



WOMEN'S WELLBEING AT XPO

A CASE STUDY OF GENDER BIAS
IMPACT ON WOMEN WORKERS
HANDLING AMAZON PRODUCTS IN XPO
LOGISTICS AT THE ALOVERA II
WAREHOUSE, GUADALAJARA, SPAIN

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Women’s wellbeing at XPO: A case study of gender bias impact on women workers handling Amazon products in XPO Logistics at the Alovera II warehouse, Guadalajara, Spain.

By Sarah Finke and Verónica Silveira

Methodology

1. This report constitutes part of a trade union study focusing on gender in XPO Logistics. It contains information gathered from a variety of public sources, as well as on reports made and documentation provided by the Federación de Servicios para la Movilidad y el Consumo (FeSMC) of the Union General de Trabajadores, UGT, which represents the majority of Spain’s XPO workers. In Madrid, in April 2018 the authors carried out a series of individual interviews with workers who we do not identify for reasons of confidentiality.
2. *Sarah Finke* is currently the ITF’s policy coordinator and was previously its women’s officer. *Verónica Silveira* is the FeSMC UGT’s equality officer and is responsible for the federation’s public action program (*acción sindical*).

Background

XPO Logistics, Inc. is a top ten global logistics provider of cutting-edge supply chain solutions to the most successful companies in the world. The company operates as a highly integrated network of people, technology, and physical assets in 34 countries, with over 89,000 employees and 1,431 locations. XPO uses its network to help more than 50,000 customers manage their goods more efficiently throughout their supply chains. The company has two reporting segments: transportation and logistics, and within these segments, its business is well diversified by geographies, verticals, and types of service. XPO's corporate headquarters are in Greenwich, Conn., USA, and its European headquarters are in Lyon, France. The company conducts the majority of its European operations through its subsidiary, XPO Logistics Europe SA, in which it holds an 86.25% controlling interest (Source: XPO Logistics).

3. At first glance, XPO Logistics Europe seems to take its social responsibility seriously, including the employment and gender rights enshrined in the UN Global Compact. “XPO is proud to be a signee of the UN Global Compact, the world's foremost corporate responsibility initiative. By supporting the ten principles of the

Compact, XPO has committed to human rights, employment rights, the protection of the environment and anti-corruption,” its website says¹. XPO Logistics Europe has published employment data by gender across Europe, i.e. it is not broken down by country.²

4. XPO’s Spanish business is important to this multinational company. XPO Logistics’ 2017 fourth-quarter report recognized the 7.2% revenue growth reported for Spain: “In Europe, contract logistics growth was led by a strong peak season for e-commerce, particularly in the UK and Spain.”³
5. XPO’s Spanish operations are headquartered out of Santander in the north of the country, and the company has sites all over Spain including at Alovera and Cabanillas del Campo in the central Guadalajara region near Madrid. A map of XPO sites in Spain appears in **Annex 29**. In total in the central region, there are seven significant sites: three of them warehouses dedicated to e-commerce for leading companies including Zara and Amazon, and three multi-temperature storage centers operated by Salvesen Logistics, which is 50% owned by Danone and XPO Logistics.
6. XPO Logistics has big ideas for central Spain. It plans to open a new Guadalajara-based operation serving textile giant Inditex (which owns Zara) in 60,000 squares meters conceived as an intermodal transport platform at Marchamalo, apparently creating 3,200 jobs⁴. Spain has a 16.4 % unemployment rate (compared with 4.1 % in the US, Dec 2017).
7. However, the industrial relations for XPO Logistics at Alovera since XPO Logistics acquired Norbert Dentressangle in April 2015 have been consistently strained. The impact of the company’s cost-cutting on ordinary workers’ lives has

¹ XPO Logistics *Corporate Social Responsibility* See also **Annex 1**

² According to XPO Logistics Europe’s 2017 annual report, the share of women in the company is 24.4%, which XPO cites as above the average for the sector. Women’s proportion in management is 31.9%. The share of women by occupational category and by business unit shows a high degree of occupational segregation, especially for drivers and workers. The average earnings level of women across all occupational categories is 17% less than men.

³ XPO Logistics *Announces Fourth Quarter and Full Year 2017 Results* See also **Annex 2**

⁴ Cadena Ser 19/10/2017 *XPO Logistics creará más de 3.000 empleos en Marchamalo en un año* See also **Annex 3**

been significant, and this, coupled with a change in management attitudes has led to grievance amongst employees. It is their concerns that have sparked this report. One worker told us that since the XPO takeover:

“Precariousness has got worse. What is important are the numbers. From how many pallets you have parked up to how much you earn for the company. And if you do not make your numbers, the numbers that XPO requires, then that’s it for you. And it’s been like that since XPO took over.”⁵

8. In addition to the intensification of work and its precariousness, XPO Logistics is degrading basic conditions. The FeSMC UGT trade union federation – part of one of Spain’s two big union confederations - called a three-day strike on 14-16 December 2015 of logistics workers in Guadalajara, a situation which became particularly acute after XPO Logistics, among others, refused to accept the conditions of the regional agreement proposed by unions and employers. Specifically, XPO had refused wage increases, leave for personal matters and payment of breaks⁶. Ninety percent of the 8,000 logistics workers involved took part in the action, and the strike ended after an agreement on 16th Dec.⁷ The community widely supported the workers.⁸

9. In May 2016 the Spanish press gave extensive coverage to the 3-week hunger strike mounted by driver Jesus Abad Perez, his grievance being his that his employment by XPO was misclassified as self-employment. Abad Perez explained to the media that he got paid by the kilometer and had to find money for truck rental, insurance, fuel, tolls and other costs through the cooperative to which he belonged, but that in fact, his self-employment was fake because XPO was his only employer. He said:

⁵ Interview with authors

⁶ El Vigia 15/12/2015 *Las negociaciones entre XPO Logistics y los sindicatos acaban en una convocatoria de huelga en Guadalajara* See also **Annex 4**

⁷ Todo Transporte 16/12/2014 *Desconvocada la huelga en el sector logístico de Guadalajara tras el acuerdo entre UGT y patronal* See also **Annex 5**

⁸ Change.org *Trabajadores de XPO LOGISTICS, centros de trabajo de ZARA y AMAZON de Alovera, Guadalajara* See also **Annex 6**

*"Last month I earned 1,400 euros - and what's left after I've deducted all those costs is what I live on,"*⁹.

10. Interest in this story appears to have been high enough that when a French driver carried out a similar hunger strike in January this year, it was reported in the Spanish press.¹⁰

Gender in Spain

11. However, one of the areas where XPO Logistics has attracted most criticism in Spain is in its treatment of women workers. On March 8th, 2018 International Women's Day, Spanish trade unions UGT and CC.OO. supported the "feminist strike" called by women's organizations. Guadalajara's XPO employees came out in force (see photos in **Annex 29**); evidently, this was a deeply felt issue.

12. Although Spanish women still perform most of the country's unpaid care work, and women on average earn 23% less than men¹¹, women's participation in the labor market has continuously increased from the 1990s (being 53.6 percent in 2016). Female parliamentary representation has stabilized since 2004 at around 36 percent, and gender equality policies have been progressively institutionalized and consolidated.¹² However, women's unemployment remains higher than men's, and women represent around 70% of the total number of people in part-time work (INE, 2013).

13. Gender violence remains a visible and significant problem. During 2016, a total of 44 women died as a result of gender violence, and campaigners¹³ believe the Spanish government should be doing more to prevent and punish such crimes. These issues are high profile ones in Spain and regularly appear in the press. That sexual harassment is a form of gender violence is widely understood, as is the fact

⁹ El Diario 19/05/2016 *18 días en huelga de hambre contra los "falsos autónomos"* See also **Annex 7**

¹⁰ Diario de Transporte 14/05/2018 *Un camionero de XPO Logistics en huelga de hambre para denunciar el acoso laboral* See also **Annex 8**

¹¹ El País 13/02/2018 *The gender no-pay gap: Women in Spain do twice as much unpaid work as men* See also **Annex 9**

¹² European Parliament's DG for Internal Policies: *Gender Equality Policies in Spain* See also **Annex 10**

¹³ El País, 23/03/2018 *Why Women's Day was such a runaway success in Spain* See also **Annex 11**

that gender violence includes psychological harm. According to labor ministry statistics unearthed by the UGT, 2484 women were affected by sexual harassment between 2008 and 2015 and companies paid fines totaling 237,748 euros over the period.¹⁴

14. The Spanish government has taken steps to address gender equality, although progress has been slowed to a degree by the economic crisis. Its *Equal Opportunities Strategic Plan 2014-2016* recognized that:

“The progress achieved by women in education (58.56% of persons with a university degree are women) are not yet fully reflected in the workplace, and there are still notable inequalities between women and men regarding access, permanence and working conditions. An especially persistent and complex phenomenon is the pay gap. In order to advance towards a fairer and more socially cohesive society, and towards a stronger, more efficient and competitive economy it is essential to deal with these inequalities effectively. Therefore it is a priority to improve equal opportunities between women and men in access to, permanence in and working conditions of the job market and entrepreneurial activity.”

Gender in XPO

15. By law, alongside all larger companies operating in Spain, XPO must have a Gender Equality Plan in place. These plans should consider issues including equal access to work, time off for family responsibilities, and sexual harassment, and provide disaggregated employment data provided as part of each plan¹⁵. XPO has neither updated nor implemented its current Gender Equality Plan (**Annex 13**), nor put in place monitoring mechanisms, since it took over from Norbert Dentressangle. No "Gender Equality Committee" is in place, for example, although the document mentions one. The FeSMC UGT is in the course of following this up with XPO (**Annex 14**).

16. The situation may be resolved legally soon enough. In February 2018, the Spanish press reported that the government's updated *Equal Opportunities Strategic Plan*

¹⁴ El Periódico 20/11/2017 *Casi 2.500 mujeres denuncian en España acoso sexual laboral* See also **Annex 12**

¹⁵ Ministerio de Sanidad, Servicios Sociales e Igualdad, *SERVICIO DE ASESORAMIENTO PARA PLANES Y MEDIDAS DE IGUALDAD EN LAS EMPRESAS* See also **Annex 15**

2018-2020 is likely to introduce tighter measures to address the gender pay gap. The new rules under discussion would strengthen the existing procedures because companies would be obliged to register salary figures disaggregated by sex, and would have to lodge a gender equality plan with the authorities, which is not currently a requirement¹⁶.

The XPO Promotion Gap

“With regards to equivalent roles, the company’s aim is to reduce the pay gap between men and women, notably by monitoring this indicator more closely within the framework of pay review cycles.” Annual summary of XPO activities related to the UN Global Compact¹⁷

17. In the Alovera II warehouse at Guadalajara, where the primary client is Amazon, there are around 230 directly-employed workers who are on permanent or temporary contracts, with temporary agency workers additionally engaged. On average, approximately 67 percent of the total workforce is temporary agency staff¹⁸. Of the directly employed workers, an estimated 150 are men and 80 are women. Most of the union representatives on the works committee are women (6 out of a total of 8).
18. XPO categorizes the Alovera II workers as "ordinary" or "specialist." Ordinary workers perform the lower level functions in the warehouse; in XPO, they constitute the bulk of the workforce. Specialists generally handle machinery. Team leaders, in roles of authority, are mostly specialists who are paid a premium for heading up the team. Supervisors manage team leaders.
19. Only one woman employee is a “specialist,” and we understand that the company employed her as such from the outset. There are 18 team leaders – only two are women. There are four supervisors, one of whom is a woman. As a result of this imbalance, there is very likely a significant gender pay gap – though it is one we

¹⁶ PLAN ESTRATÉGICO DE IGUALDAD DE OPORTUNIDADES 2018 - 2021 See also **Annex 16**

¹⁷ Committed to the United Nations Global Compact Principles in Europe, Communication on Progress See also **Annex 17**

¹⁸ Internal Report on Working Conditions in XPO Logistics Spain, Verónica Silveira FeSMC UGT.

can't calculate accurately without company statistics. Because XPO Logistics doesn't publish its employment figures by gender for Spain, we know very little about the gender breakdown of the workforce either nationally or at the regional or local levels.

20. However, we do know there is an issue with unequal pay and that this links to promotion opportunities. Interviews with women workers and with their male colleagues reveal a culture of failure to recognize skill and responsibility. Many "ordinary" workers perform supervisory, administrative and other posts for which they receive no additional remuneration. The FeSMC UGT explained:

"In most of the logistics companies, workers are promoted automatically after three years, it's then understood they are specialized in their post and as such should receive compensation.

"XPO demands a versatile workforce able to carry out all jobs, but which gets paid the same as any worker, so, despite more and more specialization, they still get the same salary."¹⁹

21. There is also a clear argument that XPO's understanding of the operation of machinery as a specialism that deserves more recognition, while ignoring other skills and experience counts against women employees. One put it like this:

"They make us responsible for other new colleagues, or we form mini work teams that we have to manage. You are assuming responsibilities and functions you're not recognized for. And we explain these things to the company; that they shouldn't only promote workers because of knowing how to operate a machine. We are telling the company that promotion isn't just a matter of this, but that you could also be a specialist because you have specialized in many functions within the warehouse and you are versatile."

22. The specialist category is a question of status and recognition as well as pay. At the same time, the dynamic of unrecognized responsibilities and skills does lead directly to male and female workers doing the same jobs but receiving different wages. An "ordinary" worker in her 40s who has been working the job for four years, explained:

¹⁹ Internal Report on Working Conditions in XPO Logistics Spain, Verónica Silveira FeSMC UGT

“I trained on the forklift, and the company provided the training. I carried goods in the packing area. Now I'm in a different department, managing stock. I have to operate the machine whereby I have to remove the pallets and count the merchandise, but they don't pay me for that category of work. I have the training - but they don't recognize it.

“Months ago alongside several colleagues, I asked about this in human resources, and they told us that we had to do the work for a stipulated time and use the machine habitually and that within six months they would look to see if we merited the higher (specialist) category.

“Then a week ago the categories were revised, and they are paying 14 people more. But all of these colleagues are men. There are several women including me, who use the forklift on the rack or to carry merchandise, or to take stock, and the higher category hasn't been applied to any woman. We have equal jobs and same conditions of work, comparable and equal. The men are simply making more money than the women.”²⁰

23. In May 2018, after our interviews, forty-one workers were promoted, with only one woman amongst them; the query from the union committee on promotion criteria is attached as **Annex 18**.
24. **Annex 19a** shows the salary details of a woman worker who is currently carrying out the duties of a specialist but without recognition. She does exactly the same work as the male worker whose salary details we show at **Annex 19b**. The male worker has been designated “specialist,” with a salary difference of just under 13 euros per month (see “Plus Convenio”). This amount may seem small but when calculated as an annual sum, is significant.

Discrimination against women and families

25. The right to opt for shorter working hours due to family responsibilities is legally protected in Spain.²¹ However, there is evidence that women who have taken this option see their opportunities for promotion suffer. One mother was very clear about how her opportunities at work had diminished:

²⁰ Interview with authors, April 2018

²¹ Agencia Estatal Boletín Oficial del Estado, *Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto de los Trabajadores* See also **Annex 20**

“The moment I asked for a reduction in hours my problems began. The truth is that I have always been very responsible with my work. I have put in dedication and effort, and I have not been off work. I've always asked for training and promotion and at first was told that it couldn't happen now because I'm worth two workers - but little by little I would get there. Then for personal reasons, I went for a reduction in working hours, and that was when they said that if I wanted to qualify for any better position or learn other things I needed to go up to 8 hours and lose my shorter hours. I feel bad, not for being unable to qualify for a better job but because of the discrimination that I'm facing for being a mother²²”

“Around the campaign at Christmas, when they started to promote trainers for the new people, I thought, am I never going to be a trainer nor learn to do anything different? That is something I could easily do in my four hours.²³”

26. One bizarre demonstration of the management attitude to women is the assignation of a laundry task to women, and then, only to those women who are working reduced hours. A FeSMC UGT union representative explained:

"These workers who have reduced working hours due to the care of children somehow are made responsible for operating the washing machine to clean the wrist straps that are used by temporary agency staff. This fact may seem coincidental, but no men carry out this work, evidenced by the fact that when one or other of these workers has been off work, or on sick leave, the washing machine has stopped being used."²⁴

27. Pregnant women have also suffered discrimination. Women directly employed by the company who are pregnant have been redeployed to work in a way that could seem devised as a punishment. One interviewee told us:

"I remember two permanent workers who were pregnant; they were treated in a way that the company hoped would make them ask to leave. Something quite alarming for all the workers is that those who were pregnant were tasked with standing in the middle of the warehouse in the packing area, counting pallets. It shocked us all a lot to see our colleague standing there for 8 hours, doing very little.²⁵

²² Interview with authors, April 2018

²³ Interview with authors, April 2018

²⁴ Internal Report on Working Conditions in XPO Logistics Spain, Verónica Silveira FeSMC UGT

²⁵ Interview with authors, April 2018

28. It would also appear that this happens even though there is other work suitable for the redeployment of a pregnant worker, as explained by a union representative:

“Human resources have two interns who make photocopies, file papers, organize the incoming merchandise and do other things in the office. All this kind of stuff pregnant women could do. One of the team leaders is responsible for distributing the clothing, gloves, etc. and keeping an inventory: a pregnant woman could do that. And a pregnant woman could provide support to the team leaders, without putting her health at risk. Also, this work would be in areas that are not so cold nor in extreme temperatures because when the gates open in the warehouse, there are drafts and if you are standing right there and are stationary, that poses a risk.”²⁶

29. In the context of the high level of precarious contracting, the fear of losing their jobs has led to women hiding pregnancies, with obvious implications for safety. One woman said:

“When we have a case of a woman who becomes pregnant and is a temporary worker she tries to speak as late as possible to the company because she’s sure her contract is not going to be renewed – and the reason will be the pregnancy. We have already had a case or two. (Name redacted) reported her pregnancy and when she did, straightaway her contract was not renewed.

“At that time many other workers’ contracts were renewed; temporary workers who have a problem are not dismissed, they just don’t get their contracts renewed. That’s is what is done with many workers here.

“Right now we have another colleague who is pregnant. She has a month to go before her renewal. So as not to be fired she will wait out the month to see if she gets her contract renewed and we assume, will communicate it then.”²⁷

30. Finally on this point, when a worker has a personal or family issue and needs to take a day’s personal leave – and these are often women – the company has been known to put pressure on workers to not claim days they are entitled to by agreement. Such pressure has been applied after the hospitalization of a family member and also in the case of family deaths. As a FeSMC UGT official observed:

“What they try to do is to get the employee back to work as soon as possible.”²⁸

²⁶ Interview with authors, April 2018

²⁷ Interview with authors, April 2018

²⁸ Internal Report on Working Conditions in XPO Logistics Spain, Verónica Silveira FeSMC UGT

Health, Safety and Wellbeing

31. Women's physical and mental health is at risk in the Alovera II warehouse. The culture of high pressure and unrewarded responsibility and skills, sitting alongside a status quo where the majority of management jobs go to men and promotions to "specialist worker" see male workers preferred, makes for a psychologically unhealthy working environment. One woman said:

"I get down. I lost 14 kilos in the first six months, and one day the boss told me, wow, there's nothing left of you, you're all skin and bone! Well, I thought, if there's only skin and bone left on me, that's because you've got me eight hours doing picking."²⁹

32. Another interviewee stated:

"I've had a bad time with it; the truth is that I've cried buckets. But now, well, in the end, it's a job, I try to avoid feeling like that, but it is true that affects you. You know this happens because someone has decided they don't like you, not because you're worthless."

33. As has already been explained, in the Alovera II warehouse, most of the union representatives are women. In particular, female union representatives seem to be singled out for adverse treatment. One said:

"A boss came by. So there he is with his hands in his pockets and said we mustn't talk because we might get distracted, but what he said was directed at me personally, he meant that they could talk to another colleague but not to me, these were the words of a team leader."³⁰

Another union representative told her story:

"Well let's say that I'd had pretty bad treatment already and then I found out about the possibility of being able to get on the union committee. Then I decided to, because I wanted to change things not only for myself but also for the company. I have been given other jobs like training people - not many people, in truth, but they did give this job to me often. Or when people came from abroad, I

²⁹ Interview with authors, April 2018

³⁰ Interview with authors, April 2018

got to show them around the warehouse because I know other languages. But when it comes to promotion, I never get taken into account. I'm always put in a position, for example, one which at the time had only men doing the job, and I went for a long time being the only woman there, picking at ground level, that is pretty hard. I have been months when virtually no other woman was there."³¹

34. Occupational segregation by gender has negative impacts, sometimes for both sexes. We know that jobs are devalued when women hold them, and that male managers do more segregated hiring than female managers.³² We also know that women in mostly male workplaces report more discrimination than in other workplaces and that they can exhibit psychological stress responses.³³
35. The way the work is organized at XPO may also be impacting unfairly on women because it has become increasingly spatially segregated by gender. We referred above to one worker's feelings about being the only woman put on duty in an area where most of the workers are men. In XPO at Alovera II, both horizontal and vertical occupational segregation do appear to exist (according to the estimates we have received; see however the previous reference to the company's not providing statistics in Spain via a Gender Equality Plan). It seems XPO perpetuates this physically in the way space is organized, as explained by a union representative:

*"At the beginning, there were fewer of us, and all the workers did all the work. It may be true that their plan was for the area of packing and picking to be designated for women and other areas to men due to the weight and volume of the workload. But at first, we all did everything. The women were in all areas and the men too. Then there was an increase in the volume of work, and now women are mainly in the area of packing and picking and also in reception. In the whole rack area where there are very large items, there are men, and in shipping - that is for loading trucks, there are also men except for when there is an overload of work when women can enter any area."*³⁴

36. There are significant health and physical safety implications for women and indeed also for men, of this way of working, which range from the genuine danger of accidents to the longer-term consequences of carrying out monotonous tasks.

³¹ Interview with authors, April 2018

³² The Atlantic 20/03/2013 The Problem With Mostly Male (and Mostly Female) Workplaces See also **Annex 21**

³³ Science Daily, 24/08/2017 Women in mostly male workplaces exhibit psychological stress response See also **Annex 22**

³⁴ Interview with authors, April 2018

The situation could be improved by the introduction of a more gender-balanced rotation system, as explained, again by a union representative:

“If the men are working on the forklifts and other machines but women have to go to amongst them picking in the area where trucks are, or pallets are transferred, then they are putting at risk their physical integrity. They could be run over or harmed accidentally while removal of material from the shelves is going on.

“Another impact is that the work becomes monotonous and tedious and this increases the accident rate. Recently, we have seen a document that sets out health and safety measures that the Ministry of Labour’s inspectorate expects the company to follow. There it says that you may not be static in a post for more than a certain amount of time, but that doesn’t happen because, for example, in the area of stock management or the administrative area, workers are at tables or computers and are virtually static in that post. At the same time, not having a rotation system creates monotonous work that’s repetitive. People are getting hand injuries there. However, while handling goods in the rack area, where the men are, the injuries are to the back or the neck. In both cases it’s because there’s no change of work, it is always the same.”³⁵

37. Productivity targets are a causal factor behind injuries as a result of heavy lifting, as explained by one woman:

“If you are a woman and you ask many times for help you get labelled as being weak if you can’t manage with the boxes, and the men also complain often, but don’t ask for help. Some boxes weigh more than 20 kilos and 30 and 40 kilos. Some boxes are very heavy. You have to handle it; then when you get hurt, of course, that is when they say that you should have asked for help and not carried this on your own. In the end, if you ask for help you slow up, your productivity rate goes down and so does that of the colleague who helped you. So in the end, the issue is it’s all about productivity, productivity, productivity.”³⁶

38. A more detailed assessment of health and safety risks across *both* women and men at the Alovera II warehouse is not the intention of this study. Yet it would be irresponsible not to record some severe and urgent risks were identified during its course, which included:

- Hazardous working at heights without safety harnesses,
- Blocked emergency exits (see photos in **Annex 29**),

³⁵ Interview with authors, April 2018

³⁶ Interview with authors April 2018

- Automated lighting that didn't work,
- Badly-stacked and broken pallets which have led to goods falling from the racks (see also photos in **Annex 29**)
- A high level of pressure around productivity targets which means working at speed becomes the over-reaching priority, ahead of safety.

39. This shocking example of the disregard for safety was cited during our interviews:

“A temporary agency worker got into a machine that crushes and recycles the cardboard, and he was told to get in and to push the cardboard. What happened to the guy was that he fell and sprained his ankle. The machine was stopped when he got in, but it's at a height of 2 meters. They fired him after two months.”³⁷

40. According to the information we have been given, labor ministry safety inspectors have made recommendations that have *not* been implemented at XPO's Alovera II warehouse. Attached at **Annex 23** is Health and safety inspectorate documentation detailing such recommendations, covering issues including temperatures in the warehouse, lighting and employee training.

Sexual Harassment

41. Sexual harassment is a significant health and safety risk and maybe more so at Alovera II because of XPO's management culture.

42. Five risk factors for workplace sexual harassment (identified by the Canadian government's 2017 report on their public consultation on harassment and violence in the workplace³⁸) are: low employee morale, unrealistic workloads, problematic supervision, domineering management and a lack of communication between co-workers and supervisors. The EEOC in the United States publishes its own list³⁹, amongst which the following appear: significant power disparities, reliance on customer service or client satisfaction and monotonous or low-intensity tasks.

³⁷ Interview with authors April 2018

³⁸ Employment and Social Development Canada: *Harassment and sexual violence in the workplace* See also **Annex 24**

³⁹ U.S. Equal Employment Opportunity Commission, *Chart of Risk Factors for Harassment and Responsive Strategies* See also **Annex 25**

43. It seems that XPO Alovera II fulfills some of these characteristics. We have already seen that the work is monotonous. The intense drive for productivity has been described. There is a definite emphasis on the satisfaction of the client, Amazon. A UGT official described a domineering management culture as follows:

*"One head of operations used to walk around the warehouse yelling and insulting workers who did not comply with his orders ... it is not just high-level bosses but is common practice among middle managers, who are authoritarian, and whose behavior towards the workforce is rude, even commenting on the physical defects of the staff. Orders are given with an air of superiority - and without manners."*⁴⁰

44. Union representatives have said their management has talked about a culture of "over-familiarity," and believe that it is, in fact, a culture of disrespect, stemming from senior management and leading to inappropriate behavior, discriminatory comments, etc., with managers failing to step in and stop it:

*"Countless times we have seen leering, comments on the physical appearance of the women workers and even some physical contact out of place closeness, or touching. When this has been brought to the attention of management, the women workers in the warehouse have been characterized as being "soft" – or research has been carried out in which the victim has come to take back what has been said by fear of the reprisals that the company could take against her."*⁴¹

45. The culture of disrespect is not limited to gender. One woman related what happened to her colleague of another race:

"A team leader was looking for her and then was asking about if anyone had seen her. A colleague told the team leader where she was, which was an area that has bad lighting. "But I do not think that you will find her," he said, and the other replied, "But I'm looking for her, and I don't see her." The response was: "I don't think you will, she's black and that area is in the dark." Then they both began to laugh. I already knew with the first sentence where he was going with it. But with the retort, I turned around and told him "this is all very well so if you want, let's all go to human resources and you two can explain yourselves there." And the

⁴⁰ Internal Report on Working Conditions in XPO Logistics Spain, Verónica Silveira FeSMC UGT

⁴¹ Internal Report on Working Conditions in XPO Logistics Spain, Verónica Silveira FeSMC UGT

team leader said “yes, that is shocking what that he said” and I told him “but you 're the one who's supposed to stop this - and you are allowing it.”⁴²

46. Attached as **Annex 26** is a compilation of complaints put by the union committee at Alovera II relating to inappropriate comments and conduct by managers and supervisors towards workers, mostly focusing on productivity targets. This evidence underlines the toxicity of pressure over workload combined with a disrespectful management culture.

Conclusions

47. In the course of this study, we have found that **systematic gender discrimination** is practiced at the Alovera II warehouse.

- There is a 15:8 ratio of men to women employed in the “ordinary” category, **women are under-represented in this and other job categories**, especially in that of “specialist,” with the distinction being the operation of machinery. Extremely low numbers of women are employed in the higher-paid “specialist” category.
- Women are not given the same **promotion opportunities** as men. Even when the women workers are already routinely operating machinery or doing identical tasks to their male colleagues, they are not promoted.
- Women are suffering from **wage discrimination**.
- The fact that the operation of machinery has been recognized as a speciality that deserves a different category, while other **skills and experience are ignored**, disservices women employees who are versatile or take on comparable responsibilities in administration and supervision.

⁴² Interview with the authors, April 2018

- These **pay and promotion inequalities** are very likely to have created a significant pay gap. Data is needed to allow a proper assessment of the pay gap but is not provided by the company, despite its legal obligation to have a Gender Equality Plan in place.
- Women who work reduced hours to look after their families are **doubly discriminated against**, because they are denied promotion or progression to different jobs.
- Some of the women who work reduced hours have been given laundry to do, a role that no men undertake. Allocating to such workers a job which carries the stereotype of low-value “women’s work,” while men are not given that job, **undermines their status in the workplace.**
- Workers asking for **leave to deal with personal and family matters** have been pressurized not to take the days they are entitled to; this is likely to impact women particularly.
- Pregnant workers **suffer from precariousness.** Women in the warehouse have been known to hide their pregnancies until the last moment, because those who are temporary workers are afraid to lose their jobs. This behavior also highlights the negative impact on women’s health and safety of an environment of precarious contracting.
- Additionally, those permanent-employed pregnant women are **neither correctly nor thoughtfully reassigned to safe jobs**, and instead have visibly been given work that is perceived as low-value.
- An aggressive management approach and a **culture of disrespect** in the warehouse has led to inappropriate behavior and discriminatory comments, with managers failing to step in and stop it. Impolite language and conduct have been especially focused on some of the women trade union representatives, and the company has not taken remedial action following complaints.

- The **pre-conditions for sexual and potentially racial harassment**, do exist. Some of these are monotonous work, high or unrealistic workloads, an emphasis on the satisfaction of the client (in this case Amazon), low employee morale, problematic supervision and domineering management. In the gathering of data for this study, we have heard reports of sexual harassment, but no official complaints have been pursued.
- **The spatial segregation** of women and men has negative impacts on health and safety, with corresponding dangers for women's psychological and physical health, as well as the potential risks for both men and women when work is monotonous, and not rotated between areas.
- The intense management focus on getting workers to achieve **productivity targets**, giving this more importance than safety, creates a perilous environment for all. Work is accomplished at speed without workers asking for help or observing procedures that might slow them down. This impacts for example on those women engaged in heavy work such as lifting, as well as on others working at heights and with machinery.
- Many of the above factors: perceived low value, aggression/domination, workload pressure and physical stress, combine to produce an unusually **toxic environment** for women workers' psychological wellbeing.

Why XPO must act

48. It is undeniable that all the 230 direct XPO employees at Alovera II, women and men (both permanent and temporary) and the temporary agency workers who work alongside them are subject to a corporate culture of aggressive management. This culture is impacting negatively on their lives. We have demonstrated that XPO women workers suffer sexism and discrimination. We know that sexism

makes women sick⁴³, and we are concerned for women workers' physical and psychological wellbeing. It is vital that the company understands that, and changes the situation to make improvements for all. XPO's reputation as an employer is at stake. One of the women workers we interviewed made the following observation:

*"What strikes me is that all people aspire to is to have fixed employment to be able to have a home, pay their loans, etc. And today I think that the 90 percent of the workforce feel that if they could get anything else they'd up and leave, because this company, XPO, does not value its workers"*⁴⁴

49. The UGT view is that XPO's practices in Spain diverge significantly from those of other logistics companies and that the aggressive management culture, the workload pressure and the precariousness of employment at XPO hark back to previous times:

"There are workers from the latest workplaces that XPO has taken over or who used to be employed with other logistics operators working for Carrefour who are with Logitech or Alcampo who are with IDL; these are operators that have a 14 or 15-year history here in the province, such as Carrefour. These workers are absolutely affronted because of the treatment they are getting. When they enter XPO, there are conditions they've never see before in their lives: the excessive demands, the on-going harassment caused by constant productivity targets, etc."

"The precarious situation and the abuses to which these employees are exposed are reason enough to implement immediate measures to put in place something that would at least resemble decent conditions for workers of a 21st-century logistics company."

50. At the same time, XPO Logistics Europe has itself said how proud it is to have signed the UN Global Compact. The UNGC not only upholds the International Labour Organisation's non-discrimination conventions, but it also promotes the Women's Empowerment Principles,⁴⁵ They include:

- a. Treating all women and men fairly at work,
- b. Respecting and support human rights and non-discrimination,
- c. Ensuring the health, safety, and wellbeing of all women and men workers,

⁴³ The Conversation, 04/05/2018, *Sexism isn't just unfair; it makes women sick, study suggests* See also **Annex 27**

⁴⁴ Interview with the authors, April 2018

⁴⁵ UN Global Compact & UN Women, *Women's Empowerment Principles* See also **Annex 28**

- d. Promoting education, training and professional development for women
- e. Measuring and publicly reporting on progress to achieve gender equality.

51. These principles are immensely relevant to this report, and are reflected in the remedial action suggested below. It is acutely evident that XPO is contravening the public commitments it has made to equality and fairness. XPO Logistics is the third largest performer in both metrics on the Fortune 500.⁴⁶ It was ranked 80th among largest employers, and yet much of the pressure XPO puts on workers does impact on women particularly, and appears to be designed to maximize profits by cutting time and costs. Common sense tells us there is a breaking point at which profit maximization does impact on the wellbeing of workers, even where the techniques, employee communication, and new technology used are groundbreaking, none of which appears to be the case in the Alovera II warehouse.

Recommendations for remedial action

52. This report concludes that in XPO's Alovera II warehouse, a breaking point has been reached and that the impact has landed disproportionately on women workers, affecting their wellbeing. The situation is unsustainable at Alovera II and must be addressed at its root, also because it is likely that other XPO workers in Spain are affected by the negative and aggressive management culture. Further work may need to look at the role of the logistics client in understanding and assisting in remedying the problem. It is also vital to ensure that future women workers in new centers are not treated likewise. Thus, it is essential that corrective action is taken now, and fundamental for the company to realize that such action would be in its own interests.

53. Based on the evidence in this report, the following recommendations are made:

- a. That XPO Logistics Europe agrees a corrective program of action for Spain with FeSMC UGT, the majority union representing its workers and where**

⁴⁶ The largest U.S. companies each year on the basis of total annual revenue.

appropriate, other key unions involved, to include the following as a minimum:

- i. Complete, update and publish an XPO Gender Equality Plan including statistics on men and women's employment nationally. Include the designation of management-level responsibility for gender equality, and workplace gender committees.**
- ii. Implement a plan to promote the professional development for women in XPO Alovera, with targets for employment, education and training of women and men in each job category.**
- iii. Immediately implement all recommendations of the safety inspectorate, and ensure the health, safety, and wellbeing of all women and men workers, which must include agreement with the workers' representative unions of a strategy on productivity targets.**
- iv. Open discussions with the union and the Guadalajara regional government on the employment standards that need to be in force in any new center of employment, including that planned at Marchamalo.**

54. Additionally, we must be assured that the situation in Spain is not replicated in other XPO operations in Europe. The Spanish experience would lead us to question whether the UNGC commitments made by the company in terms of gender are adequately monitored or implemented. A second recommendation is therefore put forward:

- b. That XPO Logistics Inc and XPO Logistics Europe enter into in-principle agreements to research, design and implement gender action programmes in partnership with the International Transport Workers' Federation (ITF) at the global level and with its European counterpart, the ETF, in Europe. The aim of these programs would be to ensure all XPO workers, women and men, are treated fairly at work, and that XPO promotes human rights and non-discrimination in its workplaces.**



PLAN DE IGUALDAD

ND Logistics



INTRODUCCIÓN

Este Plan de Igualdad nace con el objetivo de garantizar la igualdad de oportunidades real y efectiva entre hombres y mujeres en la empresa ND Logistics.

Para ello, el Plan de Igualdad contempla y desarrolla una serie de medidas y acciones, agrupadas por áreas de actuación, teniendo como **OBJETIVOS** principales los siguientes:

- Promover la defensa y aplicación efectiva del principio de igualdad entre hombres y mujeres, garantizando en el ámbito laboral las mismas oportunidades de ingreso y desarrollo profesional a todos los niveles.
- Promover y mejorar las posibilidades de acceso de la mujer a puestos de responsabilidad, contribuyendo a reducir desigualdades y desequilibrios que, aún siendo de origen cultural, social o familiar, pudieran darse en el seno de la Empresa.
- Asegurar que la gestión de Recursos Humanos es conforme a los requisitos legales aplicables en materia de igualdad de oportunidades.
- Prevenir la discriminación laboral por razón de sexo
- Luchar contra el acoso sexual
- Establecer medidas que favorezcan la conciliación de la vida laboral con la vida familiar y personal de las trabajadoras y trabajadores.

Para la consecución de estos objetivos se concretan las siguientes

AREAS DE ACTUACION

1. SELECCIÓN, PROMOCION Y DESARROLLO PROFESIONAL

Con el objetivo de asegurar una presencia equilibrada de mujeres y hombres en la Organización, el principio de igualdad de trato y de oportunidades entre hombres y mujeres se garantizará en todo momento en el acceso al empleo y en la promoción profesional.



Para el adecuado cumplimiento a estos principios la Dirección de la Empresa se compromete a mantener en todo momento en sus procesos de selección, contratación, promoción y desarrollo profesional, procedimientos y políticas de carácter objetivo basadas en principios de mérito y capacidad y de adecuación persona-puesto, valorando las candidaturas en base a la idoneidad, asegurando en todo momento que los puestos de trabajo en los diferentes ámbitos de responsabilidad son ocupados por las personas más adecuadas en un marco de igualdad de trato con ausencia de toda discriminación basada en el sexo.

En orden a asegurar la ausencia de discriminación por razón de género:

- Se considerará discriminación directa por razón de sexo, la situación en que se encuentra una persona que sea, haya sido o pudiera ser tratada, en atención a su sexo, de manera menos favorable que otra en situación comparable.
- Se considerará discriminación indirecta por razón de sexo, la situación en que una disposición, criterio o práctica aparentemente neutros pone a personas de un sexo en desventaja particular con respecto a personas del otro, salvo que dicha disposición, criterio o práctica puedan justificarse objetivamente en atención a una finalidad legítima y que los medios para alcanzar dicha finalidad sean necesarios y adecuados.

En las ofertas y entrevistas se atenderá únicamente a la cualificación requerida para el puesto en cuestión, sin considerar aspectos de contenido sexista.

Para reforzar estos compromisos, las ofertas de empleo se basarán en información ajustada a las características objetivas del puesto y exigencias y condiciones del mismo, se utilizarán canales que posibiliten que la información llegue por igual a hombre y mujeres, se emplearán imágenes no estereotipadas y no se utilizará lenguaje sexista.

La Empresa formará y sensibilizará a los responsables de selección de personal en materia de Igualdad de Oportunidades.

2. FORMACION

ND promoverá la realización de acciones formativas que faciliten por igual el desarrollo de habilidades y competencias, sin distinción de género.

Se hará especial hincapié desde el ámbito en la información sobre los principios de no discriminación y de igualdad de oportunidades, en especial para quienes



tuvieran responsabilidades de dirección o gerencia, así como para todas las personas que ocupen puestos en el departamento de RRHH, ya que éstos serán los responsables de velar porque no se produzca ninguna vulneración del principio de igualdad.

Se asegurarán las posibilidades de formación y el reciclaje profesional de las personas que han dejado de trabajar un tiempo, a causa de responsabilidades familiares.

3. MEDIDAS DE CONCILIACION

Con el fin de proporcionar mejores condiciones para conseguir un adecuado equilibrio y mejor compatibilidad entre las responsabilidades laborales y la vida personal y familiar se establecen las siguientes medidas:

Reducción de jornada

Los trabajadores tienen derecho a reducir su jornada por las siguientes circunstancias.

- Lactancia
- Neonatos hospitalizados
- Guarda legal
- Para el cuidado de un menor con cáncer o enfermedad grave, con derecho a prestación

En estos supuestos, corresponde al trabajador la concreción horaria dentro de su jornada ordinaria, debiendo preavisar a la empresa con 15 días de antelación.

Lactancia

Las trabajadoras, por lactancia de un hijo menor de 9 meses, tendrán derecho, sin pérdida de retribución, a una hora de ausencia del trabajo, que podrán dividir en dos fracciones. Su duración se incrementará en caso de parto múltiple. Este derecho, puede sustituirse, a elección de quien lo ejerce por una de las siguientes opciones:

- a) Una reducción de su jornada en media hora con la misma finalidad.
- b) Bien acumularlo en jornadas completas, según negociación colectiva o acuerdo.

Este permiso podrá ser disfrutado indistintamente por la madre o el padre en el caso de que ambos trabajen.

Guarda Legal



Quienes por razones de guarda legal tengan a su cuidado directo algún menor de 12 años o una persona con discapacidad, que no desempeñe una actividad retribuida, tienen derecho a una reducción de la jornada de trabajo diaria, con la disminución proporcional del salario entre al menos un octavo y un máximo de la mitad de la duración de aquella. Igual derecho tienen aquellas personas quienes precisen encargarse del cuidado directo de un familiar hasta el segundo grado de afinidad o consanguinidad que por razones de edad, accidente o enfermedad, no pueda valerse por sí mismo, y que no desempeñe actividad retribuida.

Excedencias

Los trabajadores podrán solicitar excedencia para el cuidado de un familiar hasta el segundo grado de consanguinidad o afinidad, que por razones de edad, accidente o enfermedad no puedan valerse por sí mismos. Tendrán también derecho a un periodo de excedencia de duración no superior a tres años para atender al cuidado de un hijo, tanto lo sea por naturaleza como por adopción o en los supuestos de acogimiento, tanto permanente como preadoptivo aunque estos sean provisionales, a contar desde la fecha de nacimiento o en su caso, de la resolución judicial o administrativa.

Licencias no retribuidas

Podrán autorizarse, siempre que queden a salvo las necesidades del servicio a criterio de la empresa, licencias no retribuidas de hasta 1 mes de duración dentro del año natural, en los casos siguientes:

- Adopción en el extranjero.
- Sometimiento a técnicas de reproducción asistida.
- Hospitalización prolongada por enfermedad grave del cónyuge o de parientes hasta el primer grado de consanguinidad o afinidad.

En supuestos excepcionales, por razones de orden familiar debidamente acreditadas, podrá estudiarse la ampliación del citado mes de licencia.

4. MEDIDAS ESPECIFICAS EN PREVENCIÓN DEL ACOSO SEXUAL

La Empresa manifiesta su rotundo rechazo ante cualquier comportamiento indeseado de carácter o connotación sexual, comprometiéndose a colaborar eficazmente y de buena fe para prevenir, detectar, corregir y sancionar este tipo de conductas.

A estos efectos se entiende por acoso sexual cualquier comportamiento, verbal o físico, de naturaleza sexual no deseado, que tenga el propósito o produzca el efecto de atentar contra la dignidad de una persona, en particular cuando se crea un entorno intimidatorio, degradante u ofensivo.



Constituye acoso por razón de sexo cualquier comportamiento realizado en función del sexo de una persona, con el propósito o el efecto de atentar contra su dignidad y de crear un entorno intimidatorio, degradante u ofensivo.

Se considerarán, en todo caso, discriminatorios el acoso sexual y el acoso por razón de sexo.

El condicionamiento de un derecho o de una expectativa de derecho a la aceptación de una situación constitutiva de acoso sexual o de acoso por razón de sexo se considerarán también acto de discriminación por razón de sexo.

En caso de producirse alguna situación de esta naturaleza, con independencia de las acciones legales que puedan interponerse al respecto ante cualesquiera instancias administrativas o judiciales, se establece un protocolo de actuación, como procedimiento interno e informal, que se iniciará con la denuncia de acoso sexual ante el Departamento de RRHH de la empresa.

La denuncia podrá ser presentada directamente por la persona afectada o a través de la su representación y dará lugar a la inmediata apertura de expediente informativo por parte de la empresa, especialmente encaminado a averiguar los hechos e impedir la continuidad del acoso denunciado, para lo que se articularán las medidas oportunas al efecto.

Se pondrá en conocimiento inmediato de la representación de los trabajadores la situación planteada, si así lo autoriza la persona afectada.

En las averiguaciones a efectuar no se observará más formalidad que la de dar trámite de audiencia a todos los intervinientes, practicándose cuantas diligencias puedan considerarse conducentes al esclarecimiento de los hechos acaecidos. Durante este proceso, que deberá estar sustanciado en un plazo máximo de diez días, guardarán todos los actuantes una absoluta confidencialidad y reserva, por afectar directamente a la intimidad y honorabilidad de las personas.

El procedimiento ha de ser ágil y rápido, otorgar credibilidad y proteger la intimidad, confidencial

Como medida cautelar previa a la finalización del procedimiento, la empresa podrá arbitrar la separación de denunciante y denunciado, sin que esta medida pueda suponer, en ningún caso, perjuicio en las condiciones de trabajo del denunciante.



La constatación de la existencia de acoso sexual en el caso denunciado dará lugar, entre otras medidas y siempre que el sujeto activo se halle dentro del ámbito de dirección y organización de la empresa, a la imposición de una sanción por falta grave o muy grave, según lo dispuesto en el Convenio Colectivo vigente.

5. MEDIDAS DE APOYO A LAS MUJERES VÍCTIMAS DE VIOLENCIA DE GÉNERO

La empresa garantiza que las empleadas víctimas de violencia de género tendrán los derechos recogidos en el Estatuto de los trabajadores y la normativa vigente en esta materia (Ley de Medidas de Protección Integral contra la Violencia de Género). En concreto,

- Derecho a reducción de jornada laboral con la reducción de salario.
- Flexibilidad horaria, reordenación de su tiempo de trabajo.
- Derecho preferente al cambio de centro de trabajo

SEGUIMIENTO Y EVALUCIÓN

Este plan tendrá una vigencia de dos años y será prorrogado con el mismo contenido por años naturales mientras no se acuerde un nuevo plan.

Se nombrará una Comisión de Igualdad, compuesta por representantes de la empresa y de los trabajadores, y que tendrá como principales competencias:

- Evaluar el cumplimiento y desarrollo del Plan de Igualdad.
- Identificar futuros ámbitos de actuación y necesidades en materia de Igualdad.
- Revisar y en caso necesario modificar el presente Plan de Igualdad, en función de las necesidades detectadas.



FeSMC
Transportes
CARRETERAS y URBANOS

■ Servicios
Movilidad
Consumo

De: comite alovera2 [<mailto:comite.alovera2@outlook.com>]

Enviado el: viernes, 04 de mayo de 2018 12:42

Para: Ana-Isabel YAGUE

CC: Sara Resa; Verónica

Asunto: Plan de igualdad

Buenos días,

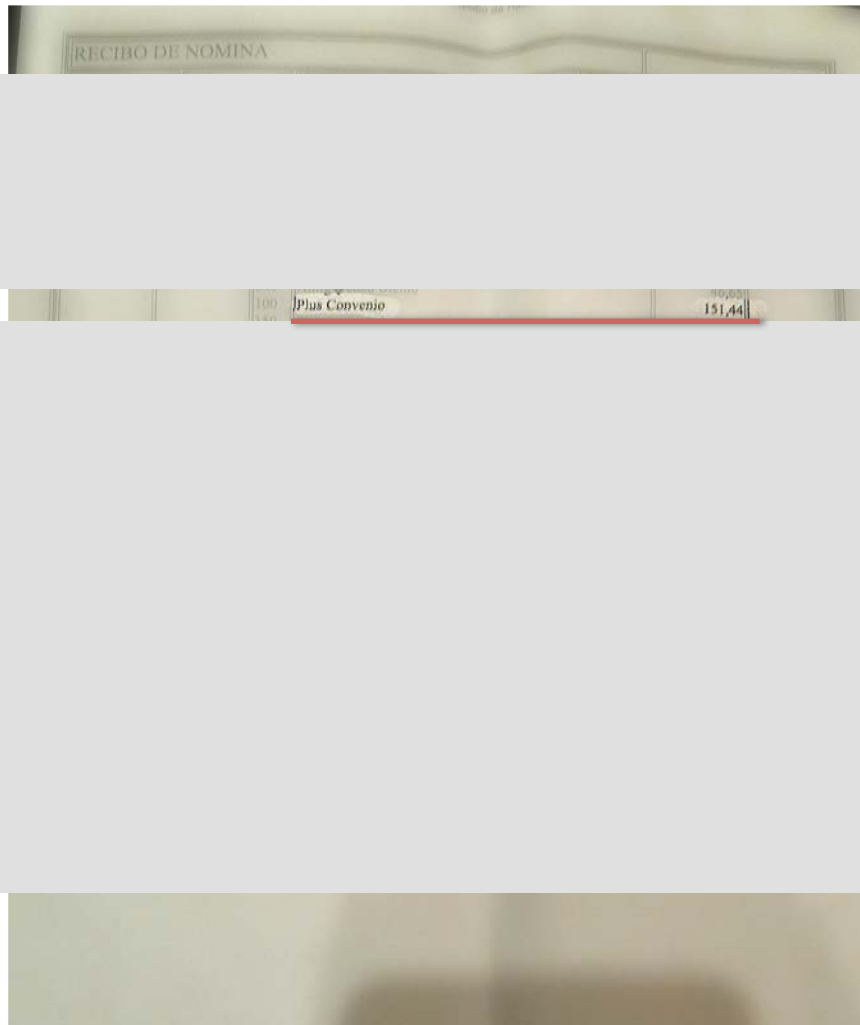
Solicitamos la siguiente información relativa al Plan de igualdad:

- El acta de firma del plan de igualdad.
- Las actas de la comisión de seguimiento.

Esperamos esta información en el plazo de 7 días hábiles.

Saludos,

Comité de empresa, Alovera 2
comite.alovera2@outlook.com



| RECIBO DE NOMINA | | |
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DIRECCION GENERAL DE LA
INSPECCION DE TRABAJO Y
SEGURIDAD SOCIAL
INSPECCION PROVINCIAL DE
TRABAJO Y SEGURIDAD SOCIAL
DE GUADALAJARA

Registro Salida
Fecha : 19-04-2018
Hora: 07:55:09

ORGANISMO ESTATAL
INSPECCION DE TRABAJO Y
SEGURIDAD SOCIAL
INSPECCION PROVINCIAL
DE TRABAJO Y SEGURIDAD
SOCIAL DE GUADALAJARA



O F I C I O

S/REF: Denuncia
N/REF: 19/0000100/18
FECHA: 16/04/2018
ASUNTO: XPO SUPPLY CHAIN SPAIN S.L.

D. ROBERT MORALES VICENTE
Calle Espliego 10 1ºB
19000 Azuqueca de Henares

Como consecuencia del escrito de referencia, TRANSCRIBO a Vd., el INFORME EMITIDO en relación con el mismo, por el Inspector de Trabajo y Seguridad Social Dº Enrique González Alonso.

LA JEFA DE LA INSPECCION
DE TRABAJO Y SEGURIDAD SOCIAL



Fdo. María Pita Lucas

***** INFORME *****

En virtud de orden de servicio, consecuencia de denuncia presentada por ROBERT MORALES VICENTE, el funcionario actuante realiza las siguientes actuaciones:

-En fecha 25 de enero de 2018, se realiza visita de Inspección al centro de trabajo sito Avenida Río Henares 16 de Alovera, acompañado de Ana Yagüe Sarmiento 50100746f y de la Delegada de Prevención Gema Mejía Ramos y de la presidenta del Comité Cristina Pérez García.

Se realiza visita por la nave a los efectos de comprobar los hechos denunciados en relación la el sonido intempestivo de las alarmas y comprobar la apertura y expedición de las puertas de emergencia.

Se deja citación a los efectos de que se aporte en las oficinas de la Inspección de Trabajo y Seguridad Social la siguiente documentación, en ambos centros:

Plan de prevención de riesgos laborales en si integridad.
Plan de Emergencias

-En fecha 01/02/2018 se deja a la intención del funcionario actuante la documentación requerida en soporte digital.

-En fecha 16/04/2018 se practica requerimiento en orden a subsanar las deficiencias observadas con el siguiente texto:

CORREO ELECTRÓNICO/ WEB:

guadalajara@meyss.es

www.meyss.es/itss



Avenida
TEL.: 91
FAX: 91
DIR3



Tercero.- De la
disponen el
cuarto.

Primero.- Del examen de la evaluación de riesgos y la planificación preventiva de Noviembre de 2017 realizado por el técnico Antonio Pérez Morro que se aportaron en esta Inspección provincial en soporte digital en fecha 01/02/2018 se advierten las siguientes deficiencias:

No consta la evaluación de riesgos condiciones termohigrométricas en el centro de trabajo

Se requiere se realicen termohigrométricas del centro de trabajo y su incorporación a la evaluación, así mismo, que las mediciones se realicen en los meses de verano e invierno para tener en cuenta los cambios de temperaturas por el clima continental de la provincia.

Una vez realizadas las evaluaciones se adopten las medidas, en su caso, en orden a dar cumplimiento a lo previsto en el RD 486/1997 Disposiciones mínimas de seguridad y salud en materia de lugares de trabajo Anexo III, apartados 3, 4 y 6.

PRECEPTOS INFRINGIDOS/VULNERADOS:

Artículo 14, 15, de la Ley 31/1995, de Prevención de riesgos Laborales y Anexo III, apartados 3, 4 y 6 RD 486/1997 Disposiciones mínimas de seguridad y salud en materia de lugares de trabajo.

PLAZO SUBSANACION:

Inmediato.

Segundo.- Del examen de la evaluación de riesgos y la planificación preventiva de Noviembre de 2017 realizado por el técnico Antonio Pérez Morro que se aportaron en esta Inspección provincial en soporte digital en fecha 01/02/2018 se advierten que se tiene previsto adoptar en el primer trimestre de 2018:

Se deberá aumentar la iluminación del puesto de seguridad a 500 lux, Se deberá adecuar la iluminación a los valores indicados en el informe GU2-HI01-0116

Se requiere se de cumplimiento a lo previsto en la planificación preventiva.

Así mismo se realice la evaluación de lumínica de los muelles de carga y se adopten las medidas preventivas que correspondan.

PRECEPTOS INFRINGIDOS/VULNERADOS:

Artículo 14 y 15 de la Ley 31/1995, de Prevención de riesgos Laborales y Anexo III, 8 y 9.3 Real Decreto 39/1997 Servicio de Prevención y Anexo IV apartado 3 RD 486/1997 Disposiciones mínimas de seguridad y salud en materia de lugares de trabajo.

PLAZO SUBSANACION:

Inmediato.



Tercero.- De la visita de fecha 21 de enero de 2018 se advierte que los muelles de carga no disponen de abrigo, específicamente destinado para la protección de trabajadores y mercancías cuando se encuentra abierta la puerta ante condiciones meteorológicas adversas y evita la pérdida de calor.

Se requiere se proceda a la instalación de abrigo en los muelles de carga y se incluya en planificación preventiva la instalación de los mismos.

PRECEPTOS INFRINGIDOS/VULNERADOS:

Artículo 17 de la Ley 31/1995, de Prevención de riesgos Laborales y Anexo III, Nota Técnica 985 Instituto Nacional e Higiene.

PLAZO SUBSANACION:

Inmediato en cuanto al plan de instalación de los muelles, en cuanto a su ejecución se estará a lo que se establezca en la planificación preventiva.

EL INSPECTOR DE TRABAJO
Y SEGURIDAD SOCIAL.

Ddo. Enrique González Alonso



DIRECCIÓN GENERAL DE LA
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SEGURIDAD SOCIAL
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DE TRABAJO Y SEGURIDAD
SOCIAL DE GUADALAJARA

O F I C I O

S/REF: Denuncia
N/REF: 19/0000100/18
FECHA: 07/03/2018
ASUNTO: XPO SUPPLY CHAIN SPAIN, S.L.

Registro Solicitud
Fecha: 16-03-2018
Hora: 09:40:25

D. ROBERT MORALES VICENTE,
Calle Espiego, N°. 10 1ºB.
19000 - AZUQUECA DE HENARES.
GUADALAJARA.

Como consecuencia del escrito de referencia, TRANSCRIBO a Vd., el INFORME EMITIDO en relación con el mismo, por el Inspector de Trabajo y Seguridad Social Dº Enrique González Alonso.

LA JEFA DE LA INSPECCION
DE TRABAJO Y SEGURIDAD SOCIAL,



Fdo. María Pita Lucas.

En virtud de orden de servicio, consecuencia de denuncia presentada por ROBERT MORALES VICENTE, el funcionario actuante realiza las siguientes actuaciones:

-En fecha 25 de enero de 2018, se realiza visita de Inspección al centro de trabajo sito Avenida Rio Henares 16 de Alovera, acompañado de Ana Yagüe Sarmiento 50100746f y de la Delegada de Prevención Gema Mejía Ramos y de la presidenta del Comité Cristina Pérez García.

Se realiza visita por la nave a los efectos de comprobar los hechos denunciados en relación la el sonido intempestivo de las alarmas y comprobar la apertura y expedición de las puertas de emergencia.

Se deja citación a los efectos de que se aporte en las oficinas de la Inspección de Trabajo y Seguridad Social la siguiente documentación, en ambos centros:

Plan de prevención de riesgos laborales en si integridad.
Plan de Emergencias

-En fecha 01/02/2018 se deja a la intención del funcionario actuante la documentación requerida en soporte digital.

-En fecha 07/03/2018 se practica requerimiento en orden a subsanar las deficiencias observadas con el siguiente texto:

HECHOS CONSTATADOS:

Primero.- Del examen de las medidas de emergencia que se aportaron en esta Inspección provincial es soporte digital en fecha 01/02/2018 se advierte a la empresa de la obligación de elaborar un Plan de Autoprotección en los términos previstos en el Real Decreto 393/2007, de 23 de marzo, por el que se

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aprueba la Norma Básica de Autoprotección de los centros, establecimientos y dependencias dedicados a actividades que puedan dar origen a situaciones de emergencia, en el o los supuesto que se cumpla con los dispuesto en el Anexo I.

Se deberá hacer constar expresamente por el servicio de prevención que no se dan mencionadas circunstancias.

Segundo.- *Consta en la página 24 del documento de medidas de emergencia constan los medios humanos designados.*

Se requiere para que de manera inmediata y durante toda la vigencia del documento se mantengan actualizada dicha relación y sean sustituidos cuando procedan.

De igual forma se requiere se garantice que los trabajadores designados cuenten con la formación necesaria para el desempeño de sus responsabilidades previstas en el documento.

Tercero.- *Consta en las páginas 25 y 26 del documento los medios materiales contra incendios.*

Se requiere para que de manera inmediata las instalaciones contra incendios cuente con las inspecciones por OCA y se de cumplimiento con las obligaciones de mantenimiento que constan en el documento, especialmente en lo que respecta al sistema de alarma.

Cuarto.- *No consta periodicidad de los simulacros.*

Se requiere se haga constar expresamente en el documento la periodicidad de los simulacros y se registren los mismo.

En todo caso si no se hubiera hecho simulacro durante la vigencia del documento se requiere se organiza uno para antes de finales del presente año.

Quinto.- *Se mantenga expeditas y en funcionamiento las vías y salidas de emergencia.*

SE PONDRÁ EN CONOCIMIENTO DE LOS DELEGADOS DE PREVENCIÓN EL PRESENTE REQUERIMIENTO Y SE CONTARÁ CON SU CONSULTA Y PARTICIPACIÓN DE LOS REPRESENTANTES DE LOS TRABAJADORES CONFORME EL ARTÍCULO 33 Y 34 LEY 31/1995.

PRECEPTOS INFRINGIDOS/VULNERADOS:

Artículo 14, 18, 19 y 20, de la Ley 31/1995, de Prevención de riesgos Laborales.

Anexo I del Real Decreto 393/2007, de 23 de marzo, por el que se aprueba la Norma Básica de Autoprotección de los centros, establecimientos y dependencias dedicados a actividades que puedan dar origen a situaciones de emergencia.

Artículo 6, 7 y 8 del Real Decreto 2267/2004, de 3 de diciembre



PLAZO SUBSANACION:

1 mes.

EL INSPECTOR DE TRABAJO
Y SEGURIDAD SOCIAL.
Enrique
Fdo: Enrique Gonzalez Alonso.

A circular official stamp in purple ink. The text around the perimeter reads "MINISTERIO DE EMPLEO Y SEGURIDAD SOCIAL" and "GUADALUPE". The center of the stamp features the Spanish coat of arms. Overlaid on the stamp is a handwritten signature in black ink that appears to be "Enrique".

Alocenó, _____ de marzo de 2017

A/A Recursos Humanos:

Yo [REDACTED] presentar una queja a D. José Taborda, jefe de equipo del turno de la tarde por las formas en las que se dirige hacia mí persona, considerando no ser las adecuadas.

Para que se tenga constancia, estos son algunos de los hechos acontecidos por los que he decidido llevar esta queja a cabo:

Noviembre-Diciembre: Se pidió a gente de Recepción PKX para que fuera a recepcionar unos Palets de colecciones en Recepción P.O. Me mandaron junto con dos compañeros a recepcionarlos con la ayuda de J. [REDACTED] (Jefe de Equipo). Mientras estábamos bajando los palets, [REDACTED] se acercó hacia nosotros desde donde estaban los demás compañeros, aplaudiendo y diciéndonos en voz alta: "¿Qué tal Sheila? Ahora sí que estás trabajando, ¿no?"

3 de febrero: J. [REDACTED] se acercó hacia dos compañeras y yo para decirnos la productividad y recriminar lo bajas que eran esas. Yo le dije que estando en PKX haciendo dañado, se va más lenta y que haría mayor producción en FBA donde los artículos son más pequeños y ligeros.

6 de febrero: A la entrada del turno, estando todos los compañeros de Recepción PKX reunidos en frente de la mesa de incidencias, [REDACTED] se puso a repartir puestos, nombrándome en primer lugar de esta forma: [REDACTED] tú a FBA para que dejes de quejarte, pero a media tarde hablemos". Presumiblemente por si no se cumplía la producción, cosa que sí se consiguió y por la que seguramente no hubo charla de media tarde.

10 de febrero: Ante la no rotación en la sección de PKX por FBA como se venía haciendo antiguamente por el anterior jefe de equipo, por la razón más que demostrable de que es una parte de la sección en la que los productos acostumbran a ser en gran porcentaje pequeños, ligeros y de fácil recepción y el continuo posicionamiento de las mujeres que trabajan en esa sección con camiones de productos dañados, a la hora de la asignación de puestos, se produce la siguiente conversación entre el jefe de equipo, J. [REDACTED], y yo:

[REDACTED] "Veo que ya no va a haber más rotaciones en FBA como antes"

J. [REDACTED]: "Yo tengo una producción igual que vosotros, y si vosotras sois lentas, no me interesa ponerme allí. Tú te haces la misma producción en FBA que en PKX"

[REDACTED] "Pero yo el otro día sí me hice la producción"

J. [REDACTED]: "No, no te la hiciste"

[REDACTED] "Tengo apuntado exactamente cuánto me hice y sé que la conseguí"

13 de febrero: A la hora de asignar puestos, y delante de todos los compañeros de la sección, [REDACTED] me comentó: "Tú a FBA, pero si no te haces la producción cada hora, no te vuelvo a poner". Yo entonces le pregunté si eso es una amenaza, a lo que él respondió diciendo que él no amenaza y que yo era una quejica y así dejaba de quejarme.

22 de febrero: [REDACTED] al empezar la jornada felicitó a los trabajadores de la sección de PKX por haber conseguido el día anterior una cifra superior a lo que la empresa pedía. Sin respetar la confidencialidad de los datos y sin solicitud de persona alguna, se dispuso a decir las productividades de cada uno el día anterior, felicitando al que había hecho bien y comentando lo mal que lo habían hecho otras personas. Todo esto sin saber en exactitud qué les había tocado hacer el día anterior, por lo que se podría haber entendido el porqué de la bajada.

27 de febrero: Dispuestos todos los compañeros de la sección de PKX ante la mesa de incidencias, [redacted] dispuso a asignar puestos. Antes de ello, comentó que había gente que estaba progresando, hasta que me hizo este comentario: "Te voy a decir esto delante de todos para ver si así consigo ponerte la cara roja. Todos tus compañeros están mejorando, hasta [redacted], y tú eres la única que no mejoras. Esto como siga así te va a traer muchas consecuencias". Yo le contesté que no se me había puesto la cara roja y que hacía lo que podía, que no todos los días los camiones eran iguales.

Ruego se tomen las medidas propiamente consideradas por la empresa para que esta situación no vuelva a ocurrir, ya que generan mal ambiente de trabajo y es una situación que me está afectando tanto laboral como personalmente.

Atentamente,

[redacted]

Recibí:

La Empresa

A la atención de Recursos Humanos:

Yo, A [REDACTED], trabajador en la nave de XPO Logistics Allovera 2, quiero presentar una queja al jefe de equipo [REDACTED] me considero que se está produciendo una persecución de esta persona hacia mí y eso afecta a mi rendimiento en la empresa.

El problema reside en que tengo la percepción de que este jefe de equipo me asigna puestos que considera que pueden bajar mi productividad y afectarme de cara a mi imagen en la empresa.

Cuando llega la hora de la repartición del trabajo, esta persona se acerca a la mesa de operaciones solicitando a los carretilleros por nombre y apellido entre los cuales nunca me incluyo, llegando a decir que no quiere que trabaje en su sección.

Solicito a Recursos Humanos que tome medidas en este tema puesto que me está afectando laboral y personalmente y considero que siempre he cumplido en mi trabajo no teniendo problemas con este.

Recibí:

A 16 de mayo de 2017

entregada 16. Mayo 2017

En Guadalajara, a 14 de octubre de 2015

A la atención de D. Ignacio Nuñez, gerente de la empresa XPO Logistics (Alavera 2):

El comité de XPO Logistics (Alavera 2) se pone en contacto con usted con motivo de comunicarle las quejas recibidas por parte de los trabajadores de dicha empresa. Desde hace un tiempo se nos ha informado que existe un trato denigrante y vejatorio por parte del jefe de equipo del turno de tarde.

En varias ocasiones [REDACTED] se ha dirigido a los trabajadores de una forma que no se considera adecuada: comunica las tareas con gritos, exigencias y malos modos; no notifica los fallos en privado a cada trabajador sino que lo hace de forma pública para estarnio de aquella persona que está siendo corregida. Del mismo modo, cuando debe enseñar a alguien a realizar una tarea nueva deja que se produzcan errores para poder reprochárselo después. El tono que emplea para dirigirse a los trabajadores no es el adecuado para una persona que ha de ser líder de un grupo ya que utiliza las amenazas y las voces como forma de mando, lo que incomoda a los empleados y los hace sentir inferiores.

Por todo esto, solicitamos que desde la Dirección de la empresa se tomen las medidas necesarias para que este comportamiento no vuelva a repetirse y el personal de este centro pueda realizar su labor de la mejor forma posible. Consideramos que al favorecer el clima adecuado de trabajo se obtendrá un beneficio para todos, lo que sin duda repercutirá en la productividad de la empresa y en su rendimiento.

Sin más, nos despedimos esperando que nuestra petición sea atendida.

Atentamente,

El comité



Recibi:

.....
..... hasta la fecha, ningún representante de la
.....

En Guadalajara, a 14 de octubre de 2015.

A la atención de D. Ignacio Núñez, gerente de la empresa XPO Logistics (Alvora 2):

El comité de XPO Logistics (Alvora 2) se pone en contacto con usted para informarle de las quejas recibidas por parte de los trabajadores de dicha empresa. Se nos ha comunicado en reiteradas ocasiones el comportamiento poco profesional del jefe de equipo de incidencias de recepción del turno de mañana.

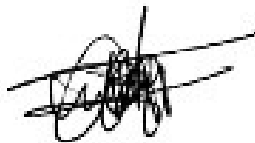
D. [REDACTED] se dirige a los empleados de una forma que no se considera adecuada: comunica las tareas con exigencias y malos modos; en vez de enfrentarse a las incidencias buscando una solución o corrigiendo los fallos del trabajador opta por amonestarle verbalmente y/o realizar informes de incidencias, lo que hace que el trabajador tenga "miedo" de comunicárselos. Este proceder se repite con las dudas que surgen durante la operativa y varios de sus trabajadores prefieren no preguntar para no ser regañados. Del mismo modo, este comportamiento altanero y fuera de lugar está empezando a extenderse hacia los empleados de otras áreas de trabajo de la nave y también nos ha sido notificado.

Por todo esto, solicitamos que desde la Dirección de la empresa se tomen las medidas necesarias para que este comportamiento no vuelva a repetirse y el personal de este centro pueda realizar su labor de la mejor forma posible. Consideramos que la labor de un jefe de equipo es la de motivar y favorecer el rendimiento en el trabajo, no la de atemorizar y generar pánico a comunicar una duda. Si se ayuda a los trabajadores se obtendrá mayor productividad para la empresa y un descenso considerable del número de incidencias en la recepción, lo que por supuesto se traducirá en beneficios para todos

Sin más, nos despedimos esperando que nuestra petición sea atendida.

Atentamente,

El comité


Recibi:

En Alovera a 01 de Febrero de 2016,

Buenos días,

Con la presente les queremos informar de las situaciones que se están presentando repetidamente desde el mes de diciembre por parte de [REDACTED] (de Equipo) con los miembros de su equipo de trabajo.

Nos comentan los compañeros de las repetidas malas formas con las que se dirige a los trabajadores, ridiculizando a los mismos y ausencias de su puesto de trabajo para actividades no relacionadas con su puesto.

Necesitamos que se ponga solución de inmediato ya que al personal los está provocando situaciones de miedo, ansiedad y en consecuencia inestabilidad en su puesto de trabajo.

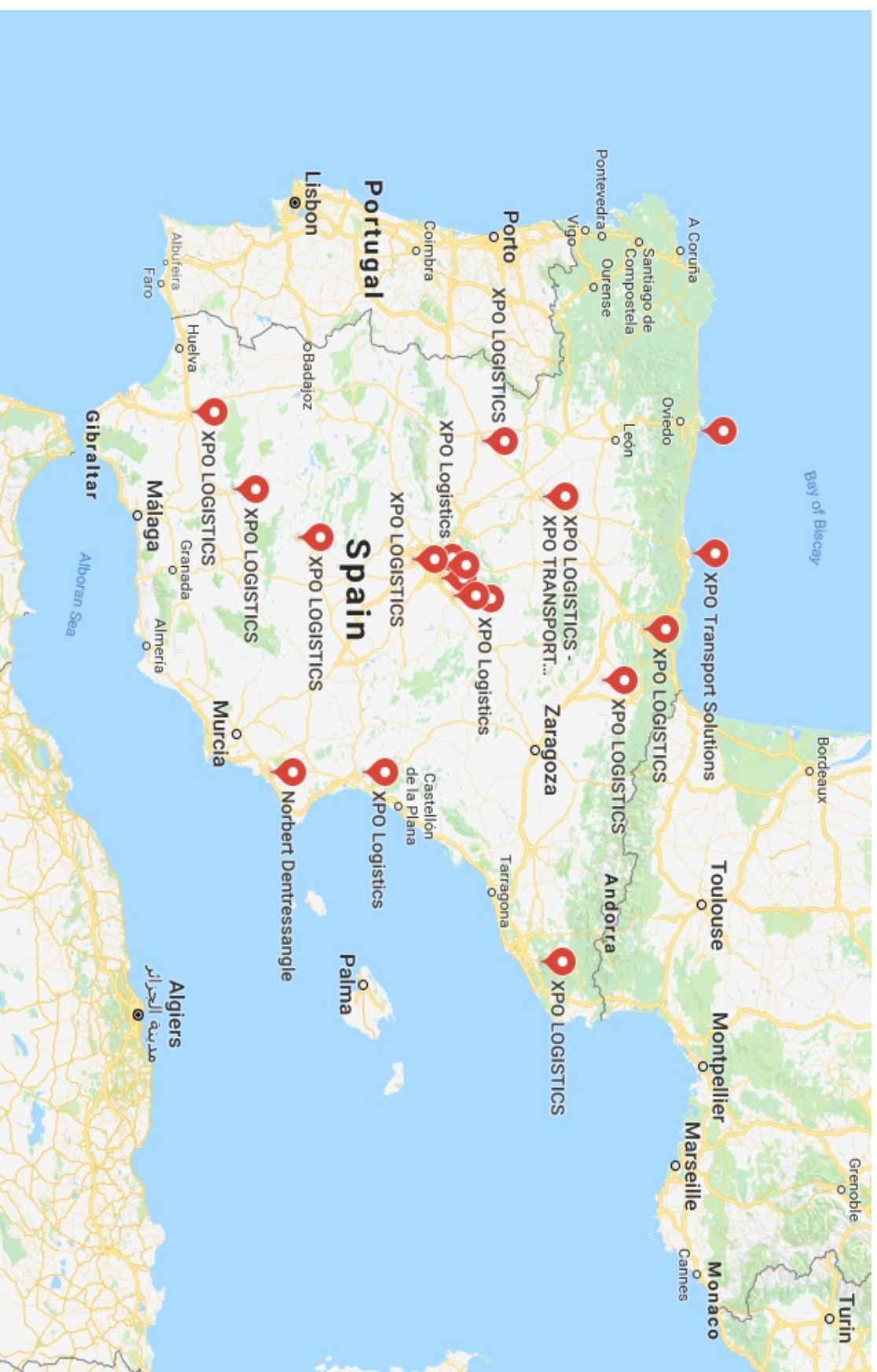
Gracias por su atención.

Un saludo

Fdo:

Comité Alovera II





XPO sites in Spain (source: Google)



International Women's
Day Strike 2018



Obstructed emergency exits, May 2018



Inside the Alovera 2 warehouse,
November 2017

