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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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April 18, 2024

VIA ELECTRONIC TRANSMISSION

Donnie D. King
Chief Executive Officer
Tyson Foods, Inc.
2200 W. Don Tyson Parkway
Springdale, AR 72762

Dear Mr. King:

I write regarding Tyson Foods, Inc.'s (Tyson) hiring practices and the steps Tyson has taken to prevent illegal child labor in the face of its recently announced efforts to hire more recent immigrant and refugee workers to fill open positions. Specifically, as detailed by Bloomberg Law, Tyson has partnered with Tent Partnerships for Refugees (TPR) to hire more immigrant and refugee workers to fill labor-manufacturing jobs that it does not believe American workers want to fill.¹ Tyson has also reportedly been a subject of a Department of Labor (DOL) investigation into its alleged hiring of migrant children—or its indirect practice of allowing children to work in its facilities while employed by third party contractors—who are not permitted to work in hazardous workplaces, such as meat-packing plants or slaughterhouses.²

As you are likely aware, Tyson is not the only company to be part of this broader investigation into unacceptable child labor practices. The issue of illegal child labor has recently been exposed throughout the meat-packing industry, and has resulted in a significant increase in child labor enforcement actions, fines from DOL ranging in the millions of dollars, and court orders to individual companies to cease and desist all illegal child labor violations.³ The reports that exposed these large-scale practices specifically found that child laborers have been buying fake

¹ Simone Foxman and Ella Ceron, *Tyson is Hiring New York Immigrants for Jobs No One Else Wants*, BLOOMBERG LAW (Mar. 11, 2024), <https://news.bloomberglaw.com/daily-labor-report/tyson-is-hiring-new-york-immigrants-for-jobs-no-one-else-wants>.

² Juliana Kim, *Perdue Farms and Tyson Foods Under Federal Inquiry Over Reports of Illegal Child Labor*, NPR (Sept. 25, 2023), <https://www.npr.org/2023/09/25/1201524399/child-labor-perdue-farms-tyson-foods-investigation>.

³ *Child Labor Enforcement: Keeping Young Workers Safe*, U.S. DEP'T OF LAB., <https://www.dol.gov/agencies/whd/data/child-labor#:~:text=In%20FY%202023%2C%20we%20concluded,increase%20from%20the%20previous%20year> (last visited Nov. 27, 2023); *Julie Su, Acting Sec'y of Lab. v. Monogram Food Sol. et al*, No. 23-cv-2007 (July 6, 2023) (Consent Order and Judgment), <https://www.dol.gov/sites/dolgov/files/OPA/newsreleases/2023/07/SOL20231505.pdf>.

identification documents or documents that belong to someone over 18 years old, then presenting those documents to employers to bypass the I-9 hiring process.⁴

This increase in exploitative child labor in the meat-packing industry alone raises serious questions about the root causes of these intolerable practices and the ways Congress and the executive branch can best ensure all children—especially those who came to the United States as immigrants and are particularly susceptible to the harms of working under dangerous conditions—receive the protection they deserve. The exposure of the methods used to allow these children to work in dangerous workplaces should have also resulted in quick action by the business community—starting with the meat-packing industry—to prevent anyone under the age of 18 from illegally working in these hazardous workplaces. As a leader in the meat-packing and processing industry that has publicly expressed its intent to tap into the recent immigrant and refugee community to fill potentially hazardous positions, I am hopeful that Tyson has made the necessary adjustments to its hiring processes to avoid placing children at risk while providing opportunities to those recent immigrants and refugees eligible to work in the U.S.

The U.S. Senate Committee on Health Education, Labor, and Pensions has direct jurisdiction over DOL and DOL's Wage and Hour Division, as well as matters relating to child labor and occupational safety and health. Accordingly, in order to better understand the steps Tyson has taken and intends to take to ensure that it does not employ child laborers or unauthorized workers at their facilities, I ask that you answer the following questions, on a question-by-question basis, by May 2, 2023. For those questions that require the production of documents, I request that these documents be unredacted and produced in electronic form.

1. What steps does Tyson take to ensure that it does not hire minors into positions that they are not permitted to work in under federal or state law? Include in the response:
 - a. In the event Tyson hires minors to work at any of its locations or facilities, detail all steps Tyson takes to ensure those minors do not work in prohibited and/or dangerous locations or perform prohibited and/or dangerous tasks;
 - b. Detail all recent changes to Tyson's hiring policies, trainings, and practices that are specifically designed to identify fake or falsified documents presented by a minor seeking employment; and
 - c. Produce a copy of all Tyson's policies that relate to hiring and/or employing minors at any Tyson location or facility.
2. Does Tyson provide training for its managers regarding compliance with child labor law provisions of the FLSA? Include in the response:
 - a. Whether Tyson uses uniform training materials across its locations and facilities and, if not, why it does not do so;

⁴ See Hannah Dreier, *The Kids on the Night Shift*, THE NEW YORK TIMES MAGAZINE (Sept. 18, 2023), https://www.nytimes.com/2023/09/18/magazine/child-labor-dangerous-jobs.html?action=click&pgtype=Article&state=default&module=styln-migrant-child-labor&variant=show®ion=MAIN_CONTENT_1&block=storyline_top_links_recirc.

- b. Detail whether and when Tyson managers or human resources conduct inspections of all employees and contractors to ensure that all individuals working in Tyson facilities—whether employees or contractors—appear to be old enough to work at the facility; and
 - c. Produce a copy of Tyson’s training materials for all managers that relate to compliance with child labor law provisions of the FLSA.
3. Has Tyson contracted with any third-party companies to perform its cleaning and sanitation services at any of its meat-packing or slaughterhouse facilities since January 1, 2021? If so, identify those contractor companies.
 - a. What steps does Tyson take to ensure that third-party contractors do not hire minors to work in Tyson facilities?
 - b. If Tyson has not contracted with any third-party company to perform its cleaning and sanitation services, does Tyson employ all cleaning and sanitation employees to clean its facilities?
4. Has Tyson taken any adverse employment actions against current or former managers or cancelled any third-party contracts for work in Tyson facilities since January 1, 2022 related to any violations or alleged violations of the child labor provisions of the FLSA? If so, please provide the following information:
 - a. The location(s) where the management personnel was employed or third-party contractor was contracted to provide work;
 - b. The nature of the alleged violation; and
 - c. The date Tyson took the adverse action.
5. What policies, procedures, and/or other system(s) does Tyson use to confirm the eligibility of their employees to work in the United States? Please detail all tools used to ensure employment authorization.
 - a. If Tyson uses E-Verify and/or other web-based systems, how does Tyson ensure that management personnel do not misuse these systems or engage in unreported employment?
6. How does Tyson interact with TPR to further Tyson’s aims to hire more immigrant workers? Include in your response:
 - a. Does TPR conduct any pre-screening of immigrant or refugee applicants’ age and eligibility to work in the United States before recommending their hire to Tyson?
 - b. Does Tyson have a contract with TPR to help Tyson locate and recommend immigrants or refugees for open position? If so, please provide that contract.
 - c. Is Tyson’s relationship with TPR limited to its facilities and plants in specific locations, or does Tyson partner with TPR on a broader, nationwide basis?

Thank you for your prompt attention to this matter.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.

Ranking Member

U.S. Senate Committee on Health,
Education, Labor, and Pensions