

Ex-Morgan Stanley Employee Accuses Co. Of Pregnancy Bias

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By **Mike LaSusa**

Law360 (January 16, 2019, 10:58 PM EST) -- A former Morgan Stanley vice president says she was “ruthlessly” fired just weeks after returning from maternity leave, claiming in a U.S. Equal Employment Opportunity Commission charge Wednesday that the incident is illustrative of a larger issue of pregnancy-based discrimination at the Wall Street behemoth.

Chau Pham, who worked at Morgan Stanley’s New York City office as a vice president in the fixed income division for North American foreign exchange sales, brought the charges on behalf of female employees of the investment bank who have or will become pregnant.

Pham also published an open letter Wednesday calling on Morgan Stanley CEO James Gorman to release her from an employment agreement that says claims like hers must be handled through confidential arbitration.

“Taking away a woman’s right to a trial by a jury of her peers and providing perpetrators of discrimination with the comfort of secrecy only serves to facilitate bias and the continued marginalization of women on Wall Street,” Pham wrote in the letter.

Pham said in Wednesday’s filing with the EEOC that her story is illustrative of the experiences of other women at the financial services giant who have suffered discrimination on the basis of pregnancy.

“Rather than lead, Morgan Stanley continues to slow the advancement of women through systemic discrimination,” the filing stated.

Pham said the conduct of her supervisors — executive director David Greenberg and his boss, managing director Samer Oweida — “was fostered, ratified and allowed to occur based on policies, practices and messaging from the male-dominated executive leadership at Morgan Stanley.”

After Pham’s pregnancy became known around the office, Greenberg took an important account away from her without justification, Pham alleged in the filing. She also said she received her first negative performance review shortly thereafter.

“When Ms. Pham questioned Mr. Greenberg about her sudden negative performance review, Mr. Greenberg told her that Mr. Oweida instructed him to give her the negative review,” Pham said in the filing. “As part of the review, Mr. Greenberg acknowledged that Ms. Pham’s overall production was higher.”

Several months into Pham's pregnancy, she said, Greenberg told her he would take other accounts away from her. Pham said she brought the issue up with Oweida, expressing concern that such a move would be unlawful discrimination, but Oweida allegedly told her she was just being "paranoid."

After giving birth, Pham said Morgan Stanley discriminated against her for pumping breast milk per the advice of her doctor. She alleged Greenberg made inappropriate comments about the activity, like, "How long do you plan to do this [pump/breastfeed]?" and "Are you sure you want to keep doing this [pumping]?"

As Pham was preparing to go on maternity leave, she said she got Oweida to promise "her performance metrics for 2018 would be annualized based on the time during which she was actively working on accounts, and not based on her time on leave."

But Pham said that didn't happen.

"Not only did Morgan Stanley strip Ms. Pham of sales credits and accounts, but it also manipulated her numbers to make it appear that her production was down when it knew her overall production was higher," Pham said in the filing.

Pham was fired on Sept. 18, 2018, "a mere 22 days after she returned from maternity leave," the filing said, adding that she was "blindsided" by the decision.

Pham's attorney, Jeanne M. Christensen of [Wigdor LLP](#), told Law360 that her client isn't the first to have experienced pregnancy-based discrimination at Morgan Stanley.

"It's definitely happened to other people," Christensen said.

In 2004, Morgan Stanley settled a sex discrimination suit brought by the EEOC on behalf of female employees who said the Wall Street company gave them worse pay and advancement opportunities, as well as other poorer work conditions, compared to their male colleagues.

Morgan Stanley agreed to pay \$54 million and to consent to three years of special monitoring as part of that settlement, under which the company admitted no wrongdoing, EEOC records show.

A charge is a formal complaint filed by a worker that notifies the EEOC of alleged workplace discrimination. The EEOC can pursue a suit based on a charge, or give the complaining party the right to file suit themselves.

Morgan Stanley did not return a request for comment late Wednesday.

Pham is represented by Jeanne M. Christensen and Tanvir H. Rahman of Wigdor LLP.

Counsel information for the respondents was not immediately available late Wednesday.

--Additional reporting by Braden Campbell. Editing by Kelly Duncan.

