



May 18, 2023

Timothy Riera, Director (acting)  
Jeffrey Burstein, Regional Attorney  
New York District Office  
U.S. Equal Employment Opportunity Commission  
33 Whitehall Street, 5th Floor  
New York, NY 10004

**Investigation Request: Unilever United States**

Dear Mr. Riera and Mr. Burstein:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. We write, pursuant to 29 C.F.R. § 1601.6(a), seeking issuance of a Commissioner’s charge for an inquiry into individual or systemic discrimination by Unilever.<sup>1</sup> Unilever is a publicly traded corporation with its North American subsidiary Unilever United States, Inc., headquartered at 800 Sylvan Avenue, Englewood Cliffs, NJ 07632.<sup>2</sup>

Federal law forbids discrimination by an employer against an employee or potential employee “because of such individual’s race, color, religion, sex, or national origin.”<sup>3</sup> Likewise, an employer cannot “limit, segregate, or classify his employees or applicants in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.”<sup>4</sup> Finally, it is an unlawful employment practice for any employer to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.<sup>5</sup>

The evidence is that Unilever is knowingly, intentionally, and unlawfully discriminating based on race, color, national origin, and sex with respect to employment and job training opportunities. For example, the 2022 Form 20-F filed

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<sup>1</sup> Copies of this letter are also addressed to each Member of the Commission and AFL makes the same request of each of them pursuant to 29 C.F.R. § 1601.6(a).

<sup>2</sup> Unilever United States, *Contact Unilever USA*, <https://bit.ly/40sN6gb>.

<sup>3</sup> 42 U.S.C. § 2000e-2(a).

<sup>4</sup> *Id.*

<sup>5</sup> 42 U.S.C. § 2000e-2(d).

with the SEC states that “senior female representation continues to increase and is now at 31%, due to **gender-balanced succession planning** and balanced slates in hiring. We support our senior-level women with bespoke development plans, mentoring and career coaching. Where legally possible, we consider racial and ethnic diversity in our recruitment and succession planning.” Exhibit 1 (emphasis added). Gender-balanced succession planning involves “identifying the best female leaders [and] providing them with a clearer pathway to the top of the organisation.”<sup>6</sup> Likewise, it appears that women at Unilever receive development and mentoring that are not available to their male peers. *See* Exhibit 1.

This sort of discrimination is illegal, and it would be illegal even if the goal was mere parity. However, it is clear that the goal at Unilever goes beyond parity; on their website they write that they “have reached equal representation of women and men among our 14,000 managers. . . We will continue to work towards equal opportunities for women through training and our **gender appointment ratio** and market-and-department-specific targets.” Exhibit 2 at 1 (emphasis added); UNILEVER, *Equity, Diversity & Inclusion*, <https://bit.ly/433etzd>.

In pursuit of this illegal gender and racial balancing, Unilever and its subordinate brands (including Ben and Jerry’s) solicit racial self-classifications from their applicants. *See e.g.*, Exhibits 3, 4, 5. On one hand, form language on these job postings assures applicants that “how [they] complete these will not affect the outcome of [their] application.” *Id.* On the other hand, the rest of Unilever’s public materials emphasize the company’s efforts to ensure “balance” in the representation of each group. *See e.g.*, Exhibit 1, (“We continue to maintain gender balance in management and are now focused on diverse representation at more senior levels.”). Ben and Jerry’s openly writes about the difference between “equity” and “equality,” and how those concepts drive a need to treat different groups differently, by giving them what they “need” instead of treating them equally. *See* Exhibit 7.

The company’s 2022 reports further detail sex and race-based hiring during 2022; the launch of a race-based entrepreneurship training program, a race-based COVID relief fund, and the company’s work with New Voices Foundation to continue to operate the “Next Black Millionaires Fund,” which provided five black-owned businesses with a grant for \$100,000. *See* Exhibit 6. While the provision of race-based COVID relief and race-based investment may not violate Title VII because they do not relate directly to employment, they do indicate a culture that tolerates pervasive racism and lends additional weight to the employment discrimination allegations.

A Commissioner’s charge is particularly appropriate here because there is ample reason to believe that Unilever has knowingly and intentionally violated federal law and intends to continue doing so. The corporation has chosen to promote and use

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<sup>6</sup> Brett Moffatt, *Succession Planning: Driving Success in Gender Diversity*, PERSONNEL TODAY (Sept. 24, 2018), <https://bit.ly/40nAJ58>.

employment practices that are both patently illegal and deeply harmful. Discrimination based on immutable characteristics such as race, color, national origin, or sex “generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.”<sup>7</sup> More broadly, Unilever’s employment practices foment contention and resentment—they are “odious and destructive.”<sup>8</sup> It truly “is a sordid business, this divvying us up” by race or sex.<sup>9</sup>

Thank you in advance for your consideration. Please feel free to contact me if you have any questions.

Sincerely,

/s/ Jacob Meckler  
Jacob Meckler  
America First Legal Foundation

Cc: The Honorable Charlotte A. Burrows, Commission Chair  
The Honorable Jocelyn Samuels, Commission Vice Chair  
The Honorable Keith E. Sonderling, Commissioner  
The Honorable Andrea R. Lucas, Commissioner

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<sup>7</sup> *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

<sup>8</sup> *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

<sup>9</sup> *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).

## Equity, diversity and inclusion

Our goal is to achieve an equitable and inclusive culture in the workplace, to unlock the potential of diverse teams to deliver high performance. We assess employee sentiment around equity, diversity and inclusion through our annual UniVoice survey. In 2022, 84% of employees said that our leadership stands for equity, diversity and inclusion (2021: 84%).

We have identified four equity, diversity and inclusion priorities to address under-representation: gender, race and ethnicity, people with disabilities and LGBTQI+ communities. Our newly developed Equity & Inclusion Advancement Framework is helping us to review and improve our policies and practices to identify where interventions can help to tackle bias or discrimination. In 2022, we piloted the Framework to evaluate our global policies and practices, covering more than 20 areas of HR, such as recruitment, talent management and learning. This will inform future pilots of the Framework at country level.

We continue to maintain gender balance in management and are now focused on diverse representation at more senior levels. Senior female representation continues to increase and is now at 31%, due to gender-balanced succession planning and balanced slates in hiring. We support our senior-level women with bespoke development plans, mentoring and career coaching. Where legally possible, we consider racial and ethnic diversity in our recruitment and succession planning. See page 63 for gender balance in our workforce.

We have committed that 5% of our workforce will be made up of people with disabilities by 2025. At the end of 2022, 36 markets were collecting employee self-reported data on disability. At the same time, we are continuing to improve the accessibility of our technology and sites, drawing on feedback from our global employee resource network for disability, Enable. In partnership with the Business Disability Forum, we have reviewed the accessibility of around 80 workplace sites, with more planned in 2023.

ProUd, our LGBTQI+ network, plays an active role in community building and sharing resources, for example by educating our marketers to portray the community in unстереotypical ways and by working with senior leaders to be role models for LGBTQI+ inclusion.



## Future of work

Whilst not an explicit aim of the Compass Organisation, the changes we have made will help us to future-proof our business and our people against changes in the world of work – including automation and new technologies which are reshaping many roles in our business. Our future of work strategy addresses this through three pillars.

The first pillar is reskilling and upskilling our workforce, with a focus on our employees below senior management. In 2022 we reskilled or upskilled 15% of our employees with future-fit skills. Digital skills are a priority, so we have launched our first company-wide Digital Upskilling Programme which includes a range of courses and external certifications on digital skills for our office-based employees. We have also developed a series of learning pathways tailored for people who work in our factories, warehouses, and distribution centres to help them master the future technologies of manufacturing, including robotics and AI. In addition, we continued the roll-out of a tool which digitises production processes, helping our factory employees to learn digital skills on the job. The tool is now available at around 110 factories with more planned for next year.

The second pillar is providing flexible employment options. People's expectations of how they work are changing. In 2022, we proactively engaged with our workforce to understand their needs and expectations on flexibility and hybrid working. We are using this to inform how we achieve our goal to extend flexible working practices and pioneer new models of employment, so that we achieve a more agile and effective organisation.

The third pillar is about our future workforce. In 2022, we expanded our partnership with UNICEF's Generation Unlimited to help us work towards our goal of equipping 10 million young people with essential work skills by 2030 – through education, training, volunteering and employment opportunities. We are engaging with our partners to put in place a reporting mechanism so that we can report progress against this goal in 2023.

## Employee health and wellbeing

Protecting employee health and wellbeing is an important priority – especially during periods of change. Based on our latest annual UniVoice survey, employee sentiment on wellbeing overall remained relatively high at 82%, albeit with room to improve especially on supporting prioritisation.

Based on data and evidence, we have identified psychological safety as a key enabler of high-performing teams in the new Compass Organisation and a fundamental driver of wellbeing. We have developed training for line managers to build awareness around psychological safety and will roll this out in 2023. We continue to grow our 4,000-strong network of trained Mental Health Champion volunteers worldwide, and offer support resources on mental health such as our confidential Employee Assistance Programmes.

To support our employees' physical health, we have launched a new whole person health programme called 'Healthier U' which prioritises employees in the highest-risk groups for certain health conditions. It is now active in over 30 countries.



# Equitable workplace

Driving an equitable workplace

#Unstereotype

Women in the workplace

Women in leadership

Gender equality

Living with a disability

Fairness in the workplace

Achieving racial and ethnic diversity

Taking action to include LGBTQI+

## Women in leadership

We're very proud to have reached equal representation of women and men among our 14,000 managers, having 51% women managers across our business. We'll continue to work towards equal opportunities for women through training, our gender appointment ratio and market-and-department-specific targets.



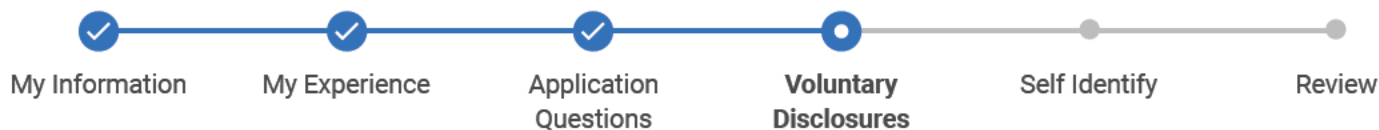


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## Ben & Jerry's Social Mission Director



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## Disclosures

Unilever is continuing to building a workforce that reflects the diversity of the communities in which we live and serve and where every employee has the opportunity to reach their full potential. We know that investing in diversity creates a more rewarding work environment, stimulates creativity, helps to meet the needs of our diverse customer base and delivers better overall performance.

We ask all applicants to fill out the self-identification questions below to gauge how we are doing in attracting diverse candidates to our organization. The information you provide helps us measure our progress in achieving this goal. Responses will be kept separately from your applicant profile and how you complete these will not affect the outcome of your application. You also don't have to give any details you don't want to – this section is completely optional. By voluntarily providing your personal information, you are consenting to use of your information only for government reporting purposes of our workforce diversity. Reporting is in aggregate and only by those individuals with the appropriate access for these reporting purposes.

What is your gender? \*

What is your ethnicity or race? \*

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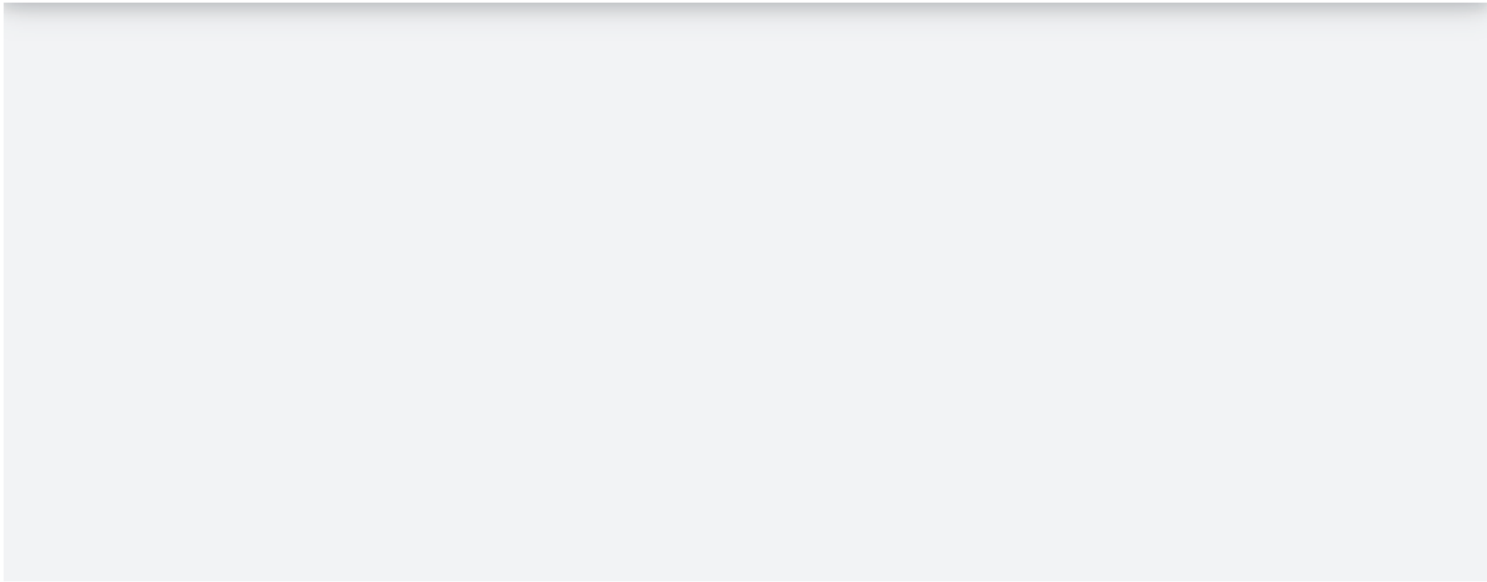
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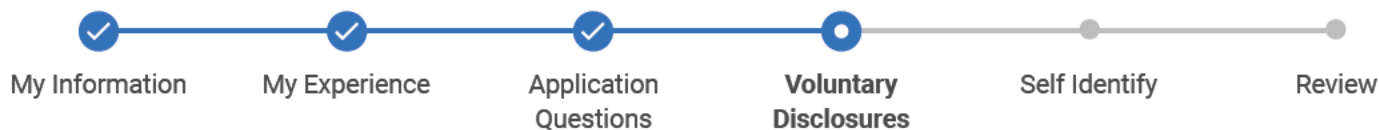


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## Processing Area Lead



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What is your gender? \*

What is your ethnicity or race? \*

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# Unilever Careers



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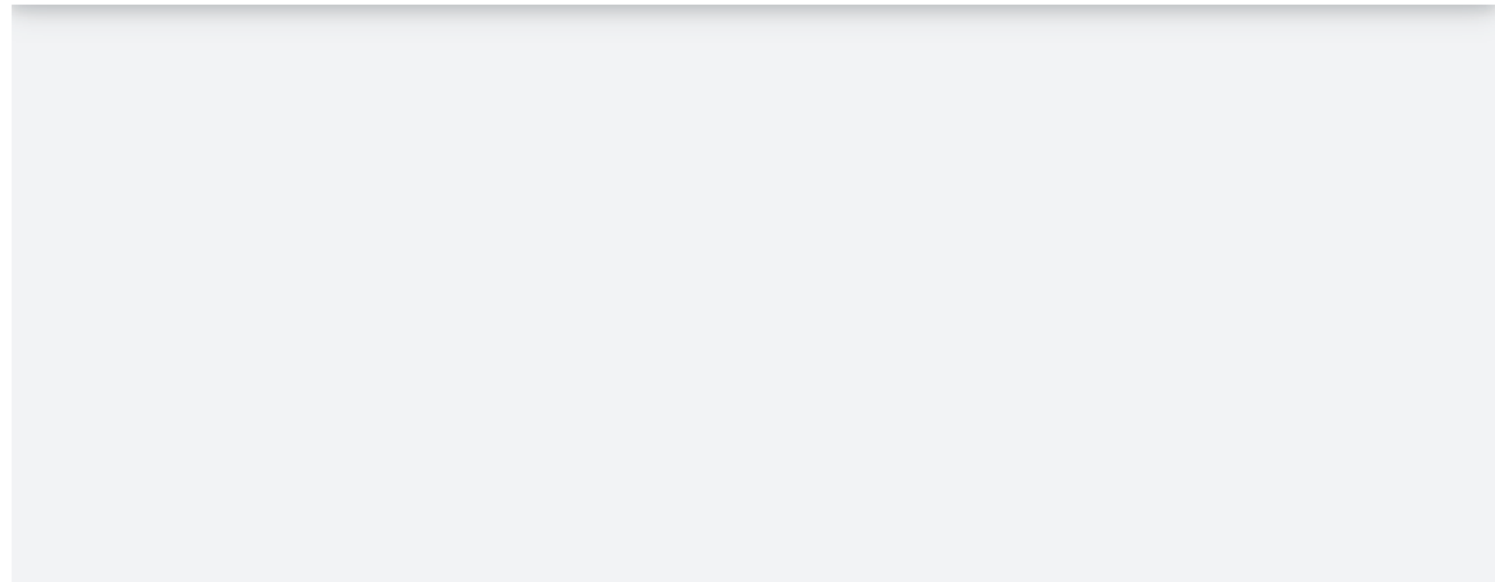
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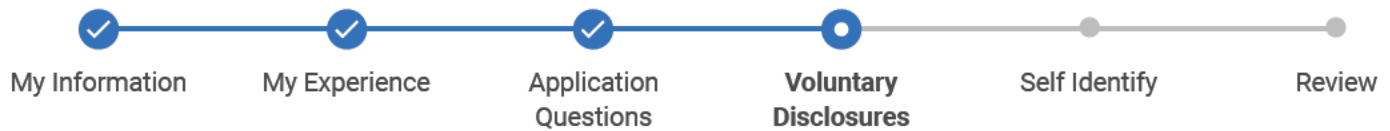


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## Quality Scientist I (3rd shift M-F)



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#### Disclosures

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What is your gender? \*

Male ▼

What is your ethnicity or race? \*

Native Hawaiian or Other Pacific Islander (N... ▼

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# The Next *Black* Millionaire Fund

In 2021, we launched our most ambitious project yet: **The Next Black Millionaire Fund**. In partnership with **New Voices Foundation**, we combed through hundreds of applications, conducted dozens of interviews, and ultimately selected the most amazing Black-owned businesses to participate in this groundbreaking program.

Congratulations to our winning founders!



**DORIAN MORRIS**  
**UNDEFINED BEAUTY**





**LATOYA STIRRUP**  
**KAZMALEJE**



**NEIL HUDSON**  
**SCOTCH BOYZ**



Each business will receive: \$100,000 grant, business development services, retail distribution support, an opportunity to collaborate with SheaMoisture and to participate in a streaming docuseries that follows their journey over the course of the year.

To learn more about their businesses

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## Take a **seat at the table**

SheaMoisture has been serving **Black entrepreneurs** and investing in the Black community for decades. To better serve you, we're constantly reimagining our **recipe for success**.

Unjust barriers exist for Black entrepreneurs, including limited access to the considerable advantages that generational wealth and privilege provides. A crucial part of our recipe for eradication of the **\$11 Trillion** wealth gap is supporting entrepreneurs like you.

**Join our growing community of entrepreneurs.  
Build your recipe with SheaMoisture.**



# SheaMoisture First Annual Impact Report

*Key ingredients to  
Black wealth  
creation*

*Coming  
in 2022*

Since 1991, SheaMoisture has been committed to uplifting Black communities across the world. Learn more about the decision that was made in 2017 to grow the company's impact as a [Black-founded and Black-led](#) company. What's happened since this decision?

Sign up to discover what the brand has to say in it's first annual impact report.

[Sign Up](#)



## OUR STORY

SheaMoisture is the legacy of Sofi Tucker, a pioneering mother of four and entrepreneur, who sold Shea Butter, African Black Soap and homemade beauty preparations in Sierra Leone in 1912. We honor her vision by continuing to formulate with Shea Butter handcrafted by women in Africa. With every purchase you show support of our mission to reinvest back in our communities.

## OUR PROMISE

We formulate our products with:

No Sulfates, No Parabens, No Phthalates, No Mineral Oil, No Animal Testing, No Petrolatum



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# Words Matter: A Racial Justice Glossary

March 2, 2017



## Wrestling with a Legacy of Injustice

The fight for [racial justice](#) dates back to well before our country's founding, and yet somehow it's still difficult to talk about, even hundreds of years later. Racism is embedded in our nation's founding documents, and yet it can be a struggle to discuss how it continues to affect all of us today.

Is it possible that part of the problem has to do with terminology? Raise your hand if you've ever been confused by some of the terms you've heard on TV or read in an article. We're with you! That's why we decided to come up with a racial justice glossary—now we can all be on the same page as we continue working together on this critical challenge confronting American society. Compiling this list helped us, and we hope it helps you too.

- **Ally**

A person who supports groups (as defined by race, gender, sexual orientation, or something else) other than their own; a person who seeks to further their own education regarding the oppression those other groups face and commits to ending that oppression. Being an ally starts with empathizing with others and understanding their struggles, while also recognizing and reckoning with the privilege you may enjoy as part of your own life.

- **Bias**

A personal outlook that may lead to judgment based not on facts or experience but on irrational and often illogical belief—otherwise known as prejudice. Bias is learned, which means it can be unlearned, through personal efforts and education.

- **Bigotry**

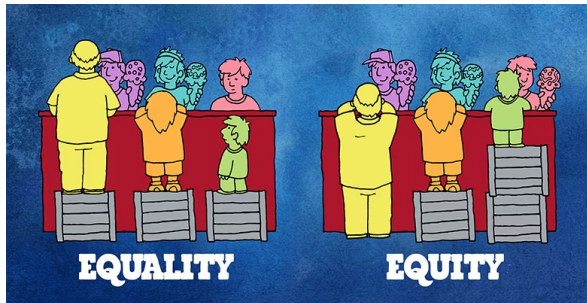
A form of intolerance and prejudice that glorifies one group and puts down or even vilifies others.

- **Civil Rights / Civil Liberties**

Civil rights refers to the inherent rights of all citizens (such as the right to free speech or the right to vote), and civil liberties refers to the freedom of citizens to exercise those rights without undue interference from the government.

- **Ethnocentrism**

A belief that one's own culture is superior to all others.



- **Equality / Equity**

Equality refers to the attempt to treat people fairly by giving everyone the same thing, which really only works if people need the same thing. Equity concentrates on giving people what each of them actually needs. Some people don't need much help; others need a lot—so the amount of the help provided cannot possibly be equal. You have to ensure equity before you can hope for equality. Marriage equality, for example, is about everyone in our country having the equal right to marry who they love (something everybody deserves and needs). Racial equity, on the other hand, is about ensuring that society works fairly for all ethnic and racial groups (something we need to continue to fight for, because white people have access to opportunities that are not available to people of color).

- **Group Identity**

A sense of belonging to a particular group, usually defined by (but not limited to) race, gender, sexual orientation, disability, and so on.

- **Implicit Bias**

Everyone is biased in some way. We can't avoid it, and having biases doesn't mean we're bad people. The key is to try to recognize them and push back against them. Implicit (or unconscious) bias, however, can be challenging to spot and respond to—it's the kind of bias a person is not aware of. It's not easy to root these biases out, and meanwhile they continue to influence how we feel about other people (often with respect to race, sexuality, gender, etc.) and situations. If we notice a disconnect between what we believe and say and how we actually behave, then implicit bias may be at work—and it's on us to do something about it.

- **Intersectionality**

Intersectionality first emerged in the context of feminism (acknowledging that while all women face sexism, the sexism that black women face is uniquely challenging, because it also involves racism), but has more recently come to refer to the complex and ever-shifting way that many different varieties of discrimination overlap, accumulate, and intersect. The [term](#) is also now being used to discuss how different causes (such as racial justice and environmental justice, for example) are joining forces in the recognition that they share common values and face common threats.

- **Jail / Prison**

Jails are facilities, run by local governments, where people who have committed minor crimes are held for no more than a year. Prisons, run by states or the federal government, hold inmates who have been sentenced for more than a year after being convicted of more serious crimes. State prisons hold those who have broken state laws and federal prisons hold those who have broken federal laws. Overall, the US has more jails and prisons than [colleges\(Opens in new window\)](#). In fact, although the US has only 5% of the world's population, it accounts for [25%\(Opens in new window\)](#) of the world's prisoners.

- **Privilege**

Unearned benefits or rights extended to people in a particular group. Basically, having privilege makes life easier, all else being equal, than not having privilege. For example, life, for many reasons, can be challenging for white women, yet white women enjoy white privilege. Life for black women is more challenging, because of racism. Similarly, life as a gay white man can certainly be hard, but life as a gay black man is harder. Of course, being privileged doesn't mean you can't be an ally; the first step is to recognize your privilege, and the next step is to work toward dismantling the system that grants privilege to certain people and not others.

- **Racism**

The belief that one race, usually one's own, is superior to all the others. And that this "superior" race deserves to impose its will on the others.

- **Stereotypes**

Stereotypes are your brain's attempt to categorize and make sense of the many people you encounter in the world. They are judgements or characteristics you attribute to specific groups of people — races, genders, age groups, etc. — that may or may not be true for any one specific individual. A stereotype becomes a bias when you believe that these judgements and characteristics apply to all people within a given group. Stereotypes are overly simplistic and limit our ability to understand the vast diversity of the human experience.

- **Systemic / Institutionalized Racism**

Sometimes called institutional or structural racism—the kind of racism that is embedded in the structure of society, in its organizations and government and social institutions. It reflects the values and assumptions of the dominant group, rendering the values of other groups either subordinate or invisible. [Systemic racism](#) may be difficult to recognize and even harder to correct. Many people working within, and making decisions on behalf of, this societal structure do not see themselves as racist, and yet their unconscious actions serve to reduce opportunities for members of marginalized groups.

- **White Supremacy**

The idea that the white race is innately superior to all other races and that white people should rule the people of those other races. Note: if you hear the term "alt-right," think "white supremacy."

- **Xenophobia**

The fear, often leading to hatred, of people from foreign countries... or really of anything foreign or strange.

- [\(Opens in new window\)](#)
- [\(Opens in new window\)](#)

## Recent Articles



May 16, 2023

## **Almost 500 Anti-Trans Bills Have Been Introduced Across the US: How Many Are In Your State?**

A record number of bills targeting the LGBTQ+ community, and especially trans youth, have been introduced in state legislators. Use this guide to find out what's happening in your state.

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May 15, 2023

## **Enter For Your Chance to WIN A Ben & Jerry's Prize Pack!**

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May 9, 2023

## **Here's What Happened When Des Moines Removed Cops From Their Schools**

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## Making a Difference

We build awareness and support for the activism causes we feel strongly about.

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