



April 17, 2023

David Davis, Director (acting)
Andrea Baran, Regional Attorney
St. Louis District Office
U.S. Equal Employment Opportunity Commission
Robert A. Young Federal Building
1222 Spruce Street, Room 8.100
St. Louis, MO 63103

Investigation Request: AB InBev

Dear Mr. Davis and Ms. Baran:

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 AB InBev (“Anheuser-Busch”).¹ Anheuser-Busch is a publicly traded corporation with its North American subsidiary Anheuser-Busch Companies, LLC headquartered at One Busch Place, St. Louis, Missouri, 63118.²

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.”³ 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.”⁴ 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.⁵

The evidence is that Anheuser-Busch is knowingly, intentionally, and unlawfully discriminating based on race, color, national origin, and sex with respect to

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

² Anheuser-Busch InBev SA/NV, Form-20-F at 68 (Mar. 17, 2023), <https://tinyurl.com/4xju78ad>.

³ 42 U.S.C. § 2000e-2(a).

⁴ *Id.*

⁵ 42 U.S.C. § 2000e-2(d).

employment and job training opportunities. For example, the Anheuser-Busch 2023 Leadership Accelerator Program provides “formal mentorship, executive interaction, and leadership development curriculum **for those who identify with historically underrepresented groups** as they join our organization in a full-time capacity.”⁶ The program description states: “We encourage candidates who identify as Black, Latinx, and Native American to apply, as well as those who identify with a historically underrepresented group.” This is not a regular corporate program – rather, the company describes the role as focusing on “hiring the next generation of leaders within the North American Sustainability and Procurement department.” In other words, it is a fast-track program to executive leadership positions at Anheuser-Busch and it is limited to candidates based on race. The proforma Equal Opportunity Employer language at the end of the posting does mask the company’s discriminatory intent and purpose.

The Anheuser-Busch 2022 Annual Report highlights its Diversity, Equity, and Inclusion (“DEI”) initiative as a global priority for AB InBev’s Senior Leadership Team and reports that it created a Global Diversity, Equity & Inclusion Council chaired by the company’s chief executive officer. “The Council is dedicated to collaborating on impactful decisions and championing DEI at the highest levels of the organization.” Anheuser-Busch’s Annual Report notes that its DEI strategy has driven “results,” including an increase in women in the Senior Leadership Team with “the overall representation of women in top leadership positions in our company” growing by “2 percentage points compared to the last reporting year.”⁷ In fact, Anheuser-Busch’s Annual Report has a Diversity, Equity, and Inclusion section almost entirely dedicated to the growth of *only* women in the workforce.⁸

The company’s 2022 Environmental, Social, & Governance Report⁹ further reports sex-based hiring during the years 2017 to 2022,¹⁰ a job training program based on national origin launched by its Presidente brand in the United States and the Hispanic Scholarship Fund “for Hispanic students interested in a career in sports,”¹¹ and an explicitly race-based scholarship and internship program launched by Budweiser and the United Negro College Fund to “support[] 25 Black college students” interested in the brewing industry, and to “provide[] five Black college

⁶ *Id.* (Emphasis added).

⁷ 2022 ANHEUSER-BUSCH ANNUAL REPORT, at 159 (Mar. 2, 2023), <https://tinyurl.com/ABInBev2022AR>.

⁸ *Id.* at 48.

⁹ 2022 ANHEUSER-BUSCH ENVIRONMENTAL, SOCIAL, & GOVERNANCE REPORT (Mar. 2, 2023), <https://tinyurl.com/AB22ESGReport>.

¹⁰ *Id.* at 61-62.

¹¹ *Id.* at 64; Anheuser-Busch, *Presidente Launches New Initiative to Fuel Greater Hispanic Representation in Sports Business* (July 5, 2022), <https://tinyurl.com/38ayhrb2>.

students with real-world experience as interns in Anheuser-Busch's Brewery Trainee Program.”¹²

A Commissioner's charge is particularly appropriate here because there is ample reason to believe that Anheuser-Busch has knowingly and intentionally violated federal law and will continue to do so. The corporation has chosen to promote and use 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.”¹³ More broadly, Anheuser-Busch's employment practices foment contention and resentment—they are “odious and destructive.”¹⁴ It truly “is a sordid business, this divvying us up” by race or sex.¹⁵

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

Sincerely,

/s/ Nicholas R. Barry

Nicholas R. Barry

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

¹² 2022 ANHEUSER-BUSCH ENVIRONMENTAL, SOCIAL, & GOVERNANCE REPORT, at 64; Budweiser, Brewing Change, <https://tinyurl.com/2s3etr7m> (last visited April 17, 2023).

¹³ *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

¹⁴ *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

¹⁵ *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).