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Attorney for Plaintiff

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

JESSAMYN WILLIAMS, an individual, in her
representative capacity and on behalf of the
State of California and fellow Aggrieved
Employees,

Plaintiffs,

v.

TATA CONSULTANCY SERVICES, LTD.,
Defendant.

Case No. 24SMCV01432

**REPRESENTATIVE ACTION
COMPLAINT**

FOR VIOLATIONS OF THE PRIVATE
ATTORNEY GENERAL ACT AT LABOR
CODE SECTIONS 2698 *ET SEQ.*

DEMAND FOR JURY TRIAL

Plaintiff Jessamyn Williams is a former employee of Tata Consultancy Services, Ltd. (“TCS”). On behalf of current and former female employees who worked in California for TCS, and the State of California, Plaintiff brings this action pursuant to the California Labor Code Private Attorneys General Act of 2004 (“PAGA”) to remedy repeated violations by TCS of the Labor Code (as described below).

INTRODUCTION

1. TCS is a large, sophisticated multinational corporation with over 614,000 employees worldwide, including an estimated 45,000 employees in the United States, where TCS maintains over thirty offices and delivery centers. TCS earned over \$27 billion in revenue in the past fiscal year, and derives approximately 50% of its revenue from the Americas, the vast majority of which is earned from its operations in the United States.

1 2. TCS touts its “commitment to culture and diversity,” using the motto “inclusion without
2 exception,” and claims to follow “a five-pillar approach to diversity, equity, and inclusion (DEI):
3 representation, culture, enablement, engagement, and development.”¹ TCS’s annual report details the
4 programs TCS has implemented with the ostensible goal of advancing diversity, including gender
5 diversity,² but it is understood that these programs are just window dressing and are not valued by
6 TCS’s leadership—for example, Dave Jordan, the former head of TCS’s Consulting and Services
7 Integration (“C&SI”) practice once opened a meeting for TCS’s “Women in Consulting” group by
8 stating, mockingly, that issues affecting women were close to his heart because not only did he have
9 daughters, but also female dogs.

11 3. In reality, men are disproportionately over-represented in TCS’s management and leadership
12 structure, and TCS has allowed a culture to flourish in which women are at best disregarded and at
13 worst openly disrespected. TCS implements policies and practices pursuant to which TCS’s female
14 employees face discrimination in pay, promotions, professional development opportunities, and job
15 assignments. TCS fosters a culture in which female employees are undervalued and under-credited
16 for the work they do to advance client projects and generate business, from which their male
17 colleagues benefit both financially and professionally. In accordance with these practices, TCS pays
18 women lower compensation (including salary and bonuses) than it pays men for substantially similar
19 work.
20

22 4. Ms. Williams’ experience is representative of the discrimination women face at TCS. Ms.

24 ¹ Diversity, equity and inclusion; Being, belonging, becoming, TATA CONSULTANCY SERVICES (last
25 accessed Dec. 29, 2023), available at <https://www.tcs.com/who-we-are/diversity-equity-inclusion/insights/diversity-equity-inclusion-approach>.

26 ² *Integrated Annual Report* at 88-89, TATA CONSULTANCY SERVICES (2022-23),
27 <https://www.tcs.com/content/dam/tcs/investor-relations/financial-statements/2022-23/ar/annual-report-2022-2023.pdf>.

Williams joined TCS in 2019 with over a decade of relevant consulting experience. While she was leveled as a Manager in her first position, Ms. Williams consistently performed Director-level work for which her male colleagues were credited. While she performed well in her role, bringing in significant business for TCS and generating praise from clients, her requests for a promotion (and Director-level compensation) were repeatedly ignored. Ms. Williams' experience at TCS worsened after returning from four months of maternity leave, which TCS used as a reason to again deny her a promotion based on her not having "kept up" with the competition during the fiscal year she took leave. Ms. Williams was finally given a "Director" title in September 2022, a year before she left TCS, but it was not a true promotion. Rather, TCS simply allowed Ms. Williams to assume a Director position with Director-level responsibilities, and allowed her to hold herself out as a Director to clients and internally. But this "doing business" title change was not a formal promotion and was not accompanied with a raise to a Director-level salary. As a result of TCS's discrimination, Ms. Williams received less compensation than men in her practice group at the same level received for substantially similar work.

PARTIES

5. Plaintiff is a woman and a resident of California. Plaintiff was employed by TCS from approximately February 2019 until September 2023, and worked from her home in Los Angeles, California.

6. TCS is an IT consulting company that is headquartered in Mumbai with its U.S. headquarters in Edison, New Jersey. It maintains over thirty offices and delivery centers in the United States, including offices in Santa Clara, California and Los Angeles, California. At all relevant times mentioned herein, TCS conducted and continues to conduct substantial business in the state of California, including in Los Angeles. TCS has a substantial number of employees in California and performs projects for California-based clients. During all times Plaintiff was working for TCS, TCS

1 was Plaintiff's employer within the meaning of the California Labor Code and all applicable law.

2 **JURISDICTION AND VENUE**

3 7. This Court has jurisdiction over this Action pursuant to California Code of Civil Procedure,
4 Section 410.10. This Court has jurisdiction over Plaintiff's claims for civil penalties under PAGA.
5 Plaintiff has exhausted her administrative remedies under PAGA, as set forth in Paragraph 40, *infra*.
6

7 8. Venue is proper in this Superior Court pursuant to California Code of Civil Procedure Section
8 393 and 395.5 because Plaintiff and other aggrieved employees suffered Labor Code violations in
9 this County.

10 **FACTUAL ALLEGATIONS**

11 9. Ms. Williams brings this representative PAGA action on behalf of all current and former
12 female employees who work or have worked for TCS in California. TCS implements policies and
13 practices that discriminate against women in every TCS office in the United States, including those
14 who have worked in California. Plaintiff's allegations are representative of a pattern of misconduct
15 pursuant to which TCS's leadership (which is almost entirely male) allows a culture of discriminatory
16 attitudes towards women to flourish—to the detriment of women's pay, chances at a promotion,
17 staffing opportunities, and credit for work performed, and to the benefit of male employees. As a
18 result, TCS's female employees receive less compensation than male employees for equivalent work.
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21 *TCS's Male-Dominated Leadership and Management*

22 10. Men dominate TCS's leadership and management. In Fiscal Year 2023, just two of the nine
23 members of TCS's Board of Directors were women,³ and none of TCS's "Key Management
24 Personnel"—which includes the company's Chief Executive Officer and Managing Director (CEO
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26

27 ³ *Integrated Annual Report* at 113, TATA CONSULTANCY SERVICES (2022-23),
28 <https://www.tcs.com/content/dam/tcs/investor-relations/financial-statements/2022-23/ar/annual-report-2022-2023.pdf>.

1 & MD), Chief Operating Officer and Executive Director (COO), Chief Financial Officer (CFO) and
2 Company Secretary (CS)—were women.⁴ TCS’s compensation policies are overseen by a Board
3 committee called the Nomination and Remuneration Committee, of which two of the three members
4 are male.⁵

5
6 11. TCS’s compensation policies (as well as its policies that impact compensation) originate
7 from the highly concentrated and male-dominated management regime and are administered largely
8 by men, who occupy a disproportionate percentage of senior positions—just 13.3% of senior
9 management positions are held by women worldwide, compared to 30.7% of mid-level positions and
10 41.8% of junior positions.⁶ Decisions about compensation also occur against the backdrop of a culture
11 that undervalues women, which the male leadership encourages and allows to flourish. As such,
12 decisions about pay, raises, and bonuses result in female employees receiving lower compensation
13 than similarly situated males.
14

15 12. Decisions about terms and conditions of employment, including job assignments and
16 promotions, occur against the same cultural backdrop and result in female employees failing to
17 advance at the same rate as male employees performing equal or substantially similar work. Women
18 are also denied advancement opportunities that would result in higher compensation. Decisions about
19 what factors to consider in performance evaluations similarly disfavor women, the result of which is
20 to disproportionately decrease chances of promotion (which are tied to performance reviews) and the
21 amounts of bonuses awarded to women (which are also tied to performance reviews) compared to
22 male employees, who perform at an equal level but are reviewed more favorably. TCS also fosters a
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25 ⁴ *Id.* at 147.

26 ⁵ *Id.* at 120 (describing duties of the committee to “[r]ecommend to the Board the Remuneration Policy
27 for Directors, executive team or Key Managerial Personnel as well as the rest of employees”).

28 ⁶ *Id.* at 18, 147.

1 culture of discrimination that disfavors pregnancy and childbirth. Women who become pregnant and
2 take maternity leave are cut off from the quantity and quality of work they previously were assigned
3 by TCS and receive less favorable performance reviews, based on a widespread belief that mothers
4 returning to work are less capable and that women with childcare responsibilities will not be able to
5 provide the same value to TCS as similarly situated males. This further diminishes the size of the
6 bonuses and chances of securing promotions by the subset of female employees who are pregnant,
7 have been pregnant, or have children.

9 13. On information and belief, TCS is aware that its employment practices in the United States
10 disfavor women in pay, promotion, job opportunities, and other terms and conditions of employment,
11 but it has not taken the actions necessary to remedy the issues causing the disparities. While TCS
12 makes the vague claim that “remuneration is the same for men and women working full-time, in the
13 same grade, in the same role, and at the same location, and with the same level of experience,” it
14 acknowledges “[g]aps in median salary between genders at middle and senior levels,” but claims that
15 they are “due to a higher proportion of women at the junior ends of each cohort.”⁷ TCS does not
16 publicly reveal the extent of the pay gap in the United States.

18 *TCS’s Policies and Practices*

19 14. TCS employees in the United States are sorted into “roles,” and within those roles, are
20 assigned “grades” that determine each employee’s “level.” While there is some variation among
21 practice groups, employees are generally slotted into the following “roles” and “grades” at TCS (from
22 lowest to highest): Consultants (grades C2, C3A, and C3B), Managers (grade C4), Directors (grade
23 C5), Partners (grade C5 or SP1), and Managing Partners (grade SP1).⁸ Generally speaking, base
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25 ⁷ *Integrated Annual Report* at 165, TATA CONSULTANCY SERVICES (2022-23),
26 [https://www.tcs.com/content/dam/tcs/investor-relations/financial-statements/2022-23/ar/annual-](https://www.tcs.com/content/dam/tcs/investor-relations/financial-statements/2022-23/ar/annual-report-2022-2023.pdf)
27 [report-2022-2023.pdf](https://www.tcs.com/content/dam/tcs/investor-relations/financial-statements/2022-23/ar/annual-report-2022-2023.pdf).

28 ⁸ In 2022, C&SI diverged slightly from that system to have the following six titles with corresponding

1 salary ranges are based on an employee's level (taking into account location), such that the initial
2 base salary range for a person hired as a Director will be higher than the initial base salary range for
3 a person hired as a Manager. Similarly, the initial base salary range for a Consultant hired at level
4 C3B will be higher than that for a Consultant hired at Level C3A. The applicable ranges for positions
5 would be consistent for all similarly situated employees at each level within each practice area. When
6 an employee is promoted, for example, from Manager to Director, the employee's salary will increase
7 from the "Manager" range to the "Director" range. Within those ranges, TCS states that
8 "[c]ompensation levels are merit based, determined by qualification, experience levels, special skills
9 if any, and individual performance"⁹ and that annual bonuses are "at the discretion of the
10 Company,"¹⁰ but otherwise provides minimal transparency into its processes for setting compensation
11 in the United States. In practice, and within each practice area, decisions about initial compensation
12 and subsequent decisions concerning compensation, promotions, and other opportunities are
13 administered in line with TCS's culture, which values men over women.
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16 15. TCS engages in five company-wide practices that result in women receiving less
17 compensation than their male counterparts performing the same or substantially similar work.

18 16. First, TCS routinely mis-levels women. Women and men with similar backgrounds,
19 qualifications, and experience are frequently hired into different levels—with men being
20

21 _____
22 grades: Business Analyst (grades CS1 and CS1-T), Business Consultant (grades CS2 and CS2-T),
23 Engagement Manager (grade CS3), Engagement Director (grade CS3S), Partner (grade CS4), and
Managing Partner (grade CS4M).

24 ⁹ *Id.* at 91.

25 ¹⁰ Williams Jan. 16, 2019 Offer Letter ("Your compensation has been determined based upon factors
26 including, but not limited to, your work location, current role, and experience. . . . The Company
27 follows an annual review of compensation for each employee[.]" "In addition to your Base Salary,
28 you are eligible to earn an annual incentive, of upto [sic] a maximum of \$40,000.00. The eligibility,
determination of the award amount, and the disbursement, will be at the discretion of the Company,
administered in accordance with the Company's relevant Policy in effect each Fiscal Year.").

1 appropriately leveled (or over-leveled) and women being under-leveled. Women hired at the wrong
2 level often perform substantially equal or substantially similar work as men in the level above them,
3 and in some instances run projects with men leveled above them reporting to them in practice. Women
4 who are mis-leveled in this manner are compensated at the rate for their official title, which is in a
5 lower range than the rate that of similarly situated males with higher titles. This practice masks the
6 extent of the disparities, because a role-based analysis would show less of a pay difference between
7 men and women than exists in reality.

9 17. Second, men are appraised more highly and promoted more frequently than similarly situated
10 women, which exacerbates the inequalities in pay, as compensation and bonuses are tied to an
11 employee's level and grade. In order to receive a promotion at TCS, the employee must have served
12 in his or her role for a set number of years, and received consecutive high appraisal scores (i.e., either
13 an "A" or a "B" score for multiple years). TCS gives the senior managers who conduct appraisals
14 significant discretion as to what factors to consider and how to calculate an employee's utilization
15 and accomplishments in conducting reviews, which allows the process to be infected with bias,
16 including bias based on gender, pregnancy, and childbirth. For instance, the policy allows discretion
17 to characterize an employee who has taken parental leave or worked on a flex schedule—policies
18 women are far more likely to have utilized—as having accomplished less in a given fiscal year than
19 colleagues who did not utilize those policies (who are more likely to be male). As a result of TCS's
20 practice of appraising men more highly, female representation gets smaller at each progressive tier at
21 TCS, and very few women are promoted to senior management roles. This practice also results in
22 women receiving lower bonuses than similarly situated men, because bonuses are based on
23 performance reviews. Even women who receive favorable performance reviews are less likely to
24 receive promotions than similarly situated men because TCS's promotion process similarly takes
25 place in a biased culture.

1 18. Third, women are discriminated against in job assignments and business development
2 opportunities. Women are more likely to be assigned administrative tasks that do not count towards
3 their utilization. When it comes to responding to Requests for Proposal (“RFPs”) from potential
4 clients, a primary way that TCS generates business, women are often tasked with performing the
5 legwork to prepare the written response—a laborious process that requires significant skill, research,
6 and budgeting—and then excluded from the oral pitch to the client, or allowed to participate only for
7 optics but forced to take a background role. The presentation is the portion of the RFP process that
8 provides an opportunity for TCS employees to develop a rapport with the client, which helps drive
9 future business and project work. These practices put women at a disadvantage because utilization
10 and business generation are closely tracked and are factors that are considered in performance reviews
11 and promotions, which determine compensation and bonuses.
12

13 19. Fourth, on information and belief, when assigned a base compensation amount within the
14 range allotted to their assigned level, women are placed at the low end of the range compared to their
15 male counterparts, because TCS undervalues the accomplishments and experience women bring to
16 TCS. Additionally, when promoted, on information and belief, women are awarded compensation at
17 the low end of range applicable to their new level and receive smaller bonuses than their male
18 counterparts performing the same or substantially similar work.
19

20 20. Fifth, women are discriminated against by TCS’s policy of calculating annual pay raises as
21 a percentage of base pay, which results in women receiving smaller pay increases each year than their
22 male counterparts. TCS calculates bonuses in the same fashion—on a percentage basis, though the
23 percentage depends on reviews, with the same result.
24

25 *Ms. Williams’ Experience at TCS*

26 21. Ms. Williams has over fifteen years of experience providing strategic leadership on new
27 business development, products, and programs to customers. She has extensive Creative Agency and
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1 Big Four account leadership and change management experience, including from
2 PricewaterhouseCoopers (“PwC”), where she spent over three years as a Customer
3 Research/Development Lead prior to joining TCS. Ms. Williams has a B.A. in Communications from
4 Chapman University and hands-on experience in defining and shaping new business models, cross-
5 disciplinary leadership, and expanding portfolios into new service offerings. At each stage of her
6 career, Ms. Williams has been recognized as a high performer with a proven track record of driving
7 results.
8

9 22. On February 4, 2019, Ms. Williams brought her talent and professional experience to TCS.
10 Ms. Williams joined TCS after being contacted by a recruiter in late 2018 who told Ms. Williams that
11 TCS was looking to fill a Director-level role within the company and was looking for candidates like
12 Ms. Williams who have Big Four consulting experience. Ms. Williams took interest in the role
13 because the position was Director-level, but she later learned during her interview with two TCS
14 Partners that the role being offered to her was a lower-level Manager role, and not a Director role.
15 However, TCS assured Ms. Williams that she would be fast-tracked to the Director level and would
16 be promoted early on in her career with TCS, as strong performers at TCS stand out and can advance
17 more quickly than at PwC. Based on those representations, Ms. Williams accepted the job offer and
18 joined TCS as an Engagement Manager with the title “Customer Experience Strategy Lead” (a
19 Manager-level position) in TCS’s Customer Experience Transformation (“CXT”) Division, which
20 was part of TCS’s Consulting and Services Integration (“C&SI”) practice, reporting to Navin Mithel
21 and working primarily for Oghie Oijor.
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24 23. As a Customer Experience Strategy Lead, Ms. Williams sold, created, and implemented
25 Customer Experience transformation projects across a number of industries, and was instrumental in
26 closing over \$20 million in deals, all while maintaining 90-100% billability (a metric closely tracked
27 by TCS). While Ms. Williams was leveled (and paid) as an “Engagement Manager,” she consistently
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1 performed Director-level work and her job duties were comparable to others in the group with
2 Director titles. For instance, Brett McGee was an Engagement Director on projects for TCS client
3 Archer Daniels Midland (“ADM”) on which Ms. Williams was an Engagement Manager (a level
4 below) even though Mr. McGee’s experience with design thinking projects was limited to
5 volunteering to teach a fifth-grade class as part of his M.B.A. program—compared to Ms. Williams’
6 over ten years of relevant experience. While Mr. McGee was credited as the project lead, he was
7 instructed to defer to Ms. Williams by Mr. Oijor on deliverables and methodologies to be used by the
8 team because Ms. Williams had superior abilities in those areas. In addition, Ms. Williams often took
9 the lead in managing TCS’s drafting of responses to RFPs to sell business to potential clients,
10 including overseeing the team preparing the response. Selling business is a Director-level duty, and
11 when RFPs are successful, the projects are credited to people with Director and Partner titles. So,
12 while Ms. Williams was heavily involved in the RFP process, she was not credited for the project
13 work she secured for TCS.
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16 24. Ms. Williams was one of the few female TCS employees in C&SI—while the numbers varied
17 during her time at TCS, at one point there were ninety employees in C&SI’s CXT practice and only
18 eight were women, and there were no women partners during most of Ms. Williams’ time in CXT.

19
20 25. About six months after Ms. Williams joined TCS, she attended a new employee orientation
21 for employees in the Los Angeles, California area. During that event, a TCS employee broke down
22 crying, stating that she was the only female and non-Indian member of her team, that she was
23 consistently excluded from conversations and ridiculed by her colleagues (which she believed was
24 due to her race and gender), and that she had nowhere to go for help because her project lead was part
25 of the problem and engaged in the same behavior.

26
27 26. Ms. Williams experienced similar gender-based discrimination at TCS. For instance, Ms.
28 Williams tolerated comments about her appearance from her manager, Mr. Mithel, who repeatedly

1 made comments about Ms. Williams not looking that old despite being a Gen Xer. She was also
2 berated by Mr. McGee in front of her younger colleagues and was blamed for issues that were not
3 her fault. Ms. Williams also heard sexist comments made at TCS almost daily, such as, for example,
4 employees referring to grocery shopping as “women’s work.” In 2019, Ms. Williams sought advice
5 from Mr. Oijor and Mr. Mithel on how to navigate these situations, which Mr. Mithel documented in
6 Ms. William’s yearly performance reviews as hurting her overall score, writing that they indicated
7 that Ms. Williams “struggled with collaborating.” As a result of these negative comments in her
8 review, Ms. Williams received a lower bonus than she otherwise would have in 2020. While Ms.
9 Williams’ colleagues in C&SI (including Mr. Oijor and Mr. Mithel) acknowledged that women at
10 TCS were not treated fairly, they stated that it was not within their power to change the culture of
11 TCS at large, and were not willing to acknowledge C&SI’s role in fostering this culture.
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14 27. The rudeness of her male colleagues was amplified by the fact that Ms. Williams was not
15 hired as a Director at TCS and therefore held a lower job title than her male colleagues performing
16 the same or similar work, a mis-leveling that TCS declined to remedy with a promotion during Ms.
17 Williams’ entire time at TCS. TCS’s refusal to promote Ms. Williams had a significant negative
18 impact not only on her pay and career progression, but also on her ability to effectively perform her
19 job, which, again, included Director-level responsibilities without the corresponding title (and pay).
20 The culture at TCS was extremely hierarchal, which meant that her higher-ups frequently disregarded
21 her and talked down to her based on her lower job title. This compounded the lack of respect Ms.
22 Williams dealt with simply because she is a woman. For instance, Ms. Williams’ job functions
23 required her to interact with and make inquiries of business leaders who frequently shut her down or
24 flat-out ignored her, even though they responded to men (and particularly those with Director-level
25 titles), and would respond to Ms. Williams only after she added a man with a higher title to the email
26 chain. Much of the disrespect came from TCS leaders outside of C&SI, and while some people at
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1 TCS (including in C&SI) recognized that TCS's culture made it difficult for Ms. Williams to
2 command respect (or even be acknowledged) and to do her job, and that her job would be easier with
3 a more senior title, TCS (and C&SI) did not offer her any support in navigating that hostile
4 environment because they shared the same attitudes towards women. For example, at a meeting for
5 TCS's "Women in Consulting" group, Dave Jordan, the head of C&SI, started the meeting by saying
6 (disingenuously) that issues affecting women were close to his heart because not only did he have
7 daughters, but also female dogs.
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9 28. Ms. Williams also heard comments from colleagues indicative of a pervasive culture of
10 discrimination towards people who are or have been pregnant. This was exemplified during a
11 January 5, 2023 hiring and staffing call with TCS's Transformation Management Office ("TMO")
12 hiring managers that included Ms. Williams, Cassandra Prince (Global Design Lead), and U.K.
13 based colleague, Ravi Ramaswamy Noorani Seshaiyer, as well as the group's head of Human
14 Resources ("HR") Smriti Shukla, who was based in India. While discussing a candidate for a position
15 based in India for Mr. Seshaiyer's team, Ms. Shukla expressed concern that, while "very strong,"
16 the candidate was eight weeks pregnant and therefore might not be able to do the work, which would
17 impact the team's schedule. Ms. Williams interrupted to say that she was not comfortable discussing
18 the candidate's pregnancy impacting her ability to do the job and expressed concern that such
19 discussions were illegal. Mr. Seshaiyer responded that women's brains change after pregnancy and
20 childbirth and that it was necessary to discuss the candidate's pregnancy to make sure she was a
21 good fit, given that women's priorities change.
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24 29. Ms. Williams went on maternity leave on April 19, 2021. Prior to going on leave, Ms.
25 Williams was instructed not to inform the client, ADM (to whom Ms. Williams had been allocated
26 since 2019) that she was pregnant, as TCS was worried that the client would not sign off on additional
27 work knowing that Ms. Williams would not be there to oversee it. As that instruction indicated, Ms.
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Williams had a strong relationship with ADM, yet, when she returned from maternity leave in August 2021, she was told that there was no open role for her on ADM projects.

30. Despite having been removed from the account, Ms. Williams was asked by the group to help TCS sell additional business to ADM, the stated reason being that her knowledge of business-to-business commerce and the fact that the client “love[d]” her would help TCS win the work. Despite Ms. Williams’ frustration with TCS utilizing her knowledge and relationship to sell work to ADM while refusing to staff her on ADM projects, Ms. Williams was willing to help, and she put significant effort into crafting, writing, and budgeting a response to an RFP from ADM. Ms. Williams also participated in the oral presentation of the RFP response to ADM. While Ms. Williams was well qualified to deliver the oral presentation, given that she had invested her time, labor, and expertise into drafting the RFP response, she was informed by TCS that she actually would have been excluded from the oral presentation except that the other ten people on the team were men, and it would have looked bad for the presentation not to include any women. Ms. Williams was taken aback by this statement—implying that her only value was in adding diversity—and by the fact that the team thought that her skills, expertise, relationship with the client, and hard work preparing the response would not have been enough to merit including her in the client presentation.

31. This experience was similar to another of Ms. Williams’ experiences, when she was excluded from an oral pitch to Estee Lauder despite having put significant time and effort into preparing the RFP response. In that instance, Mr. Mithel told Ms. Williams after the presentation that he wished she had been there—not because of her contributions and expertise—but because there were quite a few women on the client side, so it would have been helpful to have female representation on TCS’s side. Both instances were characteristic of TCS’s culture of discrimination, in which men under-credit and under-value women while profiting from their contributions, and were similar to experiences that Ms. Williams heard about from colleagues. For instance, a female colleague of Ms. Williams was

1 asked by a woman senior leader in TCS’s Salesforce practice to present work that TCS had performed
2 to a client for a “client innovation day,” which are events held by TCS in which the company pitches
3 additional services to existing clients. However, when she arrived to present, a group of men from
4 TCS told her that they would be doing the presentation and to “please leave,” and she was not allowed
5 to enter the room or meet with the client. This colleague, like Ms. Williams, frequently “acted” at a
6 higher level than her title (Consultant)—as an Engagement Manager from the beginning of her tenure,
7 and later took on Director-level responsibilities, in which men with more-senior titles reported to her.
8 Like Ms. Williams, the colleague was never promoted, either to a Manager or to a Director (and never
9 received equivalent pay).
10

11 32. Despite the culture of anti-women bias, Ms. Williams consistently received strong
12 performance appraisals at TCS—both As and Bs—the two highest appraisal scores at TCS, the receipt
13 of which made her eligible for promotion under TCS’s policy. Clients were also extremely happy
14 with Ms. Williams’ work. Her work for ADM resulted in the following client testimonial and quote,
15 which TCS used in multiple new business pitches: “You don’t typically think of TCS for a strategy
16 lead project, but I couldn’t be happier with the results and creativity from this team. You’ve definitely
17 changed the perception of TCS.” However, despite her strong reviews, and despite having been
18 promised a promotion when she joined TCS in 2019, Ms. Williams was not promptly promoted. After
19 returning from maternity leave in 2021, Ms. Williams again sought a promotion, but this goal was
20 stymied when Ms. Williams received her review for 2021 and was rated significantly lower than the
21 previous year for reasons that appeared to be based on Mr. Mithel penalizing Ms. Williams for taking
22 maternity leave. Ms. Williams was told by Mr. Mithel during her verbal review that she had not “kept
23 up” with her colleagues, and the written review noted that she had not maintained the same “level of
24 contribution” to TCS Thought Leadership and was “lagging” behind “her peers” in courses and
25 certifications. Mr. Mithel also based the review partially on feedback from Mr. McGee, the
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1 Engagement Director on ADM who had, in practice, reported to Ms. Williams, and who had berated
2 Ms. Williams in front of younger colleagues (one of the incidents about which Ms. Williams had
3 complained to Mr. Mithel). Ms. Williams was ultimately able to have her rating adjusted, after a great
4 deal of pushback (from a 3.1 to a 3.92, compared to a 4.9 the previous year), but the comments in her
5 review were not revised. Moreover, despite the grade adjustment, the same factors were used to justify
6 denying Ms. Williams a promotion—Mr. Mithel told Ms. Williams during her verbal review that he
7 was not willing to nominate her for a promotion that year because he felt that she had not kept up
8 with the competition during the fiscal year she took maternity leave, and her subsequent requests to
9 be considered for a promotion after having her review adjusted went ignored. Ms. Williams also
10 received a lower bonus in 2022 than she had in 2021 on account of her lower review (\$32,950 vs.
11 \$36,250). Ms. Williams filed a complaint with HR that she was being discriminated against on the
12 basis of her pregnancy, but HR took no action to correct this discrimination.
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15 33. At the end of April or beginning of May 2022, Jen Chew, head of TCS’s Transformation
16 Management Office (“TMO”), offered Ms. Williams the opportunity to lead the client loyalty
17 program for TMO, starting in July 2022. It would be a Director-level role, with the title “Client
18 Loyalty Program Director,” and Ms. Chew indicated that Ms. Williams would be formally promoted
19 to Director during the next promotion cycle. Ms. Williams accepted the role, which required her to
20 transfer to a new group, Business Transformation Growth (“BTG”). However, TCS refused to
21 promptly release Ms. Williams to BTG, and ultimately required her to go through the tedious process
22 of applying internally and interviewing for the role even though it had already been offered to her.
23 Ms. Williams finally received approval to transfer departments on August 10, 2022, for a September
24 1 start date. Ms. Williams served as Client Loyalty Program Director for over a year, until her
25 departure from TCS in September 2023. In that role, she mentored account leaders to transition selling
26 growth and transformation work and managed the Client Engagement Team to develop a client
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1 loyalty program to drive sales expansion for TCS’s 32 top accounts.

2 34. However, Ms. Williams never received the promised promotion to Director. While the role
3 she filled was at the Director level and while her responsibilities—establishing a client loyalty
4 program for the top 32 TCS accounts, which involved coaching directors and partners in selling
5 growth and transformation work—were Director-level, she received only a “doing business” title
6 change, and not a formal level change, which meant that she was allowed to hold herself out as a
7 “Director” internally and to clients, but she was never actually promoted to Director, nor paid as a
8 Director. By way of contrast, male counterparts were promoted to a Director level and paid
9 accordingly.
10

11 35. As a result of being mis-leveled and repeatedly denied promotions, Ms. Williams was paid
12 less than men who performed substantially similar work (who were appropriately leveled as
13 Directors) throughout her time at TCS.
14

15 36. Ms. Williams’ yearly salary at TCS peaked at \$216,000 (just \$16,000 more than her initial
16 salary when she started at TCS). Male Directors in the C&SI and TMO groups made an annual salary
17 of \$250,000 and up to \$360,000. Ms. Williams was paid substantially less than male Directors in
18 C&SI and TMO despite performing substantially similar work as them throughout her time at TCS.
19 These disparities existed throughout TCS as a result of TCS’s discriminatory pay practices, including
20 its routine mis-leveling of women.
21

22 37. The inequities of TCS’s treatment of women are exemplified by the experience of Ms.
23 Williams compared to Mr. McGee. While Mr. McGee was Engagement Director, as set forth in
24 Paragraph 23, *supra*, Ms. Williams had significantly more relevant experience than Mr. McGee such
25 that he was instructed to defer to Ms. Williams by Mr. Oijor on deliverables and methodologies to be
26 used by the team on the ADM project. On that project, Ms. Williams oversaw the methodology and
27 the team’s work, including liaising with the client to make sure they were meeting goals and
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1 expectations, while Mr. McGee's duties were largely administrative, including completing status
2 reports, which in the consulting industry is considered more of a junior-level responsibility than what
3 Ms. Williams was doing. To the extent Mr. McGee's tasks were different than those performed by
4 Ms. Williams, they were more junior and would not have justified a higher title or salary.
5 Accordingly, Ms. Williams' work was at least substantially similar to Mr. McGee's and likely more
6 senior. In addition, Mr. McGee was based in Chicago, which has a lower cost of living than Los
7 Angeles, where Ms. Williams was based. Yet, Mr. McGee earned at least \$250,000 annually,
8 substantially more than Ms. Williams.¹¹

10 **PRIVATE ATTORNEYS GENERAL ACT ("PAGA") ALLEGATIONS**

11 38. TCS has violated Plaintiff Williams' and current and former female employees' rights under
12 the California Labor Code, including the California Equal Pay Act, Section 1197.5.

13 39. Plaintiff seeks to represent and to recover civil penalties on behalf of Current and Former
14 Female Employees who worked in California at any time during the relevant liability period.

15 40. Plaintiff has exhausted administrative remedies. In accordance with California Labor Code
16 Section 2699.3, on January 20, 2024, Ms. Williams gave written notice to the California Labor and
17 Workforce Development Agency and by certified mail to Defendant TCS of TCS's violations of the
18 California Labor Code against current and former female employees, as alleged herein. Plaintiff
19 Williams did not receive written notification from the LWDA of the State's intention to investigate
20 the allegations set forth in her January 20, 2024 notice. Plaintiff Williams did not receive written
21 notice of cure by TCS. These violations are continuing and ongoing.

22 41. On behalf of Current and Former Female Attorneys employed by TCS in California at any
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26 ¹¹ Ms. Williams and Mr. McGee also received bonuses that were based on percentage of their annual
27 salary, such that salary underpayment resulted in bonus underpayment as well.
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1 time during the relevant liability period, Plaintiff seeks civil penalties for TCS's violations of the
2 California Labor Code, including, without limitation, those enumerated in Count I.

3 **COUNT I**
4 **(For Civil Penalties Pursuant to Private Attorneys General Act)**
5 **(Cal. Lab. Code §§ 2698, *et seq.*)**
6 **(On behalf of Plaintiff Williams, in her Individual and Representative Capacities, and the**
7 **Similarly Aggrieved Current and Former Female Employees against TCS)**

8 42. Plaintiff re-alleges each preceding paragraph as though fully set forth herein.

9 43. Plaintiff is an aggrieved employee and brings this claim on behalf of other Current and
10 Former Female Employees employed in California at any time during the liability period.

11 44. The California Labor Code Private Attorneys General Act of 2004, Cal. Lab. Code § 2698,
12 *et seq.*, gives any employee aggrieved by an employer's violation of the Labor Code the right to file
13 an action on behalf of other current and former employees for the civil penalties established by
14 Section 2698 and/or other Labor Code sections.

15 45. Plaintiff brings this Representative Action on behalf of the State of California with respect
16 to all other Current and Former Female Employees who worked for Defendant in California during
17 the liability period and seeks civil penalties for TCS's violations of the California Labor Code,
18 including, without limitation, the following violations:

- 19 a. deprivation of equal pay, in violation of the California Equal Pay Act, Cal. Lab. Code
20 § 1197.5(a) (West 2015) (amended 2015), *et seq.*, and the California Equal Pay Act,
21 as amended by the California Fair Pay Act, Cal. Lab. Code § 1197.5(a) *et seq.*;
22 b. violation of California Labor Code Sections 204, 204c and/or 204.2 with respect to
23 female employees by failing to pay all wages due and payable at regular, prescheduled
24 intervals during each calendar month, within the timeframes set forth in these
25 provisions, pursuant to statute. In particular, because TCS has paid female employees
26 less than male employees performing substantially similar work, in violation of Labor
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Code Section 1197.5, it has deprived those female employees of timely payment of wages;

c. violation of Labor Code Sections 201, 202, and 203; because this unlawful underpayment is never remedied, TCS also fails to pay departing female employees, including Ms. Williams, all wages due and owing at the time of discharge, upon the last day of employment if the employee resigned and provided at least 72 hours' notice, or within 72 hours of the employee quitting her employment, in violation of Labor Code Sections 201 through 203; and

d. inaccurate wage statements in violation of Cal. Lab. Code § 226. TCS's failure to pay female employees the wages to which they are entitled under the California Equal Pay Act causes its pay statements to be incorrect, including as to the gross and net amounts earned.

46. These violations were willful, knowing, and intentional.

47. These violations are continuing and ongoing.

48. Accordingly, Plaintiff is entitled to collect civil penalties on behalf of other Current and Former Female Employees against TCS as allowed under Cal. Lab. Code § 2699(a) and (f).

49. Plaintiff is entitled to recover costs and attorneys' fees under Cal. Lab. Code. § 2699(g).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- a. Award civil penalties and unpaid wages to the extent permitted by law pursuant to the Labor Code and the Private Attorneys General Act;
- b. Award reasonable attorneys' fees, expenses, and costs of this action to the extent permitted by law, including pursuant to Labor § 2699, *et seq*;
- c. Award pre- and post-judgment interest; and
- d. Award such other relief as this Court deems just and appropriate.

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DATED: March 26, 2024

By: /s/ Daniel Low

Attorney for Plaintiff