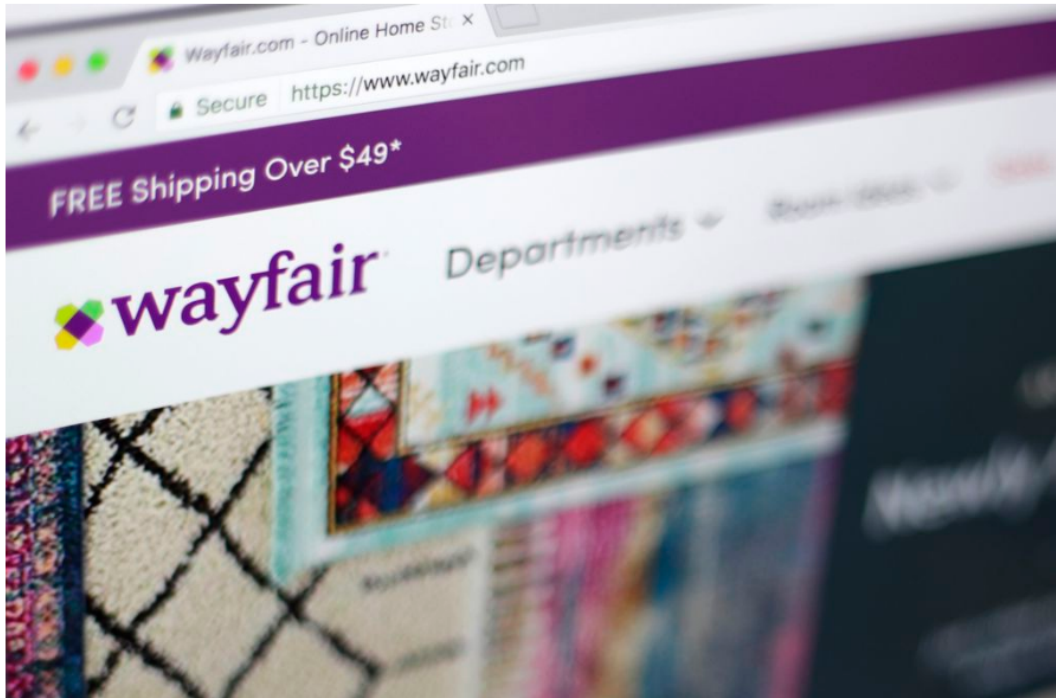


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Former Wayfair employee files sexual harassment lawsuit

By **Janelle Nanos** Globe Staff, January 7, 2020, 8:28 p.m.



A Wayfair spokeswoman denied the sexual harassment allegations. (Jenny Kane/Associated Press/File 2018) ASSOCIATED PRESS

A former Wayfair employee is suing the Boston-based online housewares giant in federal court, charging that the company failed to adequately respond when she complained a subordinate was sexually harassing her — and that it ultimately retaliated against her by terminating her.

Dallas attorney Robert Goodman, who is representing 33-year-old Emily Forsythe in the lawsuit, said Wayfair's handling of the harassment claim was extremely "atypical," particularly given the spotlight on workplace harassment in the #MeToo era.

"I have represented people in this type of case for 29 years and practicing for 39," Goodman said. "What happened here is not just sexual harassment, but bullying."

A spokeswoman for Wayfair denied the allegations.

"We take any reports of potential misconduct very seriously and, in this situation, immediately conducted a thorough investigation into the matter," Wayfair spokeswoman, Jane Carpenter, said. "We did not find any merit to the allegations and intend to provide those details in court. We are highly focused on ensuring a safe and inclusive workplace for all of our employees."

Forsythe said in an interview that she had been recruited to join Wayfair in January 2017. At Wayfair, she served as an associate director of industrial engineering, overseeing a team of 10 to 15 employees managing capital projects for the company's rapidly expanding warehouse network.

Forsythe helped recruit a new hire with whom she'd interacted briefly when they were both working at Amazon. According to the lawsuit, he had expressed interest in a personal relationship when they first met in 2015, but she told him she was not interested.

At Wayfair, Forsythe became the man's supervisor. In the months that followed, Forsythe alleges in the lawsuit, the man on two occasions moved his chair uncomfortably close to her during one-on-one meetings. In one instance, he "touched her left thigh with his right hand." In another, he moved his chair "to the point where one of his legs was touching her."

The man, who could not be reached for comment, also asked Forsythe to dinner on several occasions, the lawsuit says. When she said she would only meet him for a work-related meal, he retaliated against her in a series of "aggressive" e-mails and texts that questioned her abilities and accused her of shirking her job responsibilities. In many circumstances, other team members, some in management positions, were added to these e-mails.

When Forsythe reported the man's actions to her supervisor, the lawsuit alleges, the subordinate verbally abused her in front of her boss, prompting her boss to remove the subordinate from her team. The lawsuit says Forsythe's boss acknowledged that Forsythe's subordinate "could not control himself in attacking her."

But the abuse persisted, according to the lawsuit. During a lunch meeting last July, Forsythe's former subordinate "stared at [Forsythe's] breasts and ran his right hand down her blouse beginning above her cleavage toward her waist. When she moved away from him to avoid further contact, he laughed and got up and walked away."

Later that day, the lawsuit continued, he began discussing dating apps and the possibility of a romantic relationship with her, and again invited her to dinner. The lawsuit also alleges that her former subordinate claimed to have been dating Forsythe.

Last August, Forsythe sent an e-mail to her boss detailing the harassment, which her boss submitted as a formal complaint to Wayfair's human resources department. In early September, human resources told Forsythe her complaint was unfounded because her former subordinate had denied harassing her, adding that she needed to "improve the work relationship" between them.

Subsequently, the lawsuit claims, Forsythe's new supervisor began to retaliate against her by excluding her from internal communications and meetings, and by telling her he planned to remove her from his team. When she complained to HR about the retaliation in mid-September, the HR manager said that her claims were unfounded because her supervisor denied them.

Forsythe then hired Goodman, and on Sept. 22, she notified Wayfair through counsel that she intended to file a discrimination suit. Two days later, according to the lawsuit, Wayfair terminated her.

Initially, Wayfair's lawyers told Forsythe she had voluntarily resigned from her position during a meeting on Sept. 19, according to the lawsuit; Forsythe responded that she had no intention of leaving, and had in fact continued to plan work travel after that meeting.

But, according to the lawsuit, Wayfair then told her to cancel her travel plans, as she no longer worked for the company.

Forsythe has filed two formal complaints against Wayfair with the Equal Employment Opportunity Commission; the first for the sexual harassment claim, the second for the retaliation. The EEOC has allowed the case to proceed based on the first filing while a determination on the second is pending. Forsythe claims she has suffered financial losses, as well as emotional pain and suffering.

In an interview with The Boston Globe, Forsythe said in the height of the #MeToo era, Wayfair's lack of interest and empathy in investigating her claims was unsettling.

"I'm frustrated," Forsythe said. "I'm wondering if they did it to other women because they did it so quickly to me."

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