

EY Won't Waive Arbitration Provision for Ex-Partner Who Says She Was Victim of Sexual Harassment

by JASON BRAMWELL

Last September, we reported on a complaint filed with the Equal Employment Opportunity Commission by former EY partner Karen Ward, who accused her former employer of sexual harassment, gender discrimination, and retaliation. A couple of days after filing the complaint, Ward sent an open letter to EY Global Chairman and CEO Mark Weinberger, asking him to release her from the arbitration provision she signed, which prohibits her from taking EY to court and instead settles her case behind closed doors. I'm sure this will come as no shock to you guys but that request was denied.

This was revealed in a [Feb. 11 Huffington Post profile on Ward](#) and her sexual harassment and discrimination case against EY:

Before Ward was hired, she signed away her right to sue EY in public court, agreeing instead to arbitration. And right now her case is being heard in this private and often secret world. She has limited discovery in the case, meaning she may not be able to obtain all the necessary evidence to demonstrate discrimination.

If the judge rules against her, she will have little recourse to appeal.

I checked in with Ward's attorney, Michael Willemin of Wigdor LLP, who confirmed that EY has refused to waive the arbitration requirement. While Willemin couldn't comment specifically on Ward's arbitration situation, he did tell me:

“Anyone with a moral conscience can understand that forced arbitration only serves to further harm victims of sexual harassment and discrimination. Many leading companies are beginning to realize this and have decided to limit or eliminate mandatory arbitration, including Uber, Facebook, Google, Orrick, Herrington & Sutcliffe, Microsoft, and many more. Rather than following their lead, EY refuses to release Ms. Ward from forced arbitration. EY is apparently more concerned about protecting itself than employees who are subjected to sexual harassment and other insidious forms of discrimination.”

After reading the Huffington Post article, three things stood out to me:

1. Karen Ward is still looking for work.

“It is lonely out here,” she said. A few times, she has had promising leads go dark, and she said she suspects that EY's public comments about her last fall are a contributing factor.

2. Speaking of EY's public comments about Ward, the firm continues to maintain that her firing had nothing to do with sexual harassment or discrimination.

“Throughout her time at the firm, EY took measures to promote and support Karen,” the company told HuffPost in a statement. “The decision to separate Karen was wholly unrelated to her gender. It was solely related to her inability to meet performance goals.”

EY also argues that it doesn't have a record of Ward complaining of sexual discrimination or gender bias while employed at the firm.

It insisted that she was promoted and transferred to her new group in order to help her do her job. And that she was fired for failing to meet her revenue goals.

The firm shared documents detailing her declining performance during her time in the investment banking group. She failed to close many deals and was repeatedly warned that she needed to turn things around, the documents showed.

Ward kept emails and documents too. She shared them with HuffPost, and they paint a more complicated picture. She clearly did complain

about mistreatment by her male colleagues, though she never explicitly labeled it sexual harassment or discrimination. EY characterized these complaints as office politics. And she appears to have made significant revenue targets, including a \$4.95 million dollar deal the month before she was fired. (EY insisted that she did not play a lead role in that deal and did not deserve full credit for it.)

3. Weinberger never responded to Ward's open letter.

We'll keep you guys updated on any new developments in this case.