

BMF employee alleges she was demoted after telling the company she was pregnant

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Megan Graham

An employee of experiential marketing agency BMF claims agency leaders reneged on her promotion after she told the company she was pregnant with her first child and planned to take maternity leave.

The lawsuit, filed Wednesday in U.S. District Court in the Southern District of New York, names BMF and founding partners Brian Feit and Bruce Starr, managing partner Ed Starr and chief operating officer Eric Brunman.

Ashley Berg alleges she was promoted to lead BMF's sales team in November 2018 after working at the shop for a year. But after she told BMF's leaders she was pregnant and planned to take maternity leave, they "abruptly stripped her of the promotion she had earned," the suit claims.

In the suit, Berg claims when she asked why she was suddenly demoted, Brunman "confirmed his view that being simply a rank-and-file salesperson as opposed to an executive leading the sales team was a better role for [her] now because [she is] pregnant." The suit also says Ed Starr told Berg in the beginning of her employment she was "at the top of the list" for "risk" of becoming pregnant, according to an analysis the company performed regarding a proposed maternity leave policy.

She claims two days after telling Brunman she was pregnant, the BMF leaders listed as defendants in the suit told her she was being demoted back to a sole contributor sales position and that her salary would be cut by 35 percent.

In February 2019, Berg sent a letter to the BMF leaders listed in the suit, notifying them that their actions constituted unlawful gender and pregnancy discrimination, the suit says. Since then, it claims, Feit has scheduled and held meetings with Berg's existing clients including Amazon Fashion, Uniqlo and Coach. The suit says it's "highly unusual and contrary to past practice ... to be excluded from even casual meetings involving her existing clients." She was also uninvited from a meeting involving her client L'Oreal, she says.

"Given that a significant portion of Ms. Berg's compensation is tied to sales commission, defendants' actions in excluding and actively shutting her out from opportunities to generate sales revenue such as client meetings and projects are clearly attempts to diminish her earning potential and force her

out of the company in retaliation for complaining about unlawful gender and pregnancy discrimination," the suit says.

The suit alleges retaliation in violation of the Family and Medical Leave Act, various violations of the New York State Human Rights Law and NYC Human Rights Law and a violation of the New York Labor Law.

"We are deeply troubled that a company, whose clients seek to empower women, would marginalize a highly regarded pregnant employee because of the discriminatory belief that she cannot be both a mother and have a successful career," Berg's attorney, Wigdor founding partner Douglas Wigdor, said in an emailed statement.

A company spokeswoman says Berg is currently employed as exec VP of sales at BMF.

In an emailed statement, BMF chief operating officer Eric Brunman said the company was "absolutely surprised and dismayed by this astounding turn of events."

"Ashley Berg (also known professionally as Ashley Chejade-Bloom) has been a longstanding personal friend of ours and our families for more than a decade," his statement continues. "When we invited her to join us in business in 2016, she joined our company with an ownership stake. As a co-owner of the BMF business, Ashley shares in responsibility with all of us to our workforce, and we take that responsibility very seriously in our 15-year history of being an inclusive, diverse and equal-opportunity employer. With a staff made up of a majority of women, we have always been and continue to be deeply committed to providing an environment of professional respect, personal safety, and opportunity for advancement to all."

"Ms. Berg has in no way been damaged, and her allegations are without any basis in fact. We vehemently deny any allegation that BMF's business decisions at issue were in any way illegal or discriminatory, and intend to defend this matter and let the facts show the truth," he said.