



MassCOSH

February 18, 2014

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Fulfillment America
17 Progress Road
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Jorge Rios
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17 Progress Road
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We, the current and former employees of Job Done and Fulfillment America, representatives of the Massachusetts Coalition for Occupational Safety & Health (MassCOSH), and the concerned community of Billerica, are writing to urge you to take immediate action to make amends for unacceptable employment practices at Fulfillment America and their temporary agency, Job Done.

Specifically, we ask that you respect your workers' rights to safe, decent work conditions by taking the following actions:

- Re-hire Alcides Villegas, one of the workers who reportedly was fired on December 13, 2013 shortly after attending a meeting to learn about his rights in the class action lawsuit.
- Re-hire other workers who were fired by Job Done and Fulfillment America for a wide range of protected activity, including pursuing their right to collectively seek a wage increase, protected under the National Labor Relations Act.
- Make employees whose overtime rights were violated in the past fully whole by paying them their complete owed wages plus damages as mandated by Massachusetts wage law.
- Ensure that all current and future overtime payments owed to workers are paid for every hour worked in excess of 40 each week.
- Stop sexual harassment against employees by Fulfillment America and Job Done supervisors, a violation of state and federal law, and establish and implement a sexual harassment policy.
- Establish a health and safety committee, comprised of workers and management, to conduct a complete hazard assessment to identify and address all safety hazards, and to engage in on-going meetings to ensure compliance and effective worker/management communication.

In terms of health and safety, workers report particular concerns and seek remedies as follows:

- Address poor air circulation and hot temperatures – providing proper ventilation.
 - Address fumes and toxic exposures including ink, lead and alcohol.
 - Provide comprehensive training to protect the health and safety of all workers as it is required by OSHA (Occupational Safety and Health Administration) in a language spoken by the workers.
 - Provide workers with uniforms as well as masks to protect them against toxics and dust, as is required by OSHA (Occupational Safety and Health Administration).
- Stop verbal and psychological abuse towards workers. Treat all workers with dignity and respect and give all workers the same treatment, regardless of their gender, race, or country of origin as is required by the Massachusetts Commission Against Discrimination.
 - End the practice of overloading workers into transportation vans, limiting the number of passengers to the lawful maximum.
 - Reimburse workers for excessive and unlawful transportation charges, and end the practice of charging workers greater than 3% of their daily wages, as allowed under Massachusetts law.
 - Void any signed releases and, in accordance to court order, cease and desist efforts to have workers sign any releases that diminish their overtime rights under the law.
 - Comply with all requirements of the Temporary Worker Right to Know, including registering with the state's Department of Labor Standards, posting a notice of workers' rights and providing all workers with a job order form in compliance with Mass. Gen. Laws ch. 149 sec. 159c.
 - Ensure that all workers are free to speak up about their workplace conditions **without fear of retaliation** as required by law.
 - Remove supervisors who have repeatedly threatened, intimidated, harassed and retaliated against workers.

Should you agree to address the above concerns, we would be pleased to schedule a meeting to assist with the implementation of the above demands, by no later than February 26, 2014. If you fail to do so, we will assume that you are not interested in resolving this matter amicably, and we will be forced to pursue all actions available to us under the law.

Please contact Jonny Arevalo at 617-825-7233 x12 or Mirna Montano at x16.

Sincerely,
Former Fulfillment America/Job Done employees and supporters

Cc: Thomas Smith, Attorney, Justice At Work
Steve Churchill, Attorney