



Halimah DeLaine Prado, Vice President, General Counsel
 Kathryn Hall, Vice President, Legal and Head of Corporate
 Amy Lambert, Vice President, Employment Legal
 Fiona Cicconi, Senior Vice President, People Operations

October 27, 2021

Re: Retaliation Against Google Workers for Voicing Concern About Israeli Human Rights Abuses
 Violates State and Federal Labor Laws

Dear Vice President DeLaine, Vice President Hall, Vice President Lambert, and Senior Vice President Cicconi,

We write to you as a group of civil rights organizations in support of the Google employees who are taking a stand against corporate complicity in human rights violations. We have been following closely as over one thousand Google and Amazon employees have come together to speak out against Project Nimbus, a \$1.2 billion contract to provide the Israeli military and government cloud computing infrastructure.

Google employees have been engaging in protected speech to object to Project Nimbus, which makes Google a direct participant in the unlawful military occupation of Palestine and the expansion of illegal settlement onto Palestinian land. The project’s cloud infrastructure vastly improves and expands Israeli surveillance and data collection, aiding and abetting Israel’s systematic international law violations.¹

¹ Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution#>. The many violations of international law

The employees who have voiced opposition to this contract are concerned about facing retaliation in the workplace for expressing their views. They fear discriminatory treatment, sanctions, termination, or other adverse employment actions that aim to suppress their ability to vocally oppose Israel's violations of Palestinian human rights. Palestinian employees in particular are concerned that they will face discriminatory treatment for merely affirming their own humanity.

We write to inform you that retaliation against Google employees for voicing concerns about corporate complicity with Israel's systematic human rights abuses violates multiple state and federal laws.

Section 7 of the National Labor Relations Act (NLRA) gives applicable employees the right to "engage in . . . concerted activities for the purpose of mutual aid or protection." Whether protesting a firm's choice of client falls within the scope of Section 7 protection is a live question currently before the National Labor Relations Board.² A firm's choice of client can bare heavily on the working conditions within that firm, and as such, concerted action taken in protest of a particular client should have broad protection. Similarly, retaliation against employees who vocally oppose the Nimbus Project because it uses their work to aid and abet Israel's violations of international law, would violate Section 7 of the NLRA.

Moreover, California, New York and Washington all protect workers from retaliation on the basis of political ideology or participation in a political movement. California Labor Code § 1101 and § 1102 bar employers from retaliating against employees for engaging in political activities, defined broadly to include participating in a political movement. This statute has been interpreted by the California Supreme Court to prohibit adverse employment consequences against employees for participating in activism in support of LGBTQ rights.³ Retaliating against California workers for voicing support for Palestinian human rights would likewise violate the statute. New York Labor Law § 201-d similarly prohibits employers from punishing workers for their political and recreational activities.⁴ Retaliation against any New York employees for activities in support of Palestinian rights would violate this provision.

Further, workplace discrimination on the basis of race, ethnicity, or national origin violates both federal and state law. Title VII of the Civil Rights Act of 1964 expressly prohibits employers from

documented in this report include the eviction of Palestinians from their homes, forced separation and confinement of Palestinians through military checkpoints, and the expansion of segregated settlements and roads – all violations which Project Nimbus' cloud technology will facilitate.

² Google LLC and Alphabet Inc, 20-CA-252802, *et. al.*

³ *Gay Law Students Ass'n. v. Pac. Tel. & Tel. Co.*, 595 P.2d 592, 610 (Cal. 1979) (holding that "the struggle of the homosexual community for equal rights, particularly in the field of employment, must be recognized as a political activity" and the "gay liberation movement" encourages its homosexual members to attempt to convince other members of society that homosexuals should be accorded the same fundamental rights as heterosexuals.")

⁴ *Cavanaugh v. Doherty*, 243 A.D.2d 92 (N.Y. App. Div. 3d Dep't 1998) (holding that firing an employee after directly engaging in a political argument with a high-ranking state official violated 109-d).

taking adverse employment actions based on national origin. New York also prohibits national origin discrimination in its state law, (NY CLS Exec § 296), as does California (Cal Gov Code § 12940) and Washington (Rev Code Wash § 49.60.030). Terminating or otherwise sanctioning Palestinian employees expressing their Palestinian identity in the workplace, for affirming their equal rights or their human rights would violate these laws.

In light of the above, we urge Google in the strongest terms to refrain from taking adverse employment actions against any employees on the basis of Palestinian national origin or or for engaging in protected speech for Palestinian rights.

The Palestine solidarity movement is a transnational mobilization based on the universal values of freedom, justice, and equality for all. The movement is rooted in mass grassroots participation and centered around increasingly popular demands for Israel to respect human rights law. By heeding the call to oppose Israeli suppression of Palestinian human rights, Google has an opportunity to stand on the right side of history – or at the very least, to honor the basic employment rights of those calling for justice.

The undersigned civil rights organizations urge you to respect the political and national origin expression of your employees and refrain from taking any adverse actions against them. Civil society organizations, progressive legal groups, and the media included, are closely monitoring the situation in your workplace to ensure that the civil rights of your employees, Palestinian and otherwise, are respected.

Sincerely,

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On behalf of:

American-Arab Anti-Discrimination Committee
Council on American Islamic Relations
Center for Constitutional Rights
Defending Rights & Dissent
Law for Black Lives
Palestine Legal

Partnership for Civil Justice Fund
Project South
National Lawyers Guild San Francisco Bay Area
National Lawyers Guild

CC:

Kent Walker, Senior Vice President, Global Affairs & Chief Legal Officer
Brigitte McInnis-Day, Director, People Operations, Google Cloud
Corey duBrowa, Vice President, Global Communications & Public Affairs