


# Class Suit Claims Avon Leadership Discriminated Against Expecting, New and Nursing Moms

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By Jason Grant

The Wigdor law firm on Tuesday filed a far-reaching putative class action in New York federal court against Avon, alleging on behalf of two clients and three proposed classes that the cosmetics company discriminates against mothers while being run by men who expect women “to conform to a male work experience.”

“Avon distinguishes itself from mainstream companies based on its ‘passionate commitment’ to empowering women,” the complaint states, and “because of this branding, women spend millions on Avon products” and “women apply to work at Avon.”

The complaint claims a “disproportionately male dominated leadership team at Avon matters because male executives making maternity policy decisions suggests a greater likelihood that Avon uses the male experience of work as the default standard.”

The suit also alleges that “Avon leadership allowed what should be neutral, uniform policies surrounding maternity status issues, to be implemented in a subjective, non-uniform, unreliable way that disadvantaged the very employees the laws were created to protect.”

“Avon must account for why the company ‘for women’ allows such discrimination to occur,” Jeanne Christensen, a Wigdor partner in Manhattan who signed the lawsuit, added in a statement Tuesday.

Avon said on Tuesday in an emailed statement that it doesn’t comment on pending litigation but “strongly denies claims of discrimination.”

“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,” the company also said.

“As a preeminent employer of women, with a workforce comprised of more than two-thirds women, we understand the particular needs working mothers have, and we are committed to supporting them before, during, and after maternity leave,” the company added, claiming it has “work-life balance, a comprehensive benefits package that provides incremental women’s health features, a generous maternity leave and well-equipped mother’s rooms.”

Among the proposed classes in the lawsuit, filed in U.S. District Court for the Southern District of New York, is one comprising nursing female employees—past employees dating back to November 2015 and future ones.

Wigdor said Tuesday that it believes its lawsuit is the “first proposed class action filed on behalf of a group of female employees discriminated against because they need to pump breast milk during work hours.”

In addition, the complaint outlines a proposed Title VII, 42 U.S.C. §§ 2000e et seq. class on behalf of “all female employees that have or will be employed at Avon in the U.S. from September 5, 2017 to the date of judgment that have been or will be pregnant, including those ... [with] pregnancy complications that required workplace accommodations; and those female employees that have been or will take maternity leave.”

Lastly, the suit also includes an almost exact pregnancy-based class for employees in New York state and New York City, called the “NYS subclass and NYC subclass.”

In a complaint that emphatically faults what it calls male-dominated top leadership of Avon—while implying its gender imbalance should change—the suit also focuses on Avon driving complaining employees into arbitration.

“Female employees are victimized a second time when they must [forgo] their constitutional and fundamental right to pursue legal claims in court,” the 39-page complaint said—“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.”

At the baseline of the purported class action are two Avon former employees and Wigdor clients: Caroline Ruiz, a former global head of North America indirect procurement at Avon who was based in Manhattan, and Olivera Krstanoska, a former microbiologist for Avon based in Suffern, New York.

According to the complaint, Ruiz, an experienced procurement leader, was recruited heavily by Avon to join the company in her position. She came on board in January 2018, but quickly learned of serious complications with her pregnancy endangering the child.

Ruiz alleges that she informed management of her medical, pregnancy-related problems, but rather than being properly accommodated, she was soon called into a “sham” meeting at which her performance was—for the first time—criticized sharply. After only being at the company for about four weeks, she was fired, even as her doctor was ordering her to get bed rest to save her child, and Avon allegedly was making that difficult for her.

Krstanoska claims that after she announced she was pregnant while working at Avon, she was not allowed to avoid working with chemicals that were known to be potentially harmful to her fetus. Instead she was yelled at and harassed and told she must use the dangerous chemical HC Agar, she alleges.

Later, she was allegedly threatened and intimidated by a supervisor after returning from her maternity leave, and she allegedly was “marginalized” and criticized for breast feeding during work hours, which is protected by law. She further alleges that she not given a safe and clean space to express and collect milk.

The suit brings five causes of action, including violation of the federal Pregnancy Discrimination Act, and violations of the state and city Human Rights Law. It asks for injunctive relief against the company, as well as compensatory and punitive damages.