

Testimony Of
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Before the Committee On
Health, Education, Labor And Pensions
United States Senate
"Over One year Later: Inadequate Progress on
America's Leading Cause of Workplace Injury"
April 18, 2002

Mr. Chairman and members of the Committee:

On behalf of all the workers at Brylane in Indiana, and all the workers injured on the job, I want to thank you for giving me the chance to speak to you today.

I want to tell you about my story, so you can truly understand how terrible it is when companies don't fix the problems that cause job injuries. But I just want you to understand that when I speak, I am not alone.

In my plant, 1600 workers select, pack and ship out garments and other products to customers ordering from catalogues and websites, and handle customer service calls. The company's own records show that there were 163 cases of "repeated trauma" illnesses in 2000. Out of these, 127 workers had to take time off of work or transfer to another job. Of the dozens of people who had to stop working, the *average* injured worker was out of work for about *seven weeks!* So many people have had surgeries, and like me have suffered tremendously in their daily lives at home and on the job.

Does the Brylane company know about this problem? Do they know how to stop this daily horror for myself and so many of my co-workers?

Sure they do. In Massachusetts, the same company has another plant, doing the same kind of work. They have almost no injuries there.

Why? Because the company has an "Ergonomics Program" that, in the company's own policy, says it utilizes "ergonomic principles in the design, redesign or modification of work methods".

Also, in the Massachusetts plant:

"Brylane's Management Team is committed to ... enforcement/implementation of this policy, encouraging prompt reporting of symptoms and actions to decrease ergonomic hazards."

"Ergonomics Task Force will screen suggestions for alleviating hazards, perform facility walk-throughs and perform basic job analysis with recommendations."

I'm glad the company's program works for the UNITE members and the company in Massachusetts. But I know we need a lot more than that in Indianapolis. We need really strong OSHA standards that force companies like Brylane to fix our jobs, and to educate us about the dangers of these injuries.

So I appreciate the chance to come here today to tell you about my injuries. But I and the other 1600 Brylane workers in Indianapolis also need your help, as soon as possible, to stop these brutal conditions.

I am married, and my husband and I support ourselves, our three children and one grandchild. On November 16, 1993, I went to work at Brylane, in the Returns Department on first shift. Night after night, I sat at my desk with shelves of materials in front of me, boxes, bags and packaging. I was a folder, which meant that I took garments out of a tote, put them on a hanger, and hung them on a rack over my head.

In December, I started to have pain in my arm between my elbow and shoulder. My arm would swell up, get inflamed, have a burning sensation, and was hot to the touch. It became harder and harder to make my production quota. When I told my unit leader, he told me to home and put some ice on it and if it wasn't better tomorrow that he would send me to the doctor. Later, he sent me to the doctor, who sent me to physical therapy and put me on light duty.

In 1994, I moved to second shift as a trainer. I trained workers to hang and fold clothes. When I wasn't training, I folded and packaged merchandise and threw it overhead and onto a belt:

- Returned items from customers came to me in totes on the lower conveyor belt. I would pull the tote off the belt and begin sorting through the packages.
- The next step was to enter returned materials into the computer system. I typed in the style number for every single item I processed. This meant that I would have to reach my left arm to the end of my desk to reach my keyboard.
- My computer monitor was set up under my desk at knee level. I would have to look under my desk to check the screen to make sure that the correct number was entered.
- Then, I would take the item, re-fold it, package it, and throw it over my head onto the higher conveyor belt with my right arm.

I would perform this same motion of opening, folding and throwing packages 400-600 times every night: **pulling** weight off one conveyor belt, **stretching** my arm to type, **bending** into carts to pick up packages, **straining** my neck to look at the computer screen, and **throwing** the weight above my head. It is because I did this same routine night after night for almost 9 years that I sit here before you today without a job.

I had surgery on my right shoulder in 1995, and the doctor put me on work restriction.

While my work restriction limited the weight of the materials I was throwing, it did not change the motion that I had to do in order to perform my job. I continued to throw bags of clothes over my right shoulder to a conveyor belt above my head. The difference that Brylane made was instead of having me throw coats and boots and dresses, they switched me to "staples", which means I was throwing underclothes, pajamas and pantyhose. But many packages still weighed as much as 10 pounds, and sometimes more.

I was re-injured in December of 1997. I had carpal tunnel surgery and DeQuervains surgery on both hands in 1997, but I still had numbness in my right hand through 1998. I was put on permanent restriction for lifting, throwing, and bending at this time. In order to make production and reduce the pain, I would take Darvocet pain killers that the doctor had prescribed.

In June of 1999, I received a certificate of appreciation for top production signed by supervisors Barbara Byers, Doris Newsome, and Wayne Collins. By June of 2000, I would come home from work and my hands and arms would hurt so bad that I couldn't hold a potato or a knife to peel it. I couldn't wring out a mop to clean my floors, and pushing a broom or sweeper was like tearing my arms out of their sockets. More and more these became chores my husband had to assume.

By June of 2001, I was working so hard to make production that by the time I got home at night I hurt so badly that couldn't go to sleep; or else I would wake up and lay awake for hours with my shoulder burning and my hands numb. It got to the point where I couldn't brush my own hair or pull it back to fix it. I have a granddaughter who I am afraid to pick up for fear of dropping her.

I went back to a company doctor and he told me, "Melody, Brylane is killing you." He recommended another surgery that had no guarantees. I had to take a medical leave of absence from June to October. In October 2001, Jennifer Irwin, Brylane's Corporate Occupational Health Administrator, wrote me a letter telling me that the status of my employment was not protected by a medical leave of absence. The letter went on to say, "You will remain off work due to your permanent partial impairment for a work related injury that Brylane cannot comply with in your department."

I truly believe that if Brylane had spent their time fixing the job instead of trying to fix me, I could still be working today. Many times, I told my supervisor, Barbara Byers, that Brylane had to change our jobs so my co-workers and I would not get hurt at work. She always responded the same way: "I know, we are planning on redesigning this department." During the last three years that I worked there, 1998-2001, Ms. Byers would tell me, "I know the way the job is set up back here is not good, but there is nothing we can do to change it until we get the okay from the boss." Even though the supervisor was saying things like this to give me hope that the job could change to be less painful, in the 9 years I worked there, the company never did one thing to make our jobs safer.

There are many changes Brylane could do immediately to help stop the pain at work.

Even though I am no longer able to work in the warehouse, here are my suggestions for the *simple* things that Brylane could do right away to make my old job in the Returns Department more ergonomically safe:

1. Lower conveyor belts so employees can place items on belts without having to throw weight over their heads, and avoid overhead throwing.
2. Put computer monitors on the desks at our work stations instead of below the desks. This would avoid the neck strain from having to look down to check that we entered the numbers correctly into the computer system.
3. Put carts next to desks, to avoid excessive bending
4. Reduce the weight of packages workers have to throw, and avoid heavy loads.

Unfortunately, Brylane's past shows that on its own, Brylane will not make even these simple changes. My co-workers will continue to suffer from carpal tunnel, tendonitis, back strain, and other repetitive stress injuries,

This is outrageous. We work hard in our plant. We try to feed our families, pay our taxes, and be good citizens. And this is what Brylane workers get in return – a plant with *an injury rate that is nearly 18 times higher than the average for the same industry.*

Unless OSHA issues *real* Ergonomic Standards that will *force* companies like Brylane to make jobs safer, we will continue to suffer. I'm sure the same is true for lots of workers in Indiana, and all around the country.

This is just wrong. We should be able to go to work, and do our jobs without fear of injury.

Brylane is owned by a rich international company -- PPR. They have fixed jobs to make them safer, both in Massachusetts, and in France. If PPR can sell Gucci bags, then they can certainly make Brylane give all their American workers decent working conditions. All it takes is someone in the government to tell Brylane that they *have* to do it.

Now OSHA has started talking about doing some things about ergonomics, but OSHA is not talking about new standards to force Brylane to fix the jobs.

In February, with the help of our supporters at the labor union UNITE, my co-workers filed a formal OSHA complaint. We pointed out safety hazards that included: blocked aisles, no fire protection plan, unsafe forklift equipment and exposure to human blood and waste.

But the *biggest* problem in the plant is people suffering pain because of the design of work they are doing. We were told that there were no laws to protect workers against ergonomically dangerous jobs.

This is just wrong. We needed strict standards last year, and we still need them now.

It's too late to save my hands and arms. But it's not too late to save the hundreds of other workers in my plant who suffer these problems *every year!* It's not too late at all the other companies. They can still be saved from this terrible suffering.

Please tell OSHA they have to issue new standards. We don't have any other protection. We are counting on you to get us the protection we need.

Thank you again for the opportunity to testify. I'll be pleased to answer any questions you have.