

Avon accused of bias against pregnant women and new mothers

 1.next.westlaw.com/Document/l8e12b8f0e7a211e8a307b9c3cdb99a9a/View/FullText.html

November 13, 2018

(Reuters) - Avon Products Inc on Tuesday was hit with a lawsuit claiming that it subjects pregnant workers to harassment and makes pumping breast milk at work "unbearable" for new mothers, despite the cosmetics retailer's attempts to brand itself as "the company for women."

Two former Avon employees in a proposed class action filed in federal court in Manhattan accused Avon of violating federal, state, and New York City laws barring discrimination against pregnant workers and new mothers.

New York-based Avon denied the claims in a statement. The company said that more than two-thirds of its workforce is female, and it understands "the particular needs working mothers have."

"Our dedication to women's advancement in the workplace includes ensuring work-life balance, a comprehensive benefits package ... and well-equipped mother's rooms," the company said.

Jeanne Christensen of Wigdor, who represents the plaintiffs, said in a statement that she believed it was the first proposed class action on behalf of women who claim they were discriminated against for pumping breast milk at work.

The plaintiffs say Avon failed to provide private places for women to pump and that pregnant women and new mothers were marginalized. They also say Avon denied requests for accommodations such as time off and limited travel.

In the lawsuit, plaintiff Caroline Ruiz says Avon aggressively recruited her to be its head of procurement when she held a similar role at cosmetics company Shiseido, and she was pregnant when she joined Avon in January. Weeks later, Ruiz experienced heavy bleeding and was told she was at high risk of having a miscarriage.

Ruiz says Avon routinely allowed employees to work from home, but her request to work remotely for a week while she recovered was denied. And days later, Ruiz was fired for unexplained "performance issues," according to the lawsuit.

The second plaintiff, Olivera Krstanoska, was a microbiologist for Avon. She claims in the complaint that she was harassed by supervisors and forced to use harmful chemicals during the two times she was pregnant while working for the company.

She said that when she returned from maternity leave after her first pregnancy, her equipment and workbench had been removed from a laboratory. And the second time she became pregnant, Avon "set her up for failure" by demoting her to a position for which she was not qualified, according to the lawsuit.

Krstanoska also says she was belittled and received negative feedback from supervisors when she took breaks to pump breast milk. And Avon refused to provide a separate refrigerator for employees to store milk, forcing her to store it alongside potentially hazardous chemicals, she said. Krstanoska says the harassment and the demotion forced her to quit in 2016.

The plaintiffs accused Avon of violating the federal Pregnancy Discrimination Act and comparable New York state and city laws. They also accused Avon of violating a New York state law that allows women to pump breast milk at work for three years after giving birth.

The case is *In re Ruiz v. New Avon LLC*, U.S. District Court for the Southern District of New York, No. 1:18-cv-9033.