

Congress of the United States
Washington, DC 20510

May 7, 2020

Doug McMillon
President and Chief Executive Officer
Walmart Inc.
702 S.W. 8th St.
Bentonville, Arkansas 72716

Dear Mr. McMillon:

We are writing to express serious concern about your company's failure to keep Walmart employees in Massachusetts safe amidst the coronavirus disease 2019 (COVID-19) pandemic. In the past month, there have been two COVID-19 outbreaks among employees at Walmart stores in Massachusetts, and at least four stores have temporarily closed.¹ As of today, more than 80 employees at a Walmart in Worcester have tested positive, and at least 11 employees at a Walmart in Quincy have tested positive.² At least two Walmart employees in Massachusetts have already died from COVID-19.³ We are seeking information about how you are addressing the safety and protection of workers in Walmart stores in Massachusetts, and what changes you are implementing to ensure there are no additional outbreaks in stores across the Commonwealth.

An employee at the Walmart store in Worcester, Massachusetts tested positive for COVID-19 on April 8, 2020.⁴ In the next three weeks, 22 more store employees tested positive – yet your company did not close the store for cleaning to protect store employees. In fact, Walmart was forced into action by the City of Worcester, which ordered you to close the store on April 29, 2020.⁵ To date, more than 80 employees at that store have tested positive.⁶

¹ WCVB, "2 more Walmart stores in Massachusetts closed; workers to be tested for coronavirus," May 6, 2020, <https://www.wcvb.com/article/2-more-walmart-stores-in-massachusetts-closed-workers-to-be-tested-for-coronavirus/32389844>.

² *Id.*

³ WCVB, "Quincy Walmart closed after employee dies of coronavirus," May 5, 2020, <https://www.wcvb.com/article/worker-at-quincy-massachusetts-walmart-dies-of-coronavirus-officials-say/32369788>; Boston Globe, "Employee of Salem Market Basket and Lynn Walmart dies after contracting COVID-19," Jeremy C. Fox, April 7, 2020, <https://www.bostonglobe.com/2020/04/07/metro/market-basket-employee-salem-dies-covid-19/>.

⁴ WCVB, "State corrects number of Worcester Walmart employees with COVID-19 to 23," May 1, 2020, <https://www.wcvb.com/article/worcester-walmart-store-ordered-closed-after-41-employees-test-positive-for-coronavirus/32321303>.

⁵ Boston Herald, "81 coronavirus cases at Worcester Walmart, city says," Sean Philip Cotter, May 2, 2020, <https://www.bostonherald.com/2020/05/02/81-coronavirus-cases-at-worcester-walmart-city-says/>.

⁶ *Id.*

In Quincy, MA, 11 employees of your store in that community have confirmed cases of COVID-19 and one employee, Yok Yen Lee, has died.⁷ While your company voluntarily closed the store for cleaning, it did not do so until Ms. Lee passed away – and after being contacted by Quincy Health Commissioner Ruth Jones.⁸ Commissioner Jones reported that she had been contacting Walmart and “not getting information back in a timely fashion,” which she stated “just increases the severity of the situation.”⁹ Quincy Mayor Thomas P. Koch described your company’s approach towards employee health as a “laissez-faire attitude initially,” and stated that Commissioner Jones would have closed the store if your company failed to do so.¹⁰

These outbreaks occurred in the context of multiple worker-reported safety concerns at Walmart stores. According to a complaint to the Occupational Safety and Hazard Administration made by the group United for Respect, Walmart workers, including in Massachusetts, have shared that Walmart is: 1) not regularly informing employees when a co-worker is diagnosed, 2) not closing stores for cleaning and disinfecting after COVID-19 diagnoses and exposures, 3) not enforcing social distancing in stores that can have up to 900 customers in them at a time, and 4) not providing sufficient paid sick leave.¹¹

Our concerns are compounded by your recent public comments about providing workers additional pay to compensate for the increased risk they face. In an interview with *Axios* on April 27, 2020, you stated that providing hazard pay to Walmart employees during this pandemic, “diminishes why our people are coming to work,” and followed by saying workers are “coming to work because they want to serve.”¹² Although Walmart is paying workers a one-time cash bonus during the pandemic, your comments raise questions about whether you fully understand the motivation of the millions of employees that rely on Walmart for compensation and benefits.¹³ These employees serve their communities in many ways, and their work at Walmart is their job, not a charitable contribution to the company’s bottom line.

Senator Warren wrote to you in March reminding you of your responsibility in this escalating public health emergency to act to protect your workers and ensure your company’s policies are not exacerbating a pandemic.¹⁴ She requested that you adopt the paid sick leave

⁷ CBS Boston, “Deadly Coronavirus Cluster At Quincy Walmart Discovered Through Contact Tracing,” May 4, 2020, <https://boston.cbslocal.com/2020/05/04/coronavirus-quincy-walmart-closed-employees-falls-blvd/>.

⁸ WCVB, “Quincy Walmart closed after employee dies of coronavirus,” May 5, 2020, <https://www.wcvb.com/article/worker-at-quincy-massachusetts-walmart-dies-of-coronavirus-officials-say/32369788>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Letter from United for Respect to OSHA offices in Massachusetts, “RE: OSHA Complaint re Dangerous Conditions at Mass. Walmart Stores,” May 5, 2020, on file with the office of Senator Elizabeth Warren.

¹² *Axios*, “Walmart CEO: Workers coming in “because they want to serve,” April 28, 2020, <https://www.axios.com/walmart-ceo-hourly-wage-coronavirus-31be0157-df54-4fb5-899f-b7e686d2bb8a.html>.

¹³ Walmart, “Walmart Announces Special Cash Bonus and Early Payment of Q1 Bonuses Totaling Nearly \$550 Million for Hourly Associates,” March 19, 2020, <https://corporate.walmart.com/newsroom/2020/03/19/walmart-announces-special-cash-bonus-and-early-payment-of-q1-bonuses-totaling-nearly-550-million-for-hourly-associates>.

¹⁴ Letter from Senator Elizabeth Warren to Walmart CEO Doug McMillon, March 21, 2020, available at: <https://www.warren.senate.gov/imo/media/doc/2020.03.21%20Letter%20from%20Senator%20Warren%20to%20Walmart.pdf>.

policy laid out in the *Providing Americans Insured Days of Leave Act* for all employees,¹⁵ and take all necessary health and safety precautions to protect your employees, including providing additional cleaning supplies and protective equipment, ensuring the staffing levels needed to increase the frequency of cleaning, seeking expert guidance on best practices to minimize the spread of infection, and ensuring workers have adequate safety protections. It is unclear if you have taken any of these necessary actions to protect your employees and the public, and the nearly one hundred Walmart workers in Massachusetts who have been infected with COVID-19 as a result. Across the country, more than 20 Walmart employees have died from COVID-19, and employees have had to take the critical work of contact tracing into their own hands to try and remain safe.¹⁶

In order to better understand what changes your company will make immediately to protect the health and lives of Walmart employees in Massachusetts, we request you provide responses to the following questions no later than May 21, 2020.

1. What health and safety measures, if any, has Walmart taken after the first employee at the Worcester store was diagnosed on April 8, 2020?
2. Why did Walmart not close the Worcester store for cleaning despite multiple employees becoming sick?
3. Why did Walmart not follow guidance from the Centers for Disease Control and Prevention which provides that, “If an employee is confirmed to have COVID-19 infection, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace”?¹⁷
4. How and when is Walmart communicating with local officials regarding suspected or confirmed cases of COVID-19 in Massachusetts stores?
5. What internal assessment, if any, is Walmart undertaking to determine how the outbreak at the Quincy and Worcester stores happened, and to determine what changes are necessary?
 - a. Who is conducting that assessment?
 - b. Is Walmart seeking input and guidance from associates about the changes that are necessary to protect employees?
 - c. Will you publicly share the result of this assessment, the lessons learned, and the changes you plan to make moving forward?

¹⁵ *Providing Americans Insured Days of Leave Act*, S. 3513, <https://www.congress.gov/bill/116th-congress/senatebill/3513/>.

¹⁶ Boston Globe, “How a Walmart in Worcester became a coronavirus hot spot,” Janelle Nanos, May 5, 2020, <https://www.bostonglobe.com/2020/05/05/business/how-walmart-worcester-became-coronavirus-hot-spot/>.

¹⁷ Centers for Disease Control and Prevention, “Coronavirus Disease 2019: Guidance for Businesses & Employers,” <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

6. What are the sick leave policies in place for all categories of employees at Walmart stores in Massachusetts?
 - a. Are all employees able to access the maximum amount of paid sick leave regardless of their tenure at the company? Which, if any, employees, are unable to do so?
 - b. What documentation is required, if any, for employees to access paid sick leave under your policy?

7. What criteria is Walmart using to determine when and how to provide testing for employees?

Sincerely,

/s/
Elizabeth Warren
United States Senator

/s/
Edward J. Markey
United States Senator

/s/
Richard E. Neal
Member of Congress

/s/
James P. McGovern
Member of Congress

/s/
Lori Trahan
Member of Congress

/s/
Joseph P. Kennedy, III
Member of Congress

/s/
Katherine Clark
Member of Congress

/s/
Seth Moulton
Member of Congress

/s/
Ayanna Pressley
Member of Congress

/s/
Stephen Lynch
Member of Congress

/s/
William R. Keating
Member of Congress