

# Congress of the United States

Washington, D.C. 20515

November 2, 2021

Delivered via Email

The Honorable Martin J. Walsh  
Secretary  
Department of Labor  
200 Constitution Ave., NW  
Washington, D.C. 20210

Dear Secretary Walsh,

The Department of Labor (DOL) oversees approximately 180 laws granting the Occupational Safety and Health Administration, the Wage and Hour Division, the Office of Labor-Management Standards (OLMS), the Employee Benefits Security Administration, and the Employment and Training Administration enforcement and regulatory power over a wide swath of the American workforce. Combined, these agencies regulate some facet of every employer in this country. As such, your actions need to comport with your office, your oath, and the demonstration of impartiality in both appearance and in form, refraining from bestowing fear or favor to any parties. As Secretary of Labor, you committed in your confirmation hearing to being a “collaborator” between all parties. Much of your testimony recited how you operated that way as the Mayor of Boston. As Secretary of Labor, your portfolio is larger and broader, including civil and criminal enforcement activity. We write to express our deep concerns about your recent participation in strike activity underway at a Kellogg Company facility.

On October 27, 2021, you participated in the strike activity conducted by the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union in Lancaster, Pennsylvania, who orchestrated a walkout at Kellogg beginning on October 5, 2021. On your official DOL Twitter account, you acknowledged a tweet from *New York Times* reporter Steven Greenhouse and tweeted that you would be on the picket line.<sup>1</sup> Ironically, even Mr. Greenhouse acknowledged in his tweet that it is “very rare for a Secretary of Labor to go to a picket line to show their support.” At the event, you proudly stated, “It might be a little different for a secretary of labor of the United States of America coming out and standing on a picket line. But if you have it in your blood, you have it in your blood.”<sup>2</sup>

Given the dispute between the two parties, which focuses on wages, pensions, and working conditions, all regulated by DOL, your one-sided participation in the strike undermines

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<sup>1</sup> <https://twitter.com/SecMartyWalsh/status/1453387260775186433>

<sup>2</sup> [https://lancasteronline.com/business/local\\_business/u-s-labor-secretary-walsh-visits-kellogg-strikers-in-lancaster-voices-support-for-worker-rights/article\\_a44481d0-374a-11ec-b6cc-9713be39d7fa.html](https://lancasteronline.com/business/local_business/u-s-labor-secretary-walsh-visits-kellogg-strikers-in-lancaster-voices-support-for-worker-rights/article_a44481d0-374a-11ec-b6cc-9713be39d7fa.html)

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commitments you made during your confirmation process, and tacitly and inappropriately inserts the federal government into this ongoing labor dispute. For example, in response to questions for the hearing record regarding OLMS, notably an office with criminal enforcement authority, you stated, "I do believe that the Department's enforcement and regulatory actions need to be even-handed, and I commit to transparency in that process." Moreover, you testified, "Throughout my career, I've led by listening, collaborating, and building partnerships." Yet, standing in solidarity with a union to support a strike sends the opposite message.

When there was a major strike during the Obama Administration, former Secretary of Labor Thomas Perez worked with both the employer and the union to ensure almost 40,000 Verizon workers reached a fair collective bargaining agreement. In contrast, it appears your actions in this instance only supported the interests of organized labor. Now that you have weighed in on behalf of striking workers, which may involve several issues within the jurisdiction of DOL, we seek the following information by November 12, 2021, to understand how you plan to honor your prior commitments to work with all parties. When responding, please include a response to each question below as we have asked them, rather than in a narrative format.

1. Will you commit to recuse yourself from all enforcement actions undertaken by DOL related to Kellogg, the company subject to the strike?
2. Will you commit to recuse yourself from all enforcement actions undertaken by DOL related to the Bakery, Confectionery, Tobacco Workers and Grain Millers International Union?
3. Did you seek ethics advice prior to this visit? Provide any guidance or advice you received on the legality of this visit or your ethical obligations related to this visit.
4. Did you participate in this strike on personal time? If not, why not?

Thank you for your attention to this matter.

Sincerely,



Richard Burr  
Ranking Member  
Senate Committee on Health, Education,  
Labor, and Pensions



Virginia Foxx  
Ranking Member  
House Committee on Education and Labor



Mike Braun  
Subcommittee on Employment  
and Workplace Safety



Rick W. Allen  
Subcommittee on Health, Employment,  
Labor, and Pensions