practices ultimately harm residents of Fontana and the Inland Empire.

Recommendations

Fontana has a vested interest in protecting their residents and individuals employed within city bounds. Protecting and improving labor rights is not anti-development or anti-business. Rather, it is the city's duty as a public, regulatory body to ensure the wellbeing of its most vulnerable. As has been discussed throughout the report, the warehousing and logistics industry is rooted in the Inland Empire, and further regulation is unlikely to push companies away.

We reiterate the following recommendation from Chapter 3:

> **Recommendation 3.1b: Require warehouse and distribution centers to sign community benefits agreements (CBAs) and project labor agreements (PLAs)**

CBAs can include financial support for community resources, commitments to job training programs, investment in air filtration systems at neighboring households. It is important for CBA negotiation to involve a broad coalition of community groups to accurately represent affected individuals (Beach and The Partnership for Working Families 2014). PLAs can include requirements for direct employment minimums and acknowledgement of and

support for workers' rights to unionize. These agreements mitigate the potential harms of employment in warehouses, and these processes can expand Fontana's engagement practices.

Labor agreements can create a path for union formation within the industry in Fontana and the Inland Empire. Unions give workers a greater voice in the workplace and an organized means of making complaints and protecting their safety and wellbeing. Research shows that unionized logistics workers make higher wages, ultimately resulting in greater spending power in their communities that could further stimulate Fontana's economy (Bonacich and De Lara 2009).

Recommendation 4.1: Work with regional partners to raise the minimum wage

The California minimum wage is currently $14.00 an hour and slated to increase to $15.00 an hour by 2023. This is currently under the necessary living wage for Riverside and San Bernardino Counties. A 20 year national study has demonstrated that raising minimum wages improves racial equity by shrinking the wage gap without demonstrable disemployment (Wursten and Reich 2021). Other cities throughout California, including neighboring Los Angeles and Los Angeles County, have set higher minimum wages. We recommend that Fontana work with other local governments to pass a higher minimum wage indexed to cost of living adjustments.

Recommendation 4.2: Increase worker protections.

Recommendation 4.2a: Work to increase Division of Occupational Safety and Health (Cal/OSHA) funding

The City of Fontana and neighboring municipalities should work with their state legislators to make increasing Cal/OSHA funding a priority and to prioritize the hiring of inspectors in the Southern California region. Cal/OSHA, also known as the Division of Occupational Safety and Health (DOSH), sets and enforces standards to protect and improve the health and safety of working Californians, among many other activities.

Fontana can work with neighboring municipalities to lobby the state for more OSHA funding to benefit all workers, not just warehouse employees, so that regulations around work breaks, indoor temperatures, and other workplace regulations have a better chance of being enforced for the health and safety of Inland Empire residents and workers.

Cal/OSHA is and has been under-funded and under-staffed for many years, resulting in slow citation processing and an inadequate number of inspectors to enforce critical work safety rules (Cal/OSHA 2020; Botts and Tobias 2020; Lee 2021). AB 701 of 2021, which regulates productivity minimums, empowers workers to enforce workplace regulation on their own, but more can be done to ensure these rules are actually enforced (Hussein and Stecker 2021; Hussain 2021).

Recommendation 4.2b: Create local mechanisms to enforce state labor laws
The City of Fontana can create an inspection team to cite logistics firms for breaking pertinent state labor laws. One way to do this could be partnering with a local nonprofit organization like the Warehouse Workers Resource Center (discussed in the next chapter) to expand their capacity and outreach abilities. The discretionary fund described in Chapter 3 could be used to fund these efforts.

Coalition Work

The sections above have discussed how warehouse workers' employment is precarious, how Inland Empire warehouse workers do not make a living wage to support a single person, and how their workplaces endanger them. This section will focus on how warehouse workers and allies have been building power and how the City of Fontana and other municipalities can engage with these coalitions and organizations like them.

Collective Organizing

Due to the precarious nature of warehouse employment, organizing warehouse workers requires broader community organizing. The multi-tiered hiring schemes resulting from temporary and short-term employment make traditional union organizing difficult (Bonacich and De Lara 2009). Organizers have identified that it is critical to work not only with people who currently work in warehouses but also those who have in the past to build collective power. This kind of organizing is increasingly common in the US; it lends itself to bargaining for the common good ("Examples of Bargaining for the Common Good Demands" 2019).

Warehouse Workers Resource Center

There has been one primary hub for organizing warehouse workers in Southern California: the Warehouse Workers Resource Center (WWRC). Located in Ontario, California, WWRC and its predecessor, the Warehouse Workers Union (WWU), have provided important support for warehouse and other logistics workers in Southern California since 2008.

Currently WWRC offers advocacy, education, resources and services to warehouse workers and their families. Their work ranges from teaching English classes and workers rights to administering COVID relief funding and offering legal services (“About Us” 2021; Reese and Bielitz 2021).

WWU began organizing warehouse workers through canvassing in 2008 and, together with a diverse array of organizing partners, pressured warehousing companies in the region via legal action and protest to recognize the necessity of paying workers a fair wage in a safe environment, regardless of whether they were hired directly (De Lara, Reese, and Struna 2016). They have continued to support warehouse workers through the recession and expanded to offer more services as the WWRC in 2011. Their research and advocacy has resulted in new Cal/OSHA regulations and millions of dollars in stolen wages -- many largely from unpaid overtime -- being returned, among other victories (Reese and Bielitz 2021).

Coalition Building

WWRC is part of a network of progressive centers, including the Los Angeles Alliance for a New Economy (LAANE), who pioneered the use of CBAs, and warehouse worker centers in other states. In addition to joining national campaigns such as Making Change to Walmart, they work closely with a number of regional nonprofit organizations, including the Inland Coalition for Immigrant Justice (IC4IJ), who work to protect immigrants in the region; the local Sierra Club chapter, who have campaigns focused on truck emissions and public health; and the Center for Community Action and Environmental Justice (CCAEJ), who also focus on increased environmental regulation from the goods movement industry (Reese and Bielitz 2021).

This kind of coalition work, where many seemingly disparate groups can unite around specific issues, is unique and takes time and intention to form. WWRC and partners led multiple smaller projects, such as environmental justice tours of facilities, before taking on larger work together (Reese and Bielitz 2021).

While we were unable to interview organizers due to limited time, it is clear from the detailed literature that WWRC’s and partners’ work has been integral to the protection of labor rights for warehouse workers in Southern California and throughout the state. In the following section, we consider how Fontana and local jurisdictions can better engage with this pivotal work for the betterment of their residents and workers.

Recommendations

The broad scope of interests this coalition represents -- from air quality to labor rights -- should not be suppressed or ignored. Municipalities like Fontana can support the work of WWRC and their partners in a number of ways, discussed in the recommendation section below.

Recommendation 4.3: Develop proactive, ongoing, and committed engagement strategies

The City of Fontana can use its position as a civic leader to partner with coalition members to co-create spaces to discuss and make decisions with coalitions working in the warehousing space, concerned residents, unions, and other stakeholders. These processes could be used, for example, to determine the aforementioned good neighbor policy

As this section and others demonstrate, there are many people who care very deeply about warehouses, the logistics industry, and everything they entail; they deserve adequate civic space to contribute to decisions.

These processes -- whatever form it may take -- should include the following qualities:

1. *Co-create them*: The City can work with the labor-environmental coalitions discussed earlier and others to create what these engagement processes could look like together. It is important to be clear about how decisions will be made throughout these processes. For example, if a series of surveys and meetings is selected, who will arbitrate through the feedback to select a path forward?

2. *Be accessible:* An accessible engagement process ensures people are compensated for the time they spend contributing. While representatives from industries or people employed at nonprofits are likely 'working' while contributing to such meetings, residents are likely attending during their free time.

   Other means of making engagement accessible include providing translation services so that all members of the community will be understood; providing childcare services during the event so that parents and guardians can attend without incurring childcare costs; providing meals; planning events at varied times; attending others' events instead of exclusively hosting separate events; and utilizing a variety of engagement methods beyond in-person meetings.

3. *Have teeth*: The decisions made through these processes need to be concrete, actionable, and enforceable. The hard work and time spent by stakeholders should be honored by having their decisions upheld.

4. *Be ongoing:* Warehousing and distribution have changed in the past decade and will continue to change. Community decisions made to protect residents and workers will need to change in response to them, so these processes should be ongoing and evolve with them.

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