

# Avon ladies sue company for allegedly discriminating against pregnant, nursing workers

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## Former workers say the allegations are all the more hurtful, coming from supposedly 'women-centric' company

According to the lawyers for the former Avon workers, this is believed to be the very first class action case by female workers saying they were treated unfairly because they had to pump during work hours.

One woman says she was quickly fired because she was pregnant, summarily terminated on a day she travelled to the office when she was supposed to be on bed rest.

Another new mother said she had to cut short her nursing because bosses didn't care about giving her a place to store breast milk.

Those are some of the allegations in a discrimination lawsuit filed Tuesday by two former employees of Avon **AVP, -0.50%** in Manhattan Federal Court.

The alleged conduct would have been bad anywhere — but it was “especially cruel” that it was happening at Avon, a beauty company founded in 1886 and long associated with female empowerment and entrepreneurship, lawyers for the women said.

“Because Avon declares that its women-centric approach helps ‘break traditional barriers,’ the last thing Avon employees expect to experience is pregnancy discrimination,” said the class action lawsuit filed Tuesday in Manhattan Federal Court.

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Avon engaged in “systemic discrimination” against pregnant workers and new mothers, according to the lawsuit, which points out the long list of men in Avon's C-suite. White men held top spots like the chief executive officer, chief operating officer and chief financial officer while women accounted just for 27% of the management committee, the lawsuit said.

“Avon must account for why the company ‘for women’ allows such discrimination to occur and why the male leaders of Avon insist on silencing women through the use of forced arbitration to handle complaints rather than the transparent court system,” said the plaintiff’s attorney, Jeanne Christensen, a partner at Wigdor LLP.

The company “strongly denies claims of discrimination,” according to a spokeswoman for New Avon, the business entity that handles Avon’s North America business, adding that it was a policy not to comment on the specifics of the litigation.

“We are very proud of our reputation as ‘the company for women’ and our strong and ongoing commitment to empowering women since our founding over 130 years ago,” she added, noting two-thirds of the company’s ranks were female.

Pregnancy discrimination is barred by various statutes, including Title VII of the Civil Rights Act. The U.S. Equal Employment Opportunity Commission says in fiscal year 2017 it received 3,174 pregnancy discrimination complaints, down from 4,029 complaints received in fiscal year 2010. During that time, pre-litigation payouts from companies to complaining workers ranged between \$13.9 million and \$17 million. Damages in the Avon class action case are not specified.

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Avon’s not the only company that’s been hit recently for pregnancy discrimination. The Equal Employment Opportunity Commission **sued Walmart WMT, +0.69%** in September on similar grounds.

Putting aside the allegations, maternity leave and maternity pay remain large workplace issues. Federal law lets workers take 12 weeks of unpaid yearly leave for medical and family reasons. Often, employers mirror that policy and pay new mothers and fathers **little, if anything**, for tending to a newborn.

Through its spokeswoman, Avon said it understood “the particular needs working mothers have, and we are committed to supporting them before, during, and after maternity leave. Our dedication to women’s advancement in the workplace includes ensuring work-life balance, a comprehensive benefits package that provides incremental women’s health features, a generous maternity leave and well-equipped mother’s rooms.”

Caroline Ruiz is one of the two lead plaintiffs. Avon allegedly took months recruiting for her executive-level position as the Global Head of North America Indirect Procurement, but then fired her in less than four weeks. It was “inconceivable” bosses wouldn’t give her more time to adjust, the filing said.

Ruiz said one day after telling Avon Human Resources of her high-risk pregnancy, she was “bombarded with fabricated ‘performance issues.’” She was fired days later, making the February 2018 trip to the Manhattan office when doctors said she should’ve been resting after a miscarriage scare, the lawsuit said.

Olivera Krstanoska, a microbiologist, is the suit’s other lead plaintiff. She said she was forced into using harmful lab chemicals while pregnant with her first child, subjected to unfair work reviews and mocked for pumping

breast milk after her second pregnancy.

“As a result of the constant torment and negative feedback about taking time during the workday to pump, Ms. Krstanoska decided to stop breastfeeding her child months earlier than she otherwise would have stopped,” the filing said.

Krstanoska said Avon made life miserable for her, forcing her to leave the job instead of firing her.

The lawsuit also blasted Avon for using arbitration to handle internal harassment allegations.

“Avon is not a company ‘for women’ because it attempts to force female employees out of public courts and into the silent halls of mandatory arbitration,” the suit said. The company maintained the policy “even in the wake of the #MeToo movement and the public’s realization that forcing women into arbitration is both tremendously harmful and contrary to all notions of justice.”

In the wake of a large worker walkout, Google **GOOG, +2.10%** recently announced it would cease arbitration for workplace harassment accusations. Facebook **FB, +0.93%** Airbnb and Ebay **EBAY, +0.71%** all reportedly have chosen to do the same. **Uber and Lyft** already ended arbitration for sexual misconduct claims.

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