

Justice at Apple: No One is Above the Law

An Open Letter to the US Gov Agencies Overseeing Employment & Labor Law Compliance

Addressees:

- Martin J. Walsh, *US DOL Secretary of Labor*
 - Seema Nanda, *US DOL Solicitor of Labor*
 - Lauren McFerran, *US NLRB Chair*
 - Jennifer A. Abruzzo, *US NLRB General Counsel*
 - Charlotte A. Burrows, *US EEOC Chair*
 - Vacant, *US EEOC General Counsel*
 - US Rep. Bobby Scott, *US House Education & Labor Committee Chair*
-

Hello,

I write to you today to express deep concerns about the lack of due process and abundance of conflicts of interest that Apple Inc employees face when they report employer misconduct and challenge their employer through complaints to federal agencies.

Your agencies have recently claimed to take retaliation issues very seriously, even announcing a joint program to protect employees exercising their labor rights.¹ I reach out to you on my own behalf, with charges filed in all of your agencies,^{2 3 4} & I also reach out on behalf of other Apple employees who have or will in the future, attempt to seek justice through the US government for harm caused by Apple.

My Cases

I am a former Apple employee who worked at the company for over six years and held the final position of Senior Engineering Program Manager. Despite six years of excellent performance reviews, no warnings or disciplinary actions, and ongoing praise for my work – I was fired without justification or explanation on September 9 2021 following my reports to state and federal agencies about unsafe work conditions (Superfund toxic waste exposure), labor law violations, fraud, discrimination, harassment, retaliation, cover ups, and corruption by Apple Inc.^{5 6}

I was fired shortly after press coverage of my open federal charges and the day before I was supposed to provide federal testimony against Apple. I complained of federal witness intimidation in writing to Apple only hours before I was unceremoniously fired. I already won my unemployment appeal with an

¹ US NLRB, US EEOC, US DOL: “*The National Labor Relations Board, US Department of Labor, US Equal Employment Opportunity Commission Align to End Retaliation, Promote Workers’ Rights*,” Nov 16 2021, <https://www.nlr.gov/news-outreach/news-story/the-national-labor-relations-board-us-department-of-labor-us-equal>

² US NLRB: 32-CA-282142; 32-CA-283161; 32-CA-288816; 32-CA-284428; & 32-CA-284441

³ US DOL OSHA WPP: APPLE INC/GJOVIK/9-3290-22-051

⁴ US EEOC: 556-2021-00608C; California DFEH: 202111-15427017

⁵ US EPA, US SEC, US DOJ, US EEOC, US NLRB, US DOL, CA Dept of Labor, CA EPA, etc.

⁶ California Department of Labor, *Gjovik v Apple*, RCI-CM-842830

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Administrative Law Judge finding Apple terminated me for reasons “*other than misconduct*” and provided “*no specific information*” about the supposed basis of the termination.⁷

The results of my own FOIA requests would later reveal a mandatory onsite safety inspection of my Apple office by the US EPA, based on my complaints, which identified a number of safety concerns and the EPA requested a number of corrective actions.⁸ Apple’s own press activities would also disclose they were openly colluding with the US EPA the two days prior to the inspection.⁹ This was all before I was fired.

Apple’s post-hoc justification for firing me, provided nearly six months after the fact, was that I disclosed Apple’s secret videotaping and harvesting of biometrics of employees, even when employees may be naked, be engaged in sexual conduct, etc (a violation California Labor Code).¹⁰ Apple’s second justification was that I protested Apple’s extensive scanning of employee ears, which was already public information. Finally, Apple claimed that because I would not get on the phone with the “*Workplace Violence*” interrogator¹¹ the day before my NLRB affidavit and requested communication stay in writing out of concerns of federal witness intimidation, that I “*failed to cooperate*” with a supposed investigation.¹²

The evidence and timeline are damning. Despite such egregious retaliation (even Apple’s proffered explanation for my termination is a termination in violation of public policy in California), it is over one year now without decisions on my US DOL or US NLRB cases, and instead, I have faced disturbing interference and intimidation by the agencies themselves.

Initially, both US DOL & US NLRB attempted to close my charges without investigating. The US NLRB Region 32 would not allow me to provide evidence at all – and while US DOL Region IX did allow me to provide evidence, it was clear the investigator failed to review anything I provided before attempting to dismiss the case.¹³

The US DOL told me this month that I will not be shown any of the evidence provided against me, however Apple would see everything I provided against them.¹⁴ When I protested lack of due process,

⁷ California Unemployment Insurance Appeals Board, Case No 7253819, July 14 2022 hearing, July 27 2022 decision

⁸ US EPA FOIA EPA-R9-2022-002062; EPA-R9-2022-002063; EPA-R9-2022-002064

⁹ US EPA FOIA EPA-2022-006433 & EPA-2022-006434; Axios, “*Exclusive: EPA administrator visits Apple HQ to talk climate, environmental justice*,” Aug 18 2021, <https://www.axios.com/2021/08/18/epa-administrator-visits-apple-headquarters-climate>; CNBC, “*Apple backs Biden’s proposal to eliminate greenhouse gases from power plants by 2035*,” Aug 18 2021, <https://www.cnbc.com/2021/08/18/apple-backs-biden-clean-energy-standard.html>

¹⁰ California Code, Labor Code - LAB § 435, “(a) No employer may cause an audio or video recording to be made of an employee in a restroom, locker room, or room designated by an employer for changing clothes.”

¹¹ Gizmodo, “*Apple Gestapo: How Apple Hunts Down Leaks*,” 2009, <https://gizmodo.com/apple-gestapo-how-apple-hunts-down-leaks-5427058>

¹² TechCrunch, “*Ex-Apple employee takes Face ID privacy complaint to Europe*,” April 2022, <https://techcrunch.com/2022/04/11/gobbler-complaint-europe/>; Gizmodo, “*Apple Wanted Her Fired. It Settled on an Absurd Excuse*,” October 2021, <https://gizmodo.com/apple-wanted-her-fired-it-settled-on-an-absurd-excuse-1847868789>

¹³ US DOL FOIA #2022-F-13951

¹⁴ US DOL FOIA #2022-F-13951

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their assistant administrator for Region IX, Matthew Parra, confirmed glibly I will not be provided due process.¹⁵ Meanwhile, the US DOL stopped the California DOL investigation into my cases (which are based on state laws) for over nine months, claiming federal preemption.

Both US DOL & US NLRB, prior to any serious investigation, attempted to justify a preferred dismissal of my cases by parroting back to me Apple's baseless pretextual justifications and post-hoc rationalizations. It was clear to me the agencies planned to go along with whatever Apple said. Both US DOL and US NLRB also appeared to be attempting to interpret their own statutes in a light more favorable to Apple Inc, despite current guidance and precedent pointing the opposite direction.

I complained to both agencies about conflicts of interest & apparent corruption related to my cases. I complained about the head of US DOL OSHA having a prior relationship with Apple VP Lisa Jackson. I complained about US NLRB Region 32 leadership having a number of self-reported conflicts of interests as well as one of the two investigators in that office actively applying for employment at Apple Inc (Employee Relations) while the team was supposed to be investigating charges against Apple. After much protest, I was able to have my NLRB cases transferred to Region 21. However, the US DOL refused to acknowledge my concerns or transfer my cases.

I faced intimidation & tampering by both federal agencies. The US NLRB altered my first affidavit and threatened me when I requested to have the investigator's changes reverted. The Region 32 US NLRB investigator also requested I not file specific charges or make specific allegations, justifying his requests with a basis of "*he prefers current precedent & does not want me to instigate a change in precedent*" and that another charge would "*make his job harder.*"¹⁶

The US DOL responded to an email where I raised concerns about the agency's handling of my cases by asking me to join a phone call with two supervisors where they would then intimidate and threaten me, and attempt to coerce me to withdraw my charges against Apple. I was told at this meeting on September 16 2022 that my US DOL cases would be dismissed arbitrarily in "*six weeks.*"¹⁷

I also raised concerns in 2021 about the US DOL repeatedly attempting to dump my cases – first dual filing with the state, then claiming they did not dual file & they dismissed them, then docketing them but providing almost no updates, and upon inquiry, US DOL suggested I "kick out" all three cases which would have resulted in the permanent withdrawal of two of my charges without "kick out" provisions. Then US DOL had suggested I ask for the investigation to be stopped & take the current results to an ALJ to review (which would have stopped discovery and the investigative process for the matter permanently).¹⁸

¹⁵ US DOL FOIA #2022-F-13951

¹⁶ Big Tech Politics, "*Field Notes on Regulatory Capture, Part I,*" <https://ashleygjovik.substack.com/p/field-notes-on-regulatory-capture>

¹⁷ US DOL FOIA #2022-F-13951

¹⁸ Big Tech Politics, "*Field Notes on Regulatory Capture, Part II,*" <https://ashleygjovik.substack.com/p/field-notes-on-regulatory-capture-c08>

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My cases directly involve actions and records held by the US EPA, however upon request for assistance to compel the EPA to handover relevant records (my FOIA requests have taken upwards of over nine months for a response), none of your agencies would assist.

I have suffered psychological violence and likely-criminal retaliation by Apple Inc et al (home break-ins, surveillance, hacking, stalking, threats of violence, etc),¹⁹ yet despite many pleas for a referral to the US DOJ for assistance, I was consistently denied.

Despite your agencies' statement last fall that you aim to work together to protect whistleblowers, I was openly discouraged from attempting to coordinate investigations across agencies. In addition to denials noted above, and refusal to coordinate with each other, the US DOL also told me to not tell them anything about an investigation initiated by the US SEC based on my SEC whistleblower complaints, despite those complaints being part of the basis of my US DOL SOX whistleblower case. Despite my request, I was never given an explanation as to why they would not include that information.

As for the US EEOC, I requested a Right to Sue letter and later decided not to proceed with a lawsuit and instead focus on the US NLRB & US DOL cases. However, I would discover very troubling information later. The prior EEOC investigatory supervisor over Silicon Valley for quite some time had just left the EEOC and joined Apple's Employee Relations team last winter.²⁰ In fact, he celebrated this openly on LinkedIn with Apple Human Resources and Recruiters posting that they were glad he "*finally*" made it to Apple – implying he had been attempting to join Apple for a significant amount of time while he was supposedly acting independently in investigating Apple, such as with my EEOC charge if I had requested agency investigation.²¹

Many of my complaints about agency misconduct appear to be already corroborated by prior federal agency whistleblowers, such as Dr. Darrell Whitman (a prior US DOL OSHA WPP investigator). Whitman characterized the rampant retaliation against whistleblowers by the Whistleblower Protection Program by saying, "*You either quit your job or keep your mouth shut because if a company doesn't fire you or blacklist you, OSHA will destroy your life.*"²² Whitman pointed to OSHA's "*systemic efforts to cover-up the retaliation of whistleblowers*" for large companies.²³ His whistleblowing on his own agency led to his termination, then an OIG investigation requested by the Office of Special Counsel.^{24 25}

¹⁹ U.S. DOJ FBI: 9/3/2021, 2/4/2022, 2/7/2022, 5/22/2022, 5/29/2022, 5/31/2022, 8/8/2022; Santa Clara Police Department: Report 2205310079, Report #0087 Aug 9 2022); Santa Clara District Attorney 5/26/2022

²⁰ Big Tech Politics, "*Field Notes on Regulatory Capture, Part I,*" <https://ashleygjovik.substack.com/p/field-notes-on-regulatory-capture>

²¹ Bryan Hoss, <https://www.linkedin.com/in/bryanhoss/> ; https://www.linkedin.com/posts/bryanhoss_newjob-apple-newbeginnings-activity-6860950416490934272-A-ZS/

²² NBC News, "*OSHA Whistleblower Investigator Blows Whistle on Own Agency,*" Feb 23 2015,

<https://www.nbcbayarea.com/news/local/osha-whistleblower-investigator-blows-whistle-on-own-agency/77171/>

²³ WorkWeek, "*OSHA Investigator/Lawyer Darrell Whitman, OSC, Culture Of Corruption, GAP & The Democrats,*" May 17 2016, <https://www.indybay.org/newsitems/2018/10/15/18818221.php>

²⁴ Bloomberg, "*He Investigated Dubious Firings for U.S. Then He Was Fired,*" July 21 2017,

<https://www.bloomberg.com/news/articles/2017-07-21/he-investigated-suspicious-firings-for-u-s-then-he-was-fired>

²⁵ US DOL OIG, 2020, "*REGION IX WHISTLEBLOWER PROTECTION PROGRAM COMPLAINTS WERE NOT COMPLETE OR TIMELY,*" <https://www.oig.dol.gov/public/reports/oa/2021/02-21-001-10-105.pdf>

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Louis Clark, co-founder of the Government Accountability Project, has also spoken out about “*systemic corruption and obstruction of justice by top officials of OSHA and the US Department of Labor who were engaged in a criminal cover-up to collude with corporations against OSHA health and safety whistleblowers.*”²⁶

Apple, Generally

Apple Inc the company is nearly fifty years old, founded in 1976. The corporation has over 150,000 employees across the world. Despite this, there are remarkably few public United States-based lawsuits and charges against Apple for violating employment and labor laws. In fact, perhaps the most notable employment-related lawsuit was not even initiated under employment laws, but instead the “anti-poaching conspiracy” lawsuit was initiated by the US DOJ as an antitrust matter.²⁷

Looking at the NLRB case files before the summer of 2021, there are only six NLRB charges listed against Apple. Of these six, Apple’s lawyers (Littler Mendelson & Jackson Lewis) facilitated settlements and charge withdrawals of two.²⁸ Two more charges were withdrawn in less than one month after filing, and while no settlement was noted, one must wonder what Littler Mendelson (attorneys for both of those charges) or Apple may have done to cause such a swift withdrawal.²⁹ The final two charges were filed in 2016 and 2020 with Littler Mendelson representing Apple on both. The NLRB found against the Apple employees.

The 2016 case alleged Apple disciplined an employee for protected activity – but the decision claimed no evidence of knowledge by Apple about protected activities and no linkage establishing retaliation.³⁰ The 2016 also alleged discriminatory hiring based on retaliation for protected activities, but was tossed because the other individual supposedly “*refused to cooperate with the investigation.*” The claimant also complained Apple’s “Social Media” policy and “Employee’s Responsibility” work rules were violations of the Act, but NLRB found that the rules were satisfactory.

The 2020 NLRB case alleged a termination in retaliation for protected activities and also unlawful employee policies.³¹ The region dismissed the case, but the employee appealed to the Office of Appeals who again found in favor of Apple. The Office of Appeals found that an Apple employee sharing

²⁶ Labor Video, “*Whistleblower Protection Program & Fired WPP OSHA Investigator Darrell Whitman With GAP,*” Mar 17 2016, <https://www.indybay.org/newsitems/2016/03/17/18784138.php>

²⁷ US DOJ, “*Justice Department Requires Six High Tech Companies to Stop Entering into Anticompetitive Employee Solicitation Agreements,*” <https://www.justice.gov/opa/pr/justice-department-requires-six-high-tech-companies-stop-entering-anticompetitive-employee> ; Bloomberg Businessweek, “*Apple, Google, and the Hubris of Silicon Valley's Hiring Conspiracy,*” May 2 2014, <https://www.bloomberg.com/news/articles/2014-05-01/apple-google-and-the-hubris-of-silicon-valleys-hiring-conspiracy>

²⁸ Florida, Region 12, Nov 2013, <https://www.nlr.gov/case/12-CA-116964>; California, Region 32, 2018, <https://www.nlr.gov/case/32-CA-222022>

²⁹ New York Region 3, May 2019, <https://www.nlr.gov/case/03-CA-240530>; Colorado, Region 27, April 2021, <https://www.nlr.gov/case/27-CA-276075>

³⁰ Indiana, Region 25, Jan 2016, <https://www.nlr.gov/case/25-CA-168399>

³¹ Minnesota, Region 18, Oct 2020, <https://www.nlr.gov/case/18-CA-267376>

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information with other employees was not “concerted,” and that an Apple employee sharing information related to work conditions with other employees can be lawfully disciplined if Apple declares the information the employee shared was somehow “confidential.”

With only six NLRB charges over thirty years, and one of the biggest companies in the world - one must wonder how many employees attempted to file charges and were talked out of doing so, like Region 32 attempted to do with me several times.

As for US EEOC claims, it appears a significant number of charges have been filed but there is no history of EEOC ever pursuing a case against Apple. Instead, there are a number of state and federal employment discrimination and retaliation lawsuits against Apple (who generally has been represented by high-power, anti-labor firms including Littler Mendelson, Lewis Jackson, Baker McKenzie, and Orrick). Most of these cases ended in dismissal following much litigious abuse by Apple against their prior employees.

Of the few cases that found a decision against Apple on the merits, Apple dragged the cases out for years. (see, *Frlekin v. Apple, Inc.* 2014-2022).^{32 33} (see, *Felczer v Apple Inc.*, 2012-2021).^{34 35}

Some cases included seemingly unfair procedural decisions, such as accepting Apple’s request to change venue for a case by a recent college graduate who was working in retail, moving the case to a state where the ex-employee seemed unlikely to be able to continue the lawsuit.³⁶ In another case, the judge ruled to dismiss the entire discrimination case because the ex-employee filed his case one day late past the EEOC statute of limitations, even though the government sent his letter to the wrong address (see, *Chaffin v Apple Inc.*).³⁷

In other cases, Apple made egregious statements such as claiming they can lawfully fire whistleblowers in retaliation for reporting financial crimes. (see, *Banko v. Apple Inc.*).³⁸ Meanwhile, Apple’s discrimination cases have been dismissed due to lack of formal EEOC filings, with no mercy for Apple never informing their employees about the EEOC or NLRB complaint process (see, *Underwood v Apple Inc.*).³⁹

³² *Frlekin v. Apple Inc.*, No. C 13-03451 WHA (N.D. Cal. May. 30, 2014) through *Frlekin v. Apple Inc.*, C 13-03451 WHA (N.D. Cal. Dec. 28, 2021)).

³³ Fortune, “Apple didn’t want to pay hourly workers for the time spent searching their bags. It has now settled a \$30.5 million lawsuit,” 2022, <https://fortune.com/2022/08/18/apple-employee-bag-check-lawsuit-settles-california-court/>

³⁴ *Felczer v. Apple, Inc.*, 63 Cal.App.5th 406, 277 Cal. Rptr. 3d 727 (Cal. Ct. App. 2021).

³⁵ TechCrunch, “Apple Faces Class-Action Lawsuit In California Over Alleged Labor Violations Affecting 20K Employees,” 2014, <https://techcrunch.com/2014/07/22/apple-faces-class-action-suit-affecting-20000-employees-over-pay-violations/>; CNN, “Apple sued by employees over labor issues,” <https://money.cnn.com/2014/07/23/technology/apple-labor/index.html>

³⁶ *Sutton v. Apple Inc.*, No. 10-CV-08176, 2011 U.S. Dist. LEXIS 67395 (N.D. Ill. June 23, 2011)

³⁷ *Chaffin v. Apple, Inc.*, No. 3:19-cv-00155-SB, 2019 U.S. Dist. LEXIS 127891 (D. Or. June 21, 2019); Adopted by, Dismissed by *Chaffin v. Apple, Inc.*, 2019 U.S. Dist. LEXIS 127417 (D. Or., July 26, 2019)

³⁸ *Banko v. Apple Inc.*, 20 F. Supp. 3d 749 (N.D. Cal. Sept. 2013), *Banko v. Apple, Inc.*, No. 13-02977 RS (N.D. Cal. Dec. 16, 2013)

³⁹ *Underwood v. Apple Inc.*, No. CV 120-136, 2022 U.S. Dist. LEXIS 10615 (S.D. Ga. Jan. 20, 2022)

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In an especially egregious case, a product safety lawyer sued Apple for wrongful termination and found herself subjected to a court ordered psychological evaluation at Apple's request (and she was fined \$5,000 for protesting the evaluation). Apple also requested her employment records from a prior employer including any complaints she had ever made to them (see, *Levitan v Apple Inc.*).⁴⁰ This Apple employee had complained that "male coworkers were regularly given preferential treatment and that she was fired after complaining about an environment of 'fear and intimidation.'" ⁴¹ This prior attorney also complained Apple made her engage in acts "of moral turpitude, dishonesty and corruption" that could potentially affect her standing with the California Bar.⁴² She lost.

In another painful case, an employee sued Apple for discrimination and also initiated a class action through California's Private Attorney General's Act for pay discrimination, which somehow ended with her not only losing, but the employee having to pay Apple's legal fees (see *Schulze v Apple Inc.*).⁴³

Today, a number of open employment discrimination & labor violation lawsuits sit open against Apple.⁴⁴ In just the last few months, Apple has settled a number more.⁴⁵

Meanwhile, all of these cases are against the same company with a long, public history of child labor,⁴⁶ "sweatshop" working conditions,⁴⁷ hexane poisoning,⁴⁸ mishandling of toxic waste,⁴⁹ worker

⁴⁰ *Levitan v. Apple Inc.*, 2017 Cal. Super. LEXIS 57554; *Levitan v. Apple Inc.*, 2018 Cal. Super. LEXIS 3115

⁴¹ FindLaw, "Jane Don't: Ex-Apple In-House Attorney Can't Sue Company Under Pseudonym," 2016,

<https://www.findlaw.com/legalblogs/in-house/jane-dont-ex-apple-in-house-attorney-cant-sue-company-under-pseudonym/>

⁴² Id.

⁴³ *Schulze v. Apple, Inc.*, 20CV369611, Santa Clara County Superior Court

⁴⁴ *Melissa Pocek vs Apple, Inc.*, 22CV395429, Santa Clara County Superior Court; *Catherine Vartuli v Apple*, 21CV384676, Santa Clara County Superior Court; *John Chovanec vs Apple, Inc.*, 22CV396439, Santa Clara County Superior Court; *Joseph Fanta vs Apple, Inc. et al*, 22CV400298, Santa Clara County Superior Court; *Bernadette Alexander v Apple*, 21CV377065, Santa Clara County Superior Court

⁴⁵ *Ricardo Castro vs Apple, Inc.*, 20CV367610, Santa Clara County Superior Court; *Tomas Casillas vs Apple, Inc.*, 20CV366784, Santa Clara County Superior Court; *Jose Carboney vs Apple, Inc et al*, 21CV375896, Santa Clara County Superior Court; *Sharon Glass vs Apple Inc.*, 21CV375923, Santa Clara County Superior Court; *Trieu Pham vs Apple*, 19CV361037, Santa Clara County Superior Court; *Sarah Magee vs Apple Inc. et al*, 19CV357764, Santa Clara County Superior Court; *Cativo v. Apple Inc, ATMHS, LLC, et al.*, 21CV378464, Santa Clara County Superior Court.

⁴⁶ Guardian, "Child labour uncovered in Apple's supply chain: Internal audit reveals 106 children employed at 11 factories making Apple products in past year," 2013, <https://www.theguardian.com/technology/2013/jan/25/apple-child-labour-supply>; BBC, "Apple, Samsung and Sony face child labour claims," 2016, <https://www.bbc.com/news/technology-35311456>; AP, "Lawsuit: Apple, Microsoft profit from child cobalt miners," 2019, <https://apnews.com/article/technology-business-africa-lawsuits-politics-a950d585f885f670aee416db8973e3f3>

⁴⁷ Washington Post, "Sweatshop Conditions at iPod Factory Reported," 2006, <https://www.washingtonpost.com/wp-dyn/content/article/2006/06/15/AR2006061501898.html>

⁴⁸ ICRT, "Harsh Reality Behind Apple Scandal," <https://icrt.co/harsh-reality-behind-apple-scandal/>; Wired, "Workers Plan to Sue iPhone Contractor Over Poisoning," 2010 <https://www.wired.com/2010/05/wintek-employees-sue/>

⁴⁹ California DTSC, "Apple Agrees to Pay \$450,000 to Settle Hazardous Waste Violations," 2016, <https://dtsc.ca.gov/2016/12/06/apple-agrees-to-pay-450000-to-settle-hazardous-waste-violations/>

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“interrogations” leading to suicide,⁵⁰ suicides at the corporate headquarters,⁵¹ “no-suicide vows,”⁵² “suicide nets,”⁵³ and lobbying for forced labor.⁵⁴

This is the same company frequently referred to by the U.S. government (including federal judges and federal agencies) as having a “reckless disregard” & “blatant and aggressive disregard for the law.”⁵⁵ This is the same company who, over only the last few years, had their chief compliance officer indicted for bribing a local sheriff & had their head of corporate legal compliance found to have committed securities fraud and who is facing decades in federal prison.⁵⁶

When challenging your openly hostile employer in court can result in so much lawfare and dismal chances of success, one would hope government agencies could act as mediators and chaperones as they follow their statutory duties to protect employees from unlawful discrimination and retaliation.

Conclusion

There is currently a large number of open US NLRB charges against Apple, exponentially more than Apple has ever had before. My US DOL cases appear to be the first Whistleblower Protection Program cases ever brought against Apple Inc. A number of U.S. Apple retail stores and other groups of employees have begun to unionize, already filing Unfair Labor Practice complaints about union-busting and other misconduct by Apple.⁵⁷ Apple workers even started a petition pleading for Apple to cease its retaliation & union-busting campaign.⁵⁸

It is time for Apple to have to face justice for misconduct, just like smaller companies do. While not every case will be found to have merit, all employees are owed their due process rights and a fair investigation. It does not appear they are receiving that today, & I know I have not. Thus, it is no wonder Apple acts like it will never be held accountable for its actions. That must stop – today.

Apple is a huge multi-national corporation based in the United States with a long history of labor and human rights violations in their international supply chain and operations. If Apple is not held

⁵⁰ Gizmodo, “Report: iPhone Leak Interrogations Drive Foxconn Employee to Suicide,” 2009, <https://gizmodo.com/report-iphone-leak-interrogations-drive-foxconn-employ-5319275>

⁵¹ CNN, “Apple employee found dead at HQ shot himself,” 2016, <https://money.cnn.com/2016/04/28/technology/apple-employee-death-gun-suicide/index.html>

⁵² NBC News, “Chinese factory asks for ‘no suicide’ vow,” 2010, nbcnews.com/id/wbna37354853

⁵³ WIRED, “Foxconn Rallies Workers, Leaves Suicide Nets in Place,” 2010, <https://www.wired.com/2010/08/foxconn-rallies-workers-installs-suicide-nets/>

⁵⁴ Washington Post, “Apple is lobbying against a bill aimed at stopping forced labor in China,” 2020, <https://www.washingtonpost.com/technology/2020/11/20/apple-uighur/>

⁵⁵ Big Tech Politics, “A Blatant and Aggressive Disregard for the Law,” 2022, <https://ashleygjovik.substack.com/p/a-blatant-and-aggressive-disregard>

⁵⁶ Id.

⁵⁷ WIRED, “The Fallout From Apple’s Bizarre, Dogged Union-Busting Campaign,” July 28 2022, <https://www.wired.com/story/apples-union-busting-campaign-caused-a-bad-fallout/>

⁵⁸ Change.org, “Apple, Abide By Your Own Code. Respect Your Employee’s Rights.,” <https://www.change.org/p/apple-abide-by-your-own-code-respect-your-employee-s-rights>

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accountable in the country the corporation is headquartered in, what hope do other countries have in enforcing international labor standards against Apple abroad?

The United States must set expectations for Apple here & abroad – that whether it is California labor laws, United States labor and anti-discrimination statutes, foreign national labor laws, or international standards such as from the International Labor Organization – whether it is employees, contractors, or vendors – Apple should be expected to make a good faith effort to follow the law, & governments should be able to investigate allegations of misconduct with independence and integrity.

In announcing your new joint anti-retaliation initiative last year, Solicitor Nanda said, *“The enforcement of labor laws only works when workers who speak out for themselves and their fellow workers and not fear or suffer from retaliation.”* Here, despite fear of even more retaliation, I continue to speak out for myself and for my coworkers. I speak out in hope that my doing so can prevent future retaliation against my coworkers by their employer, and by the federal government agencies supposedly chartered to protect us.

Please investigate the past, present, and future handling of employee charges against Apple. Evaluate conflicts of interest, revolving doors, procedural misconduct, failure to comply with internal practices, and other red flags for corruption.

Please review my cases for agency misconduct. Please respond to my complaints, and my requests for OIG review & intervention.

Please ensure all Apple employees are given our “day in court,” as the US Constitution & international law demands.

Thank You.

-Ashley M. Gjovik, J.D

September 27, 2022

Note: This letter will be posted on justiceatapple.com and open for comments and sign-ons from past and current Apple employees, and others who support whistleblower protection.

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