

Douglas H. Wigdor
dwigdor@wigdorlaw.com

October 31, 2019

VIA HAND DELIVERY

Ms. Electra Yourke
Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 11th Floor
New York, NY 10004-2112

Re: Medina Bardhi, on behalf of herself and a class and collective of similarly situated female employees v. The We Company d/b/a WeWork, Adam Neumann and Jennifer Berrent

Dear Ms. Yourke:

We write to inform you that this firm represents Claimant Medina Bardhi in connection with her Equal Employment Opportunity Commission (“EEOC” or the “Commission”) Charge filed on behalf of herself and a class and collective of similarly situated female employees against Respondents The We Company d/b/a WeWork (“WeWork” or the “Company”), Adam Neumann and Jennifer Berrent. Enclosed, please find four (4) copies of the Charge of Discrimination and its attached supplement.

As Ms. Bardhi’s Charge of Discrimination alleges, Respondents have subjected numerous female WeWork employees to gender and pregnancy discrimination (including demotion and replacement in connection with maternity leave), gender-based pay disparities, and retaliation for engaging in protected activity in opposition to gender and pregnancy discrimination. WeWork’s discriminatory practices are already the subject of multiple lawsuits in New York by women who have worked at the Company, which employs approximately 10,000 people worldwide.

In addition, it is clear that WeWork hopes to be able to keep more discrimination complaints hidden through the use of arbitration and class action waiver agreements, which employees are required to sign. Ms. Bardhi disputes that WeWork’s agreement, as it was drafted, is enforceable. Of course, such agreements do not have any power over the EEOC or prevent it from investigating Ms. Bardhi’s claims, or, more broadly, WeWork’s practices with regard to gender-based pay equity, the rights of pregnant female employees, and handling of female employees’ discrimination and harassment complaints (to cite only a few examples).

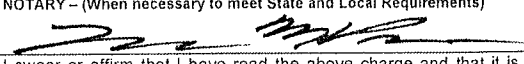


We hope that, after a thorough investigation, the EEOC will consider bringing a pattern or practice class action against WeWork in order to help bring about change in the Company's employment policies and practices.

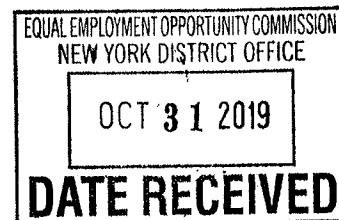
Please do not hesitate to contact me if you have any questions or would like to discuss Ms. Bardhi's claims or the class/collective claims against the Company.

Sincerely,


Douglas H. Wigdor

Enc.

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974, see Privacy Act Statement on reverse before completing this form.		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
<u>New York City Commission on Human Rights</u> and EEOC <small>(State or Local Agency, if Any)</small>			
NAME <small>(Indicate Mr., Ms., or Mrs.)</small> Ms. Medina Bardhi		HOME TELEPHONE NUMBER <small>(include Area Code)</small> (212) 257-6800	
STREET ADDRESS c/o Douglas H. Wigdor, Wigdor LLP, 85 Fifth Avenue		CITY, STATE AND ZIP CODE New York, NY 10003	DATE OF BIRTH 12/24/80
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME <small>(If more than one list below).</small>			
NAME The We Company d/b/a WeWork	NO. OF EMPLOYEES/MEMBERS 1000+	TELEPHONE NUMBER <small>(include Area Code)</small> (646) 389-3922	
STREET ADDRESS 115 West 18th Street	CITY, STATE AND ZIP CODE New York, NY 10011	COUNTY New York	
NAME Jennifer Berrent and Adam Neumann (c/o The We Company)		TELEPHONE NUMBER <small>(include Area Code)</small> (646) 389-3922	
STREET ADDRESS 115 West 18th Street		CITY, STATE AND ZIP CODE New York, NY 10011	
CAUSE OF DISCRIMINATION BASED ON <small>(Check appropriate box(es))</small> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER <small>(Pregnancy)</small>		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST October 2013 October 2, 2019 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE <small>(If additional space is needed, attached extra sheet(s))</small>			
PLEASE SEE ATTACHED SUPPLEMENT.			
LAWRENCE MICHAEL PEARSON Notary Public, State of New York No. 02PE6225600 Qualified in New York County Commission Expires July 26, 2022			
I want this charge filed with the EEOC and the State FEPA. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - <small>(When necessary to meet State and Local Requirements)</small> 	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date 10/31/19		SIGNATURE OF COMPLAINANT 	
Charging Party <small>(Signature)</small> 		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE: <small>(Month, day and year)</small> 10/31/19	



**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE**

-----X
MEDINA BARDHI, on behalf of herself and a class :
and collective of similarly situated female :
employees, : EEOC Charge No.:
:
Claimant, : **CLASS AND COLLECTIVE**
: **ADMINISTRATIVE CHARGE**
v. : **OF DISCRIMINATION,**
: **RETALIATION AND GENDER**
THE WE COMPANY d/b/a WEWORK, ADAM : **PAY DISPARITY**
NEUMANN and JENNIFER BERRENT, in their :
individual and professional capacities, :
:
Respondents. :
-----X

Claimant Medina Bardhi, on behalf of herself and a class and collective of similarly situated female employees, hereby alleges, by and through her undersigned counsel, Wigdor LLP, as and for her Class and Collective Administrative Charge of Discrimination, Retaliation and Gender Pay Disparity, against The We Company d/b/a WeWork (“WeWork” or the “Company”), Adam Neumann and Jennifer Berrent (together, “Respondents”) as follows:

PRELIMINARY STATEMENT

1. Even with his Company in crisis after postponing its Initial Public Offering (“IPO”), WeWork’s recently ousted co-founder and Chief Executive Officer (“CEO”) Adam Neumann reportedly reached an extravagant separation agreement with SoftBank, one of the Company’s biggest investors, in October 2019. Under that agreement, it has been reported that Mr. Neumann will be paid \$1 billion for his shares in WeWork, \$185 million in “consulting fees,” and up to another \$500 million in credit to cover a credit line tied to his shares in the Company.

2. Medina Bardhi, however, who worked as Mr. Neumann’s Chief of Staff for much of her five and a half years at WeWork, was left picking up the pieces barely six months after

giving birth to her second child, when she was terminated without notice on October 2, 2019.

Ms. Bardhi's termination, which she was told was due to elimination of her role, also came just weeks after she had raised concerns with management regarding discrimination in connection with her pregnancy and maternity leave (such as losing her position and responsibilities to a male colleague during her leave).

3. The other women employed by WeWork also are not as fortunate as Mr. Neumann. For years, they have been subjected to a work environment in which female employees are demeaned for taking maternity leave, excessive alcohol consumption fuels offensive sexual conduct towards women, and where it is common for women to be paid less than their male colleagues in the same or similar roles (despite often being more qualified).

4. WeWork claims to represent the future of how Americans will work, learn, and live. Its unequal pay practices, sexually aggressive work environment, and actions such as the Company's sidelining and termination of Ms. Bardhi in the wake of her maternity leave in the middle of 2019, however, show that the Company is behind the times in how it treats women in the workplace.

5. During Claimant Medina Bardhi's years at WeWork, she gave birth to two children while taking on the role of the CEO's Chief of Staff. In that job, Ms. Bardhi was a vital, cross-functional leader, kept tabs on the Company's initiatives, and maintained relationships with executives and employees at all levels to ensure that WeWork achieved its companywide priorities and goals, which included raising billions of dollars in investments, and scaling the Company to over 12,000 employees with 525 locations in over 111 cities and nine countries.

6. However, like clockwork, both times Ms. Bardhi returned from maternity leave, WeWork's management transparently and systematically penalized her for taking her legally protected maternity leave.

7. Among other derisive public and private comments, Mr. Neumann repeatedly disparaged and characterized Ms. Bardhi's maternity leave as "retirement" and "vacation." Indeed, during and after both leaves, Ms. Bardhi paid the price in her position and earning power at the Company, by having her role drastically and materially reduced, being demoted, and having male employees elevated over and replacing her.

8. Ms. Bardhi also learned that she was paid less than the men with whom the Company unlawfully replaced her. This discriminatory treatment curtailed her opportunities at the Company, and ultimately she was terminated just over six months after her second leave.

9. Mr. Neumann was not the only Company official who created an environment of gender-based disdain towards Ms. Bardhi, however. Mr. Neumann and other WeWork executives made it clear that Ms. Bardhi's usefulness and commitment to WeWork were called into question by her pregnancies and related leaves, despite her loyalty and hard work.

10. Defendant Jennifer Berrent, who is WeWork's current Chief Legal Officer and has served as the Company's Co-President, Chief Operating Officer, and Chief Culture Officer, referred to Ms. Bardhi's pregnancy as a "problem" that needed "a solution" and "to be fixed," and she repeatedly worked with Mr. Neumann to permanently replace Ms. Bardhi.

11. The Company sidelined Ms. Bardhi for months after she came back from maternity leave in March 2019. After months in limbo, she had no choice but to voice complaints to multiple executives about WeWork's unlawful discrimination on the basis of her pregnancy and family/medical leave.

12. Ms. Bardhi's decision to make legally protected complaints, along with management's bias and discrimination against her as a mother who took maternity leave (as was her right), soon resulted in her termination on October 2, 2019.

13. Ms. Bardhi should be celebrating the birth of her second child and her growing family with her loved ones, family, friends, and coworkers. Instead, she has been left in the lurch after her abrupt, unlawful termination.

14. As alleged herein, Ms. Bardhi was not alone, because Respondents' unlawful actions (including, but not limited to, gender-based pay disparities and adverse actions directed against women who took maternity leave) demonstrate that discrimination against female employees, including those who become pregnant, along with retaliation against those who complain about discrimination, is not unusual at WeWork; rather, it is part and parcel to the Company's operating patterns, practices and/or policies.

15. Accordingly, Ms. Bardhi brings this Administrative Charge on behalf of herself and a class of similarly situated female WeWork employees who also were discriminated against by Respondents based upon their gender and/or pregnancy in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"), and a collective of similarly situated female employees who were compensated less than male employees performing the same or substantially similar job duties, in violation of the Equal Pay Act, 29 U.S.C. §§ 206 *et seq.* ("EPA").

FACTUAL ALLEGATIONS

I. Ms. Bardhi Joins WeWork as CEO Adam Neumann's Chief of Staff, and, Like Many Other Female Job Applicants for Positions at WeWork, Faces Discriminatory Bias from the Beginning, Including in Her Job Interview

16. Months before Ms. Bardhi joined WeWork, at her October 2013 interview with Mr. Neumann for the job as Mr. Neumann's Chief of Staff, Mr. Neumann unlawfully and intrusively asked her when she was going to get married and become pregnant.

17. Mr. Neumann has routinely asked female job candidates at interviews whether and when they planned to become pregnant.

18. Ms. Bardhi was stunned and uncomfortable, and tried to deflect Mr. Neumann's patently inappropriate and discriminatory question. Ms. Bardhi was especially troubled by Mr. Neumann's discriminatory focus on her family plans and personal life because she had already proven her work ethic and capabilities to Mr. Neumann when she worked with him for several years (since July 2005) at his previous company, Egg Baby. At Egg Baby, she had effectively assumed the role of CEO and led the company to a successful sale to outside investors.

19. Ultimately, in March 2014, Ms. Bardhi joined WeWork to serve as Mr. Neumann's Chief of Staff. Ms. Bardhi was one of WeWork's earliest employees, and throughout her employment, she showed unparalleled dedication to the Company, and made the Company's growth and development her top and often sole priority.

20. At WeWork's Second Annual Employee Summit in January 2016, Ms. Bardhi was awarded the highest recognition by the Company's executives for her performance. She was one of only five people across the Company who received this award.

II. After Learning About Her Pregnancy and Upcoming Maternity Leave, Mr. Neumann Disparages Ms. Bardhi, Demotes Her, and Hires a Male Employee to Perform Her Job at Nearly Three Times Her Salary, Signifying the Rampant Gender Pay Disparities at the Company

21. Ms. Bardhi became pregnant in late March 2016, two years after she joined WeWork. Ms. Bardhi had hoped to wait to announce her pregnancy until she was farther along, but she was compelled to tell Mr. Neumann just a month later in or around April 2016.

22. Ms. Bardhi was forced to tell Mr. Neumann at that time because she knew she had to explain why she could no longer accompany Mr. Neumann on business travel, particularly due to his penchant for bringing marijuana on chartered flights and smoking it throughout the flight while in the enclosed cabin. Ms. Bardhi obviously could not expose her unborn child to marijuana smoke, much less in such an enclosed space for hours at a time.

23. Indeed, about a week before she disclosed her pregnancy, on or around April 19, 2016, Ms. Bardhi traveled with Mr. Neumann on a chartered plane from Seattle to San Francisco, along with three male WeWork executives. Mr. Neumann and some if not all of the other passengers on the flight (excluding Ms. Bardhi) smoked marijuana throughout the 90-minute flight.

24. Inappropriate, offensive behavior was, unfortunately, common in the WeWork workplace and on work trips, including sexually inappropriate discussions and conduct. By way of example only, during an infamous June 2015 flight from Mexico City to New York, nearly all of the passengers (excluding Ms. Bardhi) became inebriated after taking shot after shot of tequila. At some point during this flight, Ms. Bardhi observed a female WeWork executive tease a male WeWork's executive about his beard and facial hair, and then grab a can of shaving cream and spray the cream on his face and body, and say, "How do you eat pussy with that beard?," and "Girls let you go down on them with that?" The male executive retorted by asking

the female executive, who is gay, “How do you eat pussy?” This behavior left Ms. Bardhi feeling disgusted.

25. Ms. Bardhi was understandably nervous about disclosing her pregnancy, given, among other things, Mr. Neumann’s pointed and inappropriate questions to her at her interview. Ms. Bardhi even told Mr. Neumann that she was “scared” to tell him she was pregnant during the conversation when she first shared the news with him.

26. Mr. Neumann immediately told Ms. Berrent and the Chief Human Resources (“HR”) Officer at the time that Ms. Bardhi was pregnant, without first letting Ms. Bardhi know that he was going to do that (much less getting her OK to do so).

27. Ms. Bardhi’s fears that she would be penalized at work for her pregnancy unfortunately soon came to fruition. Over the next few months, Ms. Berrent, multiple times, referred to Ms. Bardhi’s pregnancy and impending maternity leave as a “problem” that needed a “solution,” and had “to be fixed.”

28. Mr. Neumann also, on several occasions before Ms. Bardhi’s first maternity leave (which began in December 2016), revealed his increasing skepticism regarding Ms. Bardhi’s dedication by offensively referring to her maternity leave as a “vacation,” and making contemptuous comments such as, “I hope you’re going to have fun on your vacation while we’re here working.” Significantly, Mr. Neumann made these comments in front of other employees, including a female executive who also was pregnant and due to give birth a few months after Ms. Bardhi, and a male employee who would later replace Ms. Bardhi as Mr. Neumann’s Chief of Staff (until that male employee was moved to a different role).

29. This attitude and crystal-clear expression of disfavor towards Ms. Bardhi for becoming pregnant and taking maternity leave inevitably undermined her position and gave

others unwarranted negative impressions of her work and commitment, despite her acknowledged strong performance.

30. In late June 2016 (just two months after he learned she was pregnant), Mr. Neumann told Ms. Bardhi that a search for her replacement was beginning, and that Ms. Berrent would spearhead the effort. Despite Ms. Bardhi's excellent track record, it was clear that WeWork was not just looking for temporary coverage, but a permanent replacement, in direct response to her pregnancy.

31. Before Ms. Bardhi's pregnancy, there had not been any discussions of expanding the CEO office. After Ms. Bardhi's pregnancy disclosure, however, Mr. Neumann made it clear that Ms. Bardhi was being demoted by telling her, "We are hiring a boss for you and you are going to report into them," and that the new person would instead have the Chief of Staff title.

32. By the end of September 2016, Mr. Neumann and Ms. Berrent agreed to hire someone for the Chief of Staff position. Conspicuously, the new hire, who was male and would have the same job scope and role as Ms. Bardhi, was offered an annual salary of \$400,000 with a \$175,000 signing bonus payable in January 2017, far more than double the annual salary of \$150,000 that Ms. Bardhi was being paid in the same job.

33. Such a blatantly gender-based pay disparity was the norm and part of a pattern and practice at WeWork. Lisa Bridges, WeWork's Senior Vice President of Total Rewards, recently filed a lawsuit in New York State Supreme Court against WeWork and Ms. Berrent alleging gender discrimination, retaliation and gender-based pay disparities. In her lawsuit, Ms. Bridges claims that she coordinated a study by WeWork's People Analytics Team in October 2018 that found a "glaring" pay disparity between men and women. When these findings were presented to Ms. Berrent, Ms. Berrent allegedly tried to justify the pay disparity by asserting that

“men take risks and women don’t.” This statement would constitute a clear admission that gender plays a role in WeWork’s compensation decisions.

34. Ms. Bridges also alleges that, as examples of the rampant gender-based pay disparities across the Company, in WeWork’s UK offices, the Company allegedly paid a woman working the same job as a man a salary of £67,000, or about \$86,000 while paying the man a salary of £97,000, or roughly \$126,000. Ms. Bridges also alleges that two men who were hired to the HR department to work alongside her, including one who was more junior, were paid \$50,000 more than her. Ms. Bridges further claims that, of the approximately 58 equity award grants made to employees valued at over \$1 million, only three were given to women. Ms. Bridges alleges that when she raised these pay disparity issues to Ms. Berrent and other WeWork executives, she was retaliated against by being put on leave and then fired.

35. Similarly, Ruby Anaya, WeWork’s former Director of Culture and a Director of Product Management, has filed a lawsuit against WeWork and its co-founder and Chief Culture Officer, Miguel McKelvey, also in New York State Supreme Court, in which she alleges that she was sexually assaulted on two separate occasions by male WeWork employees at Company-wide events, and then retaliated against after she objected to the Company’s lackluster response to her complaints, and also complained about gender pay inequality. Specifically, Ms. Anaya alleges that, after she reported one of her assaults to HR, she was told that the man who attacked her was a “high performer” and that the Company had “closed out” the investigation. Ms. Anaya further alleges that after she reported her other assault to HR, she was told that all the Company would do in response was have her attacker take a sexual harassment prevention course. According to Ms. Anaya’s complaint, both of her attackers still worked at WeWork at the time her lawsuit was filed. Ms. Anaya claims she was ultimately fired after disagreeing about WeWork’s decision not

to fire one of her attackers, and for raising concerns about women not receiving the same pay as men.

III. Ms. Bardhi Returns from Maternity Leave and Is Further Marginalized and Frozen Out

36. Ms. Bardhi went on maternity leave in December 2016 and returned to work in early April 2017. When she came back, Ms. Bardhi was not only denied a return to her previous role as Chief of Staff to Mr. Neumann, but she was given no direction or clarification as to what her role or day-to-day responsibilities were now that she was back at work.

37. To add insult to injury, the Company had removed Ms. Bardhi's desk, and she now had to work at a table shared with Mr. Neumann's Executive Assistant and Personal Assistant. A new office that had been built while Ms. Bardhi was on leave was occupied by the newly appointed male Chief of Staff and his deputy. Mr. Neumann had several times in the past refused to allow Ms. Bardhi to hire a deputy or build out her team, despite a demonstrated need for an assistant.

38. Another indication of WeWork's lack of regard for the pregnant women and new mothers among its employees was the condition of the office's lactation room. Despite the fact that there were between five and ten employees who were expressing milk around that time, the lactation room was inexcusably unsanitary, with no system in place for scheduling when it could be used and by whom (a big problem, as work and pumping schedules cannot be shuffled at will).

39. As a result, there were many instances when Ms. Bardhi, like the other women who were expressing, had to wait 20 minutes or more outside of the room, or just leave and come back over and over until the lactation room was available for use. To the female employees' disgust, the room was not even cleaned daily (even though the general office and restrooms

were), and there were many days on which garbage from the previous day was still in the lactation room's trash receptacle.

40. As a further example of Mr. Neumann's openly discriminatory attitude towards Ms. Bardhi on the basis of her pregnancy, on June 5, 2017, Mr. Neumann made an impromptu speech at a party he hosted after giving the commencement speech at Baruch College's graduation. In his speech, he announced that, "Medina came out of retirement this week," an obviously disparaging reference to Ms. Bardhi's maternity leave.

41. Ms. Bardhi was publicly humiliated by this, and the statement was not only insulting and dismissive, but also was false, because she had returned to work months before that day (further reflecting how her leave had stuck in Mr. Neumann's mind). This incident happened in front of numerous WeWork executives, including Ms. Berrent, Mr. McKelvey, and others, including at least one employee who had just given birth herself.

42. A week after that, on or around June 11, 2017, Ms. Bardhi met with Mr. Neumann and Ms. Berrent about plans for the CEO office. Mr. Neumann told Ms. Bardhi that he wanted her back in her previous position (which should have happened months before after her leave ended).

43. Ms. Bardhi was now again directly reporting to Mr. Neumann, and resumed her work on strategy for the CEO office. Eventually, in September 2017, the other male Chief of Staff and his deputy were moved out of the CEO's office (Ms. Berrent confided to Ms. Bardhi that she believed Ms. Bardhi's male successor was too concerned with his "own personal brand" and was "not the right fit" for Mr. Neumann's needs), and Ms. Bardhi was officially reinstalled as Mr. Neumann's Chief of Staff.

IV. Ms. Bardhi Is Pregnant with Her Second Child, and Is Again Penalized by WeWork

44. In late February 2018, Ms. Bardhi became pregnant with her second child, and informed Mr. Neumann of her pregnancy in March 2018 because she needed to perform some work from home due to severe morning sickness.

45. After she disclosed her pregnancy, another set of unlawful and discriminatory actions to sideline Ms. Bardhi went into motion, with Mr. Neumann, Ms. Berrent, and other leadership looking for her permanent replacement, as opposed to a coverage plan for the time of her legally protected leave.

46. On September 12, 2018, before Ms. Bardhi was set to go on maternity leave, a colleague at the Vice President level asked her, “Have they found a Chief of Staff for Adam yet?” It was clear that Mr. Neumann had divulged to those around him that Ms. Bardhi no longer had a future as his Chief of Staff.

47. The timing and ominous nature of this query and management’s actions demonstrate WeWork’s intention to permanently sideline and/or replace Ms. Bardhi after or even upon the start of her maternity leave—actions which directly violated her rights under the laws prohibiting pregnancy discrimination.

48. Around this time, Ms. Berrent disturbingly body-shamed and mocked Ms. Bardhi, commenting, “Wow, you’re getting big,” which elicited nervous giggles from then co-President and current co-CEO (after Mr. Neumann’s recent departure) Artie Minson.

49. In or around late September 2018, Mr. Neumann met with a candidate named Josh Greene, who was studying Judaic studies in Israel and seemingly underqualified for the Chief of Staff job. By mid-October 2018, Mr. Greene had moved to New York City to work in the CEO’s office.

50. At this time, Mr. Neumann came into Ms. Bardhi's office, closed the door, and told her, "Don't worry. Go have the baby, spend time with your family, and we'll figure it out when you're back." It was obvious that her position and job were in jeopardy due to her pregnancy and leave, and Mr. Neumann was openly acknowledging this fact.

51. On October 30, 2018, Ms. Bardhi unexpectedly went into labor, three weeks before she was due. Upon information, Mr. Greene was immediately moved into her office, as soon as the very same day.

52. On January 29, 2019, as Ms. Bardhi was close to completing her maternity leave, she had a check-in call with Mr. Greene, who had been placed in the Chief of Staff role. Mr. Greene asked her, "So, have you thought about what you want to do when you come back?" Again, there was no doubt that the Company wanted to demote Ms. Bardhi for becoming pregnant and keep her from reassuming her Chief of Staff role (in favor of a much less-qualified male).

53. Soon thereafter, Mr. Greene left WeWork. However, it was Conor Murphy (also seemingly underqualified, and initially hired in a de facto business analyst rather than a management role), and not Ms. Bardhi, who took over the Chief of Staff position and moved into Ms. Bardhi's former office.

54. This was not an informal or temporary shifting of duties. Mr. Murphy had business cards made for him with the Chief of Staff title, and updated his email signature to reflect that he was Chief of Staff to Mr. Neumann.

55. Even more demonstrative of the Company's disregard for Ms. Bardhi during her leave, no effort was made to inform her of these personnel changes and movements within the CEO office. Indeed, Mr. Neumann met with Ms. Bardhi on or around March 5, 2019 and did not

have the decency or nerve to tell her that she would not be returning to her Chief of Staff position.

56. Rather, on March 10, 2019, the day before Ms. Bardhi returned to work from maternity leave, Mr. Neumann sent a text message to Ms. Bardhi, saying, “Couldn’t connect please use Rebs [Rebekah Neumann, Chief Brand Officer/Mr. Neumann’s spouse] office in the morning your old one is being used by three people will talk about it when I see you.” In other words, while she was on maternity leave, Ms. Bardhi again lost her office and position without any explanation or warning.

57. Ms. Bardhi returned to work the next week and only learned then that she was no longer a part of the CEO office. She was given no information about what her new role would be. This was obvious retaliation for her taking maternity leave and discrimination against a pregnant employee and new mother.

58. Ms. Bardhi was not only denied her old position, having been replaced with less-experienced and under-qualified males, but she also was effectively sidelined and denied any meaningful work for months. Mr. Neumann froze Ms. Bardhi out, and repeatedly blew off meetings that Ms. Bardhi had desperately sought with him to clarify her role. Mr. Neumann would put a fine point on his discourtesy and disregard by making no effort to reschedule his meetings with her.

59. Ms. Bardhi later learned that Mr. Neumann had met with senior members of the CEO team in early March 2019, told them that she was not going to be a part of the CEO team going forward, and that she would instead “go and do something else.”

60. In line with WeWork’s unlawful pattern and practice, other female WeWork employees were also marginalized and sidelined after they became pregnant and took maternity

leave. For example, in late March 2019, another female executive who was four weeks into her own maternity leave was called into a meeting with Mr. Neumann and Mr. Minson and shockingly told that she would no longer continue in her executive role, nor would she continue to manage her global team of over 250 employees, which she had built over the previous four years. A little over a month later, in early May 2019, this female executive had such fear that she would lose her job due to her pregnancy and maternity leave that she felt forced to come back to work from leave just six weeks after giving birth. When she did return to work, she did so without a clear role or job responsibilities.

61. In late April 2019, this female executive informed Ms. Bardhi that Mr. Neumann now wanted Ms. Bardhi to be a part of the female executive's new team. Therefore, Mr. Neumann did not just want Ms. Bardhi to be removed as his Chief of Staff after she became pregnant a second time and took maternity leave, he wanted her out of the CEO's office entirely.

62. Indeed, the supposed position for Ms. Bardhi within this female executive's team never materialized, as the female executive ultimately was forced to leave WeWork because she herself could no longer tolerate being marginalized at the Company's campaign in connection with her own pregnancy.

V. Ms. Bardhi Makes Protected Complaints About Discrimination at WeWork

63. On May 3, 2019, WeWork's General Counsel, Jared DeMatteis, approached Ms. Bardhi about signing an updated noncompete/employment agreement. Ms. Bardhi said that she was happy to sign an updated agreement once the Company clarified what her role would be after having her child and coming back from leave.

64. In response, Mr. DeMatteis, who was clearly aware of how Ms. Bardhi had been downgraded since returning from her maternity leave (yet had done nothing despite his General

Counsel position), expressed his regret about the situation, said that he was sorry this was happening to her, and asked whether there was anything he could do. Ms. Bardhi said, “Yes, get my job back. I had a baby. People equate maternity leave to death around here.”

65. Ms. Bardhi also dispelled the false impression that she somehow had not been coming into the office, and/or that she had primarily been working for Mr. Neumann’s family office. This impression at the Company itself showed the extent to which she had been marginalized, become an afterthought, and was already assumed to be gone, due to her pregnancies and maternity leaves.

66. Ms. Bardhi stated to Mr. DeMatteis unequivocally that if this was happening to her, at her high management level, that it was definitely happening to other women at the Company as well, and that hiring a world class HR team had to be a top priority, second only to the Company’s IPO process.

67. Ms. Bardhi spoke with Mr. DeMatteis again during the week of June 24, 2019, and informed Mr. DeMatteis that there had been no movement regarding clarifying her role, and that she was still waiting just to have a conversation with Mr. Neumann.

68. During this exchange, Mr. DeMatteis took some handwritten notes. Ms. Bardhi indicated that she still hoped to be able to resolve the issue through conversations or meetings with Mr. Neumann, and that she did not want to be placed haphazardly into a role that would have no meaningful opportunity for growth or development, because she had a lot to offer and contribute to the Company. Mr. DeMatteis replied by saying, “Let’s talk if there’s an issue before you do anything.”

69. Notably, likely in response to Ms. Bardhi’s complaints, on June 25, 2019, Mr. Murphy, fully entrenched as Mr. Neumann’s Chief of Staff, reached out to tell Ms. Bardhi that

Mr. Neumann wanted her to manage the “TellAdamAnything” inbox, which allows WeWork employees to communicate directly with Mr. Neumann. This was a menial task meant to keep Ms. Bardhi busy, and was well below her experience level and skillset (and certainly well below her previous position at the Company).

70. Also in June 2019, Ms. Bardhi talked with the Chief of Staff to Ms. Berrent, hoping that she could escalate Ms. Bardhi’s concerns about the lack of clarity surrounding her role to Ms. Berrent, which she hoped would get Mr. Neumann’s attention. Tellingly, Ms. Berrent’s Chief of Staff told Ms. Bardhi that she believed she could get Ms. Berrent’s attention by mentioning Ms. Bardhi’s situation in the context of the liability Ms. Bardhi posed to the Company.

71. This exchange shows that others at the Company also recognized the unfairness and unlawful nature of WeWork’s treatment of Ms. Bardhi in connection with her pregnancies and leaves.

72. Then, in or around June or July 2019, Ms. Bardhi complained to Chris Hill, WeWork’s Chief Product Officer and Mr. Neumann’s brother-in-law, about how she was no longer working closely with Mr. Neumann or even on his team. Ms. Bardhi told Mr. Hill the unvarnished truth that, “I had a baby and I’m getting fucked over.”

73. Mr. Hill outrageously and callously responded, “Well, at least you’re still getting a paycheck.” This is precisely the kind of attitude that was behind the discriminatory and retaliatory animus that led to Ms. Bardhi’s termination just a couple of months later.

74. On or around July 25, 2019, Ms. Bardhi met with Mr. Neumann at his house in the Hamptons. Mr. Neumann told her that he needed her help with the IPO process and

roadshow, among other things. Ms. Bardhi reminded him that she had been ready to reassume her role since March.

75. Despite Mr. Neumann’s promises that she would get her office back and return to managing the team, and that he would talk with Mr. Murphy about it, the Company’s management did none of these things. This latest false promise and assurance helped seal Ms. Bardhi’s fate and left her in a position vulnerable to the rationale that she was included in a layoff or other cuts (or at least to such a pretext).

76. Notably, despite a lack of clarity about her role and responsibilities, in August 2019 Ms. Bardhi received positive marks across all categories from her peers on the Company’s Quarter 2 Performance Assessment, which included several people who directly worked with C-level executives.

77. On or around August 13, 2019, Ms. Bardhi had a long conversation with the Company’s Head of Global Communications at the time, Jimmy Asci, about the state of affairs at WeWork. Ms. Bardhi asked for advice on her situation from Mr. Asci, and he acknowledged that both Ms. Bardhi and another female executive (referenced above) had strong potential claims for pregnancy-based discrimination against the Company.

78. On September 12, 2019, a male colleague informed Ms. Bardhi that Mr. Neumann, who was navigating immense public pressure and scrutiny while WeWork was gearing up for its IPO, wanted her to help the Company get through its IPO roadshow. Mr. Neumann reportedly said that, “I need a woman’s touch.” This is yet another example of management’s point of view that female employees are apart and different from the male employees, and are not integral to the Company’s operations and strategies, but are somehow “extra.”

79. Despite recognizing the inherent value and skills Ms. Bardhi brought to WeWork, Mr. Neumann continued to express his blatant bias towards her for having become pregnant. Specifically, on September 16, Mr. Neumann, in front of his Personal Assistant, while the three were in a car together after leaving the offices of JPMorgan Chase, denigrated Ms. Bardhi for having taken maternity leave by derisively saying, “I hope you enjoyed your vacation.”

80. This direct, unmistakable remark was made just six months after Ms. Bardhi returned from maternity leave, and soon after Ms. Bardhi’s discrimination complaints to management in June, July and August 2019.

81. Ms. Bardhi objected to this comment, and Mr. Neumann sharply reminded Ms. Bardhi that he had “left [her] alone,” implying that he somehow had been doing her a favor by not needlessly interrupting her maternity leave or by failing to reintegrate her into his organization upon her return.

VI. Ms. Bardhi’s Employment Is Abruptly and Unlawfully Terminated

82. On September 24, 2019, amid mounting public pressure, Mr. Neumann stepped down as CEO of WeWork. Mr. Minson and Sebastian Gunningham were appointed co-CEOs.

83. Notably, Mr. Gunningham told a female research manager on Ms. Bardhi’s team who was single and childless and made a salary comparable to that of Ms. Bardhi (despite her being several managerial levels below Ms. Bardhi), that, “Everyone really likes you. We’ll find a place for you if you want.” By contrast, no one reached out to Ms. Bardhi to provide her with any information about her job status, and Ms. Bardhi would learn just a couple of days later that she supposedly was “getting a good package, more than two years.”

84. Ms. Bardhi sent an email to the co-CEOs on September 30, 2019, saying that she was “available and eager to continue in my role.”

85. Just two days later, on October 2, 2019, Ms. Bardhi was fired during a phone call with Mr. Minson and two HR employees. Ms. Bardhi was told that there was no longer a role for her after Mr. Neumann's departure. This assertion and supposed justification rings hollow, as Ms. Bardhi already had been pushed out of Mr. Neumann's office.

86. It is clear that Ms. Bardhi's firing was motivated by the Company's sustained discriminatory bias and retaliatory animus against her and other female employees who become pregnant, take maternity leave, and/or complain about gender-based discrimination, including pay disparities, which existed long before Mr. Neumann's departure and went far beyond his personal comments and actions.

FIRST CAUSE OF ACTION
(Discrimination Under Title VII)
Against Respondent The We Company

87. Ms. Bardhi, on behalf of herself and a class of similarly situated female WeWork employees, including, but not limited to, female employees who become pregnant and/or take maternity leave while at WeWork, repeats and re-alleges each and every allegation in the preceding paragraphs, as though fully set forth herein.

88. By the actions described above, among others, Respondents discriminated against Ms. Bardhi and other similarly situated female employees based upon their gender and/or pregnancy in violation of Title VII, including, but not limited to, subjecting them to lesser terms and conditions of employment than male employees, including disparate opportunities for advancement and promotions, paying them less than male colleagues, and by terminating their employment.

89. As a direct and proximate result of Respondents' unlawful discriminatory conduct in violation of Title VII, Ms. Bardhi and other similarly situated female employees have suffered, and continue to suffer, injuries for which they are entitled to damages.

SECOND CAUSE OF ACTION
(Retaliation Under Title VII)
Against Respondent The We Company

90. Ms. Bardhi, on behalf of herself and a class of similarly situated female WeWork employees, including, but not limited to, female employees who become pregnant and/or take maternity leave while at WeWork, repeats and re-alleges each and every allegation in all of the preceding paragraphs, as though fully set forth herein.

91. By the actions described above, Respondents retaliated against Ms. Bardhi and other similarly situated female WeWork employees based upon their protected activities, including, but not limited to, complaining about gender and/or pregnancy discrimination in the terms and conditions of their employment, and the gender pay disparities at the Company, in violation of Title VII, including, but not limited to, by terminating their employment.

92. As a direct and proximate result of Respondents' unlawful retaliatory conduct in violation of Title VII, Ms. Bardhi and other similarly situated female employees have suffered, and continue to suffer, injuries for which they are entitled to damages.

THIRD CAUSE OF ACTION
(Violations of the Equal Pay Act)
Against All Respondents

93. Ms. Bardhi, on behalf of herself and a collective of similarly situated female WeWork employees, hereby repeats and re-alleges each and every allegation in all of the preceding paragraphs, as though fully set forth herein.

94. At all relevant times, Respondents were subject to the provisions of the EPA. During that time, Respondents required Ms. Bardhi and other similarly situated female employees to perform the same or substantially the same job position as male employees, requiring equal skill, effort, and responsibility under similar working conditions at the same establishment, and paid Ms. Bardhi and other similarly situated female employees at a rate of pay, including salary, bonus and equity, less than such male employees. The differential rate of pay was not part of or occasioned by a seniority system, merit system, a system based on the quantity or quality of production, or upon a factor other than gender.

95. Respondents engaged in patterns, practices and/or policies of employment which willfully discriminated against Ms. Bardhi and other similarly situated females on the basis of their gender, including by paying Ms. Bardhi and other similarly situated females a lesser rate of pay, including salary, bonus and equity, than that paid to male employees performing the same or substantially similar job duties which require equal skill, effort, and responsibility, and were performed under the same working conditions and at the same establishments.

96. By the actions described above, among others, Respondents have violated the EPA. As a direct and proximate result of Respondents' unlawful and discriminatory conduct in violation of the EPA, Ms. Bardhi and other similarly situated female employees have suffered injuries to which they are entitled damages.

PRAYER FOR RELIEF

WHEREFORE, Ms. Bardhi, on behalf of herself and a class and collective of similarly situated female WeWork employees, prays that the Equal Employment Opportunity Commission ("EEOC" or the "Commission") grants the following relief:

A. Investigate Ms. Bardhi's claims of systematic, class wide gender and pregnancy discrimination and retaliation that has been perpetrated against female WeWork employees by Respondents;

B. Determine that Respondents have unlawfully discriminated against Ms. Bardhi and other similarly situated female WeWork employees in violation of Title VII on the basis of their gender and/or pregnancy with regard to the terms and conditions of their employment, including disparate opportunities for advancement and promotions, unequal pay, and by terminating their employment;

C. Determine that Respondents have unlawfully retaliated against Ms. Bardhi and other similarly situated female WeWork employees based upon their protected activities in violation of Title VII, including, but not limited to, by terminating their employment;

D. Investigate Ms. Bardhi's claims of systematic, collective, and class-wide gender pay disparities that have been perpetrated against female WeWork employees by Respondents;

E. Determine that Respondents have violated the EPA by requiring Ms. Bardhi and other similarly situated female WeWork employees to perform the same or substantially the same job position as male employees, and paid Ms. Bardhi and other similarly situated female WeWork employees at a rate of pay, including salary, bonus and equity, less than that paid to such male employees.


F. Determine that Respondents owe Ms. Bardhi and other similarly situated female WeWork employees damages for all the injuries they have caused them to suffer, including all economic, compensatory, and any and all other statutorily, legally, and/or equitably supported damages; and

G. Such other and further relief as the Commission may deem just and proper.

Dated: October 31, 2019
New York, New York

Respectfully submitted,

WIGDOR LLP

By: 
Douglas H. Wigdor
Lawrence M. Pearson
Tanvir H. Rahman

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
dwigdor@wigdorlaw.com
lpearson@wigdorlaw.com
trahman@wigdorlaw.com

Counsel for Claimant Medina Bardhi

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE**

-----	X
MEDINA BARDHI, on behalf of herself and a class and	:
collective of similarly situated female employees,	:
	:
Claimant,	:
	:
v.	:
	:
THE WE COMPANY d/b/a WEWORK, ADAM	:
NEUMANN and JENNIFER BERRENT, in their	:
individual and professional capacities,	:
	:
Respondents.	:
	:
-----	X


EEOC Charge No.:

**CLASS AND COLLECTIVE
ADMINISTRATIVE CHARGE OF
DISCRIMINATION, RETALIATION
AND GENDER PAY DISPARITY**

AFFIRMATION OF SERVICE

I hereby certify that, on October 31, 2019, Wigdor LLP filed the foregoing
Administrative Charge with the United States Equal Employment Opportunity Commission on
behalf of Claimant Medina Bardhi via hand delivery.

This the 31st day of October, 2019.

By: 
Douglas H. Wigdor
Lawrence M. Pearson
Tanvir H. Rahman

Wigdor LLP
85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
dwigdor@wigdorlaw.com
lpearson@wigdorlaw.com
trahman@wigdorlaw.com

Counsel for Claimant Medina Bardhi