



February 16, 2009

Arvind Ganesan, Director
Business and Human Rights Division
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

Dear Mr. Ganesan:

I am writing in response to your recent letter to our chairman, Dr. Frank Appel, concerning your organization's intent to include Deutsche Post in its pending report on the labor practices of European companies operating in the United States. Thank you for the opportunity to respond.

Notwithstanding the conclusory tone of your correspondence, I am encouraged by your representations of commitment to "fair, balanced, and accurate reporting." I trust therefore, Human Rights Watch will give appropriate consideration to the broader factual and procedural context of the National Labor Relations Board ("NLRB") charges referenced in your letter, as well as, our Company's more comprehensive record of positive labor relations in the U.S.

As Vice President of Labor Relations for DHL Express (USA), I am familiar with the unfair labor practice allegations referenced in your letter. As you may be aware -- but was not specifically acknowledged in your correspondence -- the charges in question are still pending final disposition with the National Labor Relations Board (a status which I hope will be properly noted in any final report on these matters). As such, I feel it would be inappropriate to comment in specific detail on these cases, but do wish to communicate a few other important points.

First, with respect to Case No. 9-CA-4, the Company has disagreed with the findings of the Administrative Law Judge ("ALJ") and would further point out that the underlying complaint filed by the American Postal Workers Union ("APWU"), has been part of repeated delaying tactics by that union, which by design and/or effect have deprived DHL employees of the opportunity to exercise their rights to vote on union representation. On October 11, 2006, the APWU filed a petition seeking to represent certain DHL employees working at its Wilmington, Ohio facility. The International Brotherhood of Teamsters ("IBT"), subsequently intervened in this election. On the eve of the original election date, the APWU filed a series of unfair labor practice allegations asserting election misconduct on the part of the Company, the majority of which have ultimately been dismissed. Nonetheless, the election remained blocked by these charges for approximately a year and half. The NLRB ultimately conducted an election on June 10th and 11th 2008, after the APWU finally agreed to allow the election to move forward.



This election took place while DHL's appeal of the ALJ's decision remains pending with the NLRB. The results of that election were as follows: IBT (116 votes), Neither (101 votes), APWU (71 votes). Ordinarily this would have resulted in a run-off election, which would not have included the APWU based on that union receiving the fewest number of votes. Following the vote count, however, the APWU almost immediately filed election objections, and additional unfair labor practice allegations. A run-off (or re-run election which both the Company and IBT have agreed to), remains blocked as a result of these additional APWU charges.

While we believe that the facts above speak for themselves, it is also worth noting that the Company is not alone in its opinion of the APWU's actions in this matter. In fact, the IBT has made several public statements that are aligned with the Company's view. For additional information on this subject, I would encourage you to contact the Teamsters union.

Similarly, Case No. 4-CA-35417 represents an even more obvious effort by the APWU to circumvent the choice made by DHL workers at the ballot box. The union did not file its complaint until after DHL workers at the Company's Allentown, Pennsylvania facility rejected APWU representation by an overwhelming margin. What may be even more relevant is that as a part of its recent, nation-wide restructuring effort, the Company has discontinued operations at the Allentown facility. And no charges have been filed in relation to the cessation of these operations.

Turning to broader examples of DHL's positive labor relations in the United States, I want to provide you with more than a recitation of corporate policy, of which you already appear to have some familiarity. Rather, I would direct your attention to certain facts that go to the heart of the matter and illustrate DHL's commitment to employee rights under relevant labor laws. At present, a majority of the Company's non-exempt or hourly (generally non-management) employees in the U.S. are represented by the Teamsters union. Further, as demonstrated by DHL's recent and successful negotiations of a nation-wide collective bargaining agreement, the Company values and enjoys a constructive working relationship with the labor union chosen by the majority of its employees. Finally, in the past two years there have been a number of locations in various parts of the country in which DHL employees in the U.S. have chosen to be represented by a union where there were no allegations against the Company such as those made by the APWU. This included one group which is also located at DHL's facility in Wilmington, Ohio where the employees selected representation by the Teamsters union.

In sum, I hope that an organization like Human Rights Watch, which has assumed a mission and responsibility to promote worker's freedom of association, will carry out that charge with suitable accountability, and will not rely on a limited methodology in reporting on such important matters that will at best lead to incomplete, if not wholly



inaccurate, assumptions concerning subject companies. I hope this information has been helpful to you. Thank you for your attention.

Sincerely,

A handwritten signature in black ink, which appears to read 'Patricia Burke'. The signature is written in a cursive, flowing style with some loops and flourishes.

Patricia Burke