

October 8, 2015

Bundeskanzlerin Dr. Angela Merkel
Willy-Brandt-Straße 1
10557 Berlin
Germany

Dear Chancellor Merkel:

We write to respectfully request that the German Government, as a major shareholder of Deutsche Telekom, press the company to reform policies that are harming its workers', and in particular its women workers, in violation of U.S. law. We ask that you call on Deutsche Telekom and its U.S. subsidiary, T-Mobile, to rescind immediately policies that restrict its US employees' ability to take steps to address sexual harassment and other unlawful abuses of power, and to notify these employees of the rescission and their rights under the law.

Two different U.S. administrative law judges this year have now independently determined that T-Mobile maintains policies that unlawfully silence employees, thus thwarting their legal right to communicate and join with each other to address their wages and working conditions, as well as their legal right to complain to government authorities regarding violations of antidiscrimination law and other critical employee protections. As one of these judges found, T-Mobile's unlawful acts include attempting to silence employees who complain to T-Mobile of sexual harassment, thus restricting employees from communicating with each other about experiences of harassment. This attempt to silence complaining employees can be expected to prevent employees from pursuing their rights to bring legal complaints challenging harassment or other forms of discrimination.

In March, in a decision affecting the entire U.S. operation of T-Mobile, an Administrative Law Judge found that 11 T-Mobile nationwide policies unlawfully interfered with employees' right under the National Labor Relations Act to engage in collective action for their own and each other's protection. Among the policies found unlawful were those that restricted employees' ability to talk with each other about their wages or working conditions, upon threat of discipline. For example, under one of the policies found to be unlawful, employees were not allowed to share information about how much they were paid; one effect of this unlawful rule was to make it nearly impossible for employees to identify unlawful pay discrimination in the workplace. This decision will result in nationwide remedies (not yet implemented because of T-Mobile's ongoing appeal concerning the finding of illegality regarding two of the policies).

In August, a second judge found that, at call centers in Maine and South Carolina, T-Mobile had required employees to keep silent about internal investigations, including investigations of sexual harassment complaints, and to sign a non-disclosure agreement that prohibited them from discussing their experiences with anyone other than T-Mobile during the

investigation. As the decision sets out, in Maine, a female T-Mobile employee approached her Human Resource manager to complain that she was being sexually harassed by her supervisor. Upon complaining, she was required to sign the non-disclosure agreement and was told that, if she discussed the matter with her coworkers, she could be disciplined or fired. The nondisclosure agreement also did not contain any clear exception permitting the employee to share her experiences with the U.S. Equal Employment Opportunity Commission or any other state or federal agency charged with enforcing anti-discrimination laws. In fact, it suggested (in violation of law) that a worker bringing such a charge would be subject to discipline by T-Mobile. The employee signed the agreement, but she resigned from her job rather than go back to work with the supervisor in question and without the freedom to seek help from coworkers or others. The Administrative Law Judge found that the non-disclosure agreement was unlawful, as was the very explicit threat of discipline for speaking about the matter further with anyone unless authorized by T-Mobile. The judge ordered T-Mobile to abandon its reliance upon non-disclosure agreements in these circumstances, to notify workers of this change of policy, and to tell them of their rights to communicate with each other. Unfortunately, this order only applies to the T-Mobile call centers in South Carolina and Maine. However, the nondisclosure policy at issue is unlawful anywhere in the United States.

The similarity of and markings on the Maine and South Carolina nondisclosure forms indicate that this T-Mobile nondisclosure policy has been in place in other U.S. locations. T-Mobile workers other than those in the South Carolina and Maine call centers continue to be placed in an untenable position by this nondisclosure policy. If they have been forced to sign the non-disclosure agreement in the past after complaining of harassment, discrimination, or other unlawful or abusive working conditions, speaking out now about the agreement or their complaints still risks discipline by T-Mobile. Workers should not have to risk their jobs, and deal with months of legal action, to achieve the repeal of unlawful policies incrementally, state by state. Workers should know that the nondisclosure agreement is void and that they are free to exercise their legally protected rights. To allow T-Mobile to keep any employees in the dark about their rights, having already misinformed them, is to allow T-Mobile to reap the benefits of an illegal scheme to silence them.

We respectfully request that you and your Government exercise your voice as significant shareholders and call on Deutsche Telekom and T-Mobile to do the right thing. These companies should not simply rescind the nondisclosure policies at the two call centers addressed in the August decision. T-Mobile should rescind these policies across the United States, immediately, in every workplace, and post notices in every workplace, physically and electronically, announcing the rescission so that workers, especially victims of sexual harassment and other forms of discrimination, are informed of their right to speak out and seek assistance from others.

Thank you very much for your leadership.

Sincerely,

AFL-CIO

National Women's Law Center

9to5, National Association of Working Women

Equal Rights Advocates

Legal Momentum

National Partnership for Women and Families

Southwest Women's Law Center

Women Employed

Women's Law Project

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