

Avon Unit Fired Pregnant Exec During Health Scare, Suit Says

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By **Braden Campbell**

Law360 (October 3, 2018, 4:13 PM EDT) -- Cosmetics giant Avon's North American unit fired a newly hired executive over trumped-up "performance issues" days after she asked to work from home during a dangerous stretch of her pregnancy, according to a suit filed Wednesday in New York federal court.

Caroline Ruiz, New Avon LLC's former indirect procurement head, alleges the company violated state and federal disability and pregnancy discrimination laws by firing her rather than accommodating her request for a few days of bed rest, which her doctor recommended after she was rushed to the emergency room with "heavy bleeding."

"In connection with her doctors' advice to go on bed rest for one week, plaintiff disclosed her pregnancy, and its high-risk status, to Avon," Ruiz alleges. "Shamefully, Avon responded to the news by terminating her employment."

Avon spun its North American business off into New Avon LLC in 2015, but the business still brands itself as Avon, according to the complaint.

Ruiz' hospital stay came just a few weeks after she started her job in early January, according to the complaint. The company initially granted her paid time off for follow-up testing the day after she went to the ER and let her work from home for a few days. She returned to the office Feb. 1, the complaint says.

Because she "continued to experience pain and bleeding ... and felt that she could barely walk," her doctor recommended bed rest through Feb. 9, which Ruiz relayed to Avon, she claims. But on Feb. 2, Avon "bombarded" her with claimed performance issues at a "sham meeting" with direct supervisor Raj Nath and a human resources representative, according to the complaint. The company denied her request for remote work hours later, despite frequently letting colleagues work from home to deal with issues like jet lag, she said.

The next Monday, Avon called Ruiz into a meeting with Vice President of Supply Chain Jacklyn Marcus and an HR representative to fire her, citing "performance deficiencies," Ruiz said. These purported deficiencies included that she insulted a colleague, ignored a client email and reached out to an Avon worker she was told not to contact, according to the complaint. Ruiz claims Avon made up these issues as a reason to fire her, claiming specifically that she responded to the client email.

Avon's attorney, Jeanne Christensen of Wigdor LLP, told Law360 on Wednesday these deficiencies were "completely fabricated."

“They were just trying to come up with whatever they could use,” Christensen said. “She hadn’t even worked there a month, and she was in a type of executive position that it would be normal for someone to be in three months before they really had their feet on the ground.”

Ruiz also said that Avon’s pro-woman branding is at odds with the makeup of its leadership team, which, she claims, is largely white and male.

Ruiz’ suit also names Nath, who she claims said at the Feb. 2 meeting that her “health isn’t my concern, but [her] performance is.”

The suit alleges violations of Title VII of the Civil Rights Act, the Americans with Disabilities Act and the New York State and New York City Human Rights Laws.

Avon did not immediately respond Wednesday to a request for comment.

Ruiz is represented by Christensen and Hilary Orzick of Wigdor LLP.

Attorney information for Avon was not available Wednesday.

The case is Caroline Ruiz v. New Avon LLC and Raj Nath, case number 1:18-cv-09033, in the U.S. District Court for the Southern District of New York.

--Editing by Alyssa Miller.