



the work and family legal center

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**A Better Balance “Pointing Out” Report:
Walmart Illegally Punishes Employees for Time Off**

*Advocates call on Walmart to comply with law, change policies
and practices so no worker is fired for medical absences*

NEW YORK—Walmart’s absence control program—a point system—unjustly, and in some cases, illegally, punishes workers for absences, according to a new A Better Balance report released today. Drawing on the real stories of Walmart workers around the country, the “Pointing Out” report shines a light on the devastating effects of the system. The report comes on the heels of a charge of discrimination filing, which alleges that the absence control program violates federal law.

In April and May, A Better Balance and OUR Walmart surveyed more than 1,000 current and former employees about their experiences with sick time at Walmart. The responses reinforced how difficult Walmart’s point system makes life for workers, and that Walmart’s policies and practices, including giving points for serious medical and disability-related absences, penalizing workers who need time off for caregiving for ill family members, and refusing to consider doctors’ notes, are consistent and widespread throughout the country.

Disproportionately low-wage and women of color, these workers and their stories all too often go unheard by policymakers, the media and the public at large. The report centers on their experiences—the most powerful call for advancing change at Walmart and across the country—and discusses the federal, state, and local laws, such as the Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA), that protect workers from being pushed out of work merely for needing some time off.

“As the retail industry leader, in 2017, it’s simply unacceptable that Walmart routinely punishes its workers for absences that should be excused by law,” said Dina Bakst, Co-Founder and Co-President of A Better Balance. “We are not going to let them get away with these brutally unfair and discriminatory practices.”

Last November, A Better Balance filed a class-based “pattern and practice” charge of discrimination with the Equal Employment Opportunity Commission (EEOC), alleging that Walmart’s strict and punitive absence control program unlawfully pushes employees out of work because of a refusal to consider doctors’ notes or provide exceptions to its policy for absences related to medical issues and disabilities.



Based on conversations with Walmart employees, A Better Balance has learned that Walmart regularly gives its employees disciplinary points for taking time to care for themselves, their children, their spouses or their parents, despite that time being covered by the ADA, FMLA, or other state and local laws. Worker's experiences also illustrate that Walmart regularly violates the notice requirements of the FMLA.

With 2.3 million employees around the world and total revenue of close to \$486 billion in the most recent fiscal year, Walmart is the world's largest company by revenue and the world's largest private employer. In the United States, Walmart is the largest private employer with 1.5 million associates in 5,332 stores. Walmart can have particular significance in rural areas, where there may be few other jobs available.

Despite its tremendous resources, Walmart maintains punitive policies and practices that destabilize employees' lives and push them out of work when they need a paycheck the most. Because Walmart is so large, it often sets the standard for the entire retail industry.

"Pushing for change at Walmart can lead to broader reforms for all retail workers," said April Bartlett, a leader of the organization OUR Walmart. "That's why we call on Walmart not only to follow the law, but to publicly commit to create policies around health- and disability-related absences that are clear and transparent, train managers on properly classifying medical absences, and create a more predictable scheduling process. Walmart can—and must—do better."

The report follows a class action lawsuit brought against Walmart earlier this month by two former employees who faced pregnancy discrimination. The lawsuit claimed that the retail giant failed to provide thousands of pregnant workers on-the-job accommodations. A Better Balance, National Women's Law Center, Mehri & Skalet, and Sedey Harper & Westhoff filed the complaint on behalf of the employees in the U.S. District Court for the Southern District of Illinois.

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[A Better Balance](#) is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping workers meet the conflicting demands of work and family. Follow on Twitter at [@ABetterBalance](#) and on Facebook at <http://www.facebook.com/ABetterBalance>.