

**Congress of the United States**  
**Washington, DC 20515**

February 25, 2019

Mr. Bradley Jacobs  
Chief Executive Officer  
XPO Logistics Five American Lane  
Greenwich, CT 06831

Dear Mr. Jacobs:

We are writing to follow-up on concerns raised last year regarding several allegations concerning the treatment of employees at facilities across the United States managed by XPO Logistics (XPO). Following the announced<sup>1</sup> closure of XPO's Memphis warehouse, we are particularly concerned about the timing of the decision and the anticipated layoff of over 400 workers and request information pertaining to the decision.

As reported by *The New York Times*<sup>2</sup>, *PBS New Hour*<sup>3</sup> and *The Los Angeles Times*<sup>4</sup>, XPO Logistics has a history of alleged pregnancy discrimination, alleged sexual harassment, alleged suppression of efforts to organize, as well as allegations of efforts to evade labor regulations by misclassifying truck drivers, and alleged violations of federal labor and safety standards at XPO Logistics.

*The New York Times*<sup>2</sup> detailed several accounts of female employees whose doctors had urged them to be shifted toward less physically strenuous work to reduce the risk of miscarriage. Despite this, a disturbing number of women have reported miscarriages after engaging in physically strenuous work at XPO Logistics' facilities.

While we were pleased to learn that XPO Logistics launched an internal review<sup>5</sup> of company culture and policies and published a new policy for pregnant employees, we remain concerned that XPO has not been fully transparent with the results of its internal review and that the scope of the new pregnancy accommodations policy may be inadequate to protect XPO's workers. We are also concerned about allegations<sup>6</sup> that the Memphis warehouse closure could be connected to the aforementioned incidents.

It is our top priority to ensure that workers in XPO Logistics facilities are not put at physical risk or risk of discrimination. Toward that end, we are requesting answers to the following questions:

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<sup>1</sup> Baertlein, Lisa, *Reuters*, "XPO to close Verizon-contracted warehouse in Memphis," <https://www.reuters.com/article/us-xpo-logistics-warehouse/xpo-to-close-verizon-contracted-warehouse-in-memphis-idUSKCN1Q32MT>

<sup>2</sup> Silver-Greenberg, Jessica, *The New York Times*, "Miscarrying at work: the physical toll of pregnancy discrimination," <https://www.nytimes.com/interactive/2018/10/21/business/pregnancy-discrimination-miscarriages.html>

<sup>3</sup> *PBS News Hour*, "When workplace conditions put women's pregnancies at risk", <https://www.pbs.org/newshour/show/when-workplace-conditions-put-womens-pregnancies-at-risk>

<sup>4</sup> Percannella, Aurora, *The Los Angeles Times*, "Under a new law, retailers share liability for misclassified truck drivers at California Ports," <https://www.latimes.com/business/la-fi-truck-drivers-20180925-story.html>

<sup>5</sup> *XPO Logistics*, "Our Commitment to Our People," <https://news.xpo.com/en-us/news/1874/our-commitment-to-our-people>

<sup>6</sup> Jackson, Phillip and Watts, Michaela, "XPO closes Memphis Verizon facility, workers criticize decision," <https://www.commercialappeal.com/story/news/2019/02/13/workers-denounce-xpo-logistics-closure-memphis-verizon-facility-poor-conditions-discrimination/2865900002/>

- 1) What are the results of Ms. Tina Tchen's internal review of company culture and policies at XPO Logistics?
- 2) What is XPO Logistics' new pregnancy accommodations policy, and how does it differ with the policy that was in place when the incidents described by the *The New York Times*<sup>7</sup>, *PBS New Hour*<sup>8</sup> and *The Los Angeles Times*<sup>9</sup> took place?
  - a. Has this new pregnancy accommodation policy been implemented at all XPO Logistics facilities around the country? If not, please explain how and when implementation will be completed.
  - b. Some of the employees who alleged problems with XPO's treatment of pregnant workers also expressed clearly that they wanted to be able to address these problems through a representative of their own choosing<sup>10</sup>. Please describe steps XPO will be taking to assure that XPO workers promoting unionization are allowed to do so as allowed by law and not subject to coercion.
- 3) It has been reported by news outlets such as the *Huffington Post*<sup>11</sup> and *The Commercial Appeal*<sup>12</sup> that workers at other XPO Logistics warehouses in Memphis and overseas have complained about incidents of sexual harassment and gender discrimination. What policies are in place at XPO Logistics to both prevent and adequately address sexual harassment and gender discrimination cases?
- 4) Who was responsible for deciding to close the XPO Logistics warehouse in Memphis?
  - a. At the time of the decision, was this individual, or individuals, aware of the allegations reported by *The New York Times*<sup>7</sup>, *PBS New Hour*<sup>8</sup> and *The Los Angeles Times*<sup>9</sup>?
  - b. At the time of the decision, was there any discussion about, or any other consideration of, potential legal liability and/or public relations challenges relating to the allegations reported by the *The New York Times*<sup>7</sup>, *PBS New Hour*<sup>8</sup> and *The Los Angeles Times*<sup>9</sup>?
  - c. What options were considered to keep the XPO warehouse in Memphis open?

<sup>7</sup> Silver-Greenberg, Jessica, *The New York Times*, "Miscarrying at work: the physical toll of pregnancy discrimination," <https://www.nytimes.com/interactive/2018/10/21/business/pregnancy-discrimination-miscarriages.html>

<sup>8</sup> *PBS News House*, "When workplace conditions put women's pregnancies at risk", <https://www.pbs.org/newshour/show/when-workplace-conditions-put-womens-pregnancies-at-risk>

<sup>9</sup> Percannella, Aurora, *The Los Angeles Times*, "Under a new law, retailers share liability for misclassified truck drivers at California Ports," <https://www.latimes.com/business/la-fi-truck-drivers-20180925-story.html>

<sup>10</sup> Wayne Risher, "James Hoffa, Teamsters union target XPO Logistic's Memphis facility, worker complaints," <https://www.commercialappeal.com/story/money/industries/logistics/2018/04/04/teamsters-union-targets-logistics-firm-xpos-memphis-facility-cites-worker-complaints/485963002/>

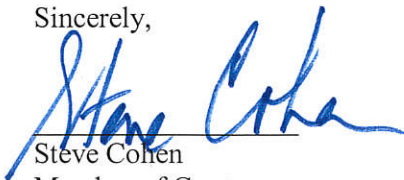
<sup>11</sup> Peck, Emily, "When a warehouse worker won't give up the fight to stop harassment," [https://www.huffingtonpost.com/entry/xpo-memphis-harassment\\_us\\_5b33a0c7e4b0b5e692f3592a?x4](https://www.huffingtonpost.com/entry/xpo-memphis-harassment_us_5b33a0c7e4b0b5e692f3592a?x4)

<sup>12</sup> Wayne Risher, "Three more female workers at XPO Memphis warehouses file bias charges, union boosters say," <https://www.commercialappeal.com/story/money/industries/logistics/2018/06/27/xpo-logistics-draws-three-more-sexual-harassment-gender-bias-complaints-ecoc/739352002/>

- 5) What specific steps are being taken to assist workers being laid off in Memphis with regard to continued employment at XPO Logistics, new employment elsewhere, and financial hardships due to the layoffs?
- 6) In light of the announcement of a new facility in Memphis that will create 80 jobs, what steps will XPO Logistics take to ensure that these workers are protected from physical risk and risk of discrimination?

Thank you for your assistance. Should you have any questions regarding these requests, please contact Alex Schnelle in Congressman Cohen's office at [alex.schnelle@mail.house.gov](mailto:alex.schnelle@mail.house.gov) or 202-225-3265 or Elizabeth Albertine in Congresswoman DeLauro's office at [elizabeth.albertine@mail.house.gov](mailto:elizabeth.albertine@mail.house.gov) or 202-225-3661.

Sincerely,

  
Steve Cohen  
Member of Congress

  
Rosa DeLauro  
Member of Congress