

Avon Class Action: Wigdor LLP Files First Ever Maternity Discrimination Lawsuit On Behalf Of “Breast Pumping Class”

November 14, 2018 • News & Press

On Tuesday, November 13, 2018, Wigdor LLP filed a proposed class action lawsuit against New Avon, LLC and Avon Products, Inc. (collectively, “Avon”) alleging that Avon fails to live up to its branding as “the company for women” by refusing to accommodate pregnant and/or nursing employees. The lawsuit is the first of its kind to be filed on behalf of a proposed class of female employees that have needed to pump breast milk during work hours.

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The Complaint, which was originally filed on October 3, 2018, was amended to include class claims and two proposed class representatives.

One proposed class representative, a successful microbiologist who worked at Avon’s Global Research and Development Center, alleges that Avon placed her pregnancy at risk by ignoring her requests to avoid working in the presence of HC Agar, a chemical that is known to be harmful to pregnant women. The Amended Complaint also alleges that the employee’s supervisors allowed her coworkers to routinely harass her about her pregnancy and her need to pump breast milk.

According to the Amended Complaint, Avon also failed to provide the female employee with a private, safe place to refrigerate her breast milk and told her that she needed to store her breast milk in the lab refrigerator. As alleged, she decided to stop breastfeeding her child months before she intended as a result of the constant harassment she faced at Avon. As set forth in the Amended Complaint, Avon’s leadership discriminated against the female employee in connection with her maternity status and her need to take breaks in order to pump breast milk in myriad ways, including:

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- Removing her workstation before she returned from maternity leave;
- Penalizing her in her year-end performance review for requesting to not work with chemicals that were harmful to her pregnancy;
- Excluding her from important calls and meetings;
- Scrutinizing her work hours;
- Transferring her to a position in toxicology that she was not qualified for and assigning her the workload of three previous employees; and
- Constructively discharging her.

As a company whose executive leadership is comprised mostly of men, Avon’s workplace policies and procedures stand in stark contrast to its women-centric branding, according to both the Complaint and

Amended Complaint. As alleged, Avon's use of forced arbitration for gender discrimination claims runs contrary to the company's purported mission and values of empowering women and supporting women's causes:

"Avon is not a company '**for women**' because it attempts to force female employees out of public courts and into the silent halls of mandatory arbitration. Forced arbitration as a term of employment means that Avon employees that experience gender discrimination, pregnancy discrimination, sexual harassment or discrimination because of a need to pump breast milk during work, must hide their legal claims from the public."

Today, Wigdor LLP filed a pregnancy discrimination class action lawsuit against Avon. The lawsuit is the first of its kind to be filed on behalf of a proposed class of women that were discriminated against because they needed to pump breast milk during work hours.

— WigdorLaw (@WigdorLaw) [November 13, 2018](#)

Plaintiffs are represented by Wigdor LLP Partner [Jeanne M. Christensen](#) and Associate [Hilary J. Orzick](#).

Statement from Jeanne M. Christensen, Partner at Wigdor LLP:

"In the complaint we filed today on behalf of our clients, individually and on behalf of a proposed U.S. class of pregnant employees and a New York class of women that were discriminated against because they needed to pump breast milk during work hours, Avon must account for why the company "for women" allows such discrimination to occur and why the male leaders of Avon insist on silencing women through the use of forced arbitration to handle complaints rather than the transparent court system."
"Employees at Avon need to take a stand for what's right and stop allowing this injustice to continue."

[Read the Full Complaint Here](#)

New York Law Journal

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

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Reuters

"Avon accused of bias against pregnant women and new mothers"

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MarketWatch

"Avon ladies sue company for allegedly discriminating against pregnant, nursing workers"

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Bloomberg Law

"Avon Biased Against Pregnant, Pumping Moms, Class Suit Says"

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Legal Reader

"Avon Hit with Class-Action Lawsuit Over Allegations of Pregnancy Discrimination"

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Adweek

"Class-Action Lawsuit Alleges Avon Discriminated Against Pregnant Women"

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