

## Raunchy E-mails, Too Much Drinking and Dirty Dancing

### A trilogy of sexual harassment cases across personal freedom, respect and decency

#### Top-notch Professional Consultants and their... E-mails

On November 10, 2010, PricewaterhouseCoopers (PWC), one of the world's largest accounting and consulting firms, launched an internal investigation in its Ireland branch into e-mails in which male employees rated the looks of some female colleagues who had recently joined the firm.

The original message, which gave the name, photo and department of about 13 women, asked people to "evaluate" each photo in order to obtain a "top ten" ranking. The e-mail quickly spread across the Net reaching thousands of people living in Ireland and elsewhere. It also ignited a long series of offensive, sexually explicit messages which were exchanged among PWC's male employees.

It is worth mentioning that some men involved in this situation at least suspected that their behavior could be considered inappropriate. One of them asked to remove his e-mail signature in case someone wanted to forward the e-mail to others.

Just a couple of days after the scandal broke out, PWC's human resources partner Carmel O'Connor told the press: "We are taking this matter extremely seriously and are launching a full investigation. We will take all necessary steps and actions in line with our firm's policies and procedures."<sup>1</sup>

But what could the company really do? Prohibit such messages from being sent from corporate e-mails? And what about informal conversations during lunches and dinners?

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<sup>1</sup> Shane Hickey and Fiona Ellis, "PricewaterhouseCoopers staff brought to book over raunchy email," *Belfast Telegraph*, November 10, 2010, <http://www.belfasttelegraph.co.uk/news/local-national/republic-of-ireland/pricewaterhousecoopers-staff-brought-to-book-over-raunchy-emails-15000145.html>, accessed September 27, 2011.

This case was prepared by Professor Antonino Vaccaro as the basis for class discussion rather than to illustrate either effective or ineffective handling of an administrative situation. October 2011.

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As a PWC employee pointed out to the author of this document: “I hope our company will not impose on us what we have to think ... making judgments about a person’s attractiveness is normal. Why shouldn’t we share our thoughts with colleagues and friends?”

This is not the first time that PWC has had to deal with this kind of problem. Just a few years earlier, the company had to pay a €3.5 million fine for a case of sexual harassment involving a female partner in Australia.<sup>2</sup>

### It Should Never Happen Again<sup>3</sup>

On Monday, September 26, 2011, Ms. Michelle Maigny, a 43-year-old senior manager at a large French retailer, was struggling to end a very long, stressful workday. “Too much work ... too many problems,” she sighed.

It was 9 p.m. when she finally opened the door of her office to leave. The cubicle area of the 31st floor seemed empty. But while she was walking towards the elevator, she noticed that Jonathan Putzkammer, a good-looking, 38-year-old, blonde German guy, was still at his desk reviewing a document. Michele barely knew Jonathan; he was the CFO’s personal assistant. However, she started talking to him and, after some chatting, she invited him for a drink.

The conversation between the two lasted for a couple of hours. Michele and Jonathan had more than one cocktail: piña coladas, a couple of tequilas, even a melon vodka. The atmosphere was relaxed, and their conversation was interesting.

Out of the blue, Michele invited Jonathan to her apartment. “It’s nice and more comfortable than this bar,” she said. Jonathan was reluctant. Michele was pretty and interesting, but he had a girlfriend back in Germany.

It was difficult for Jonathan to describe to Mr. Fay, the HR Director, what happened that night. But it was much more difficult to explain his tension and thoughts for having ended up in that situation.

“Mr. Fay, please don’t misunderstand me. I cannot say that I did something against my will. But, in some way, I know that I felt some underlying obligation simply because I was with a really important person in our company. It’s difficult to say no—even to a nice person such as Ms. Michelle Maigny—when you are 10 levels below her position in the company. I think that employees like me should be protected from this type of situations. I do not ask anything for me, but I ask you to change our firm’s policies.”

Mr. Fay listened patiently. His experience as a United Nations observer told him that the situation was not easy. Jonathan had some good arguments but he could not put limits on his colleagues’ personal freedom. Was there any solution for Jonathan’s request?

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<sup>2</sup> Richard Alleyne, “Christina Rich in £2 million settlement,” The Telegraph, March 31, 2008, <http://www.telegraph.co.uk/finance/markets/2787246/Christina-Rich-in-2-million-settlement.html>, accessed September 27, 2011.

<sup>3</sup> The names used in this case are fictitious. Some circumstances of this case were omitted or slightly modified for confidentiality reasons.

## Dirty Dancing<sup>4</sup>

It was clear that Deborah was really upset. She had previously spoken about this issue with many people on her team, but she just got laughs and ironic remarks. So she decided to speak with Samantha Lien, a kind, 55-year-old lady who was the firm's Chief Legal Officer.

Deborah joined *The Bank*, one of the world's top private banks, at the end of 2006. After four years, in January 2011, she could claim to be an established member of the London-based M&A group. Life was crazy: a lot of work, averaging over 80 hours a week, too much stress and, to be honest, some weird attitudes among her colleagues. Of the 21 people on the M&A team, only two were women. Deborah felt that everyone was kind and *reasonably* respectful to her and Emma, the other woman in the group.

However, as Deborah pointed out during an informal conversation, "This seems to be a world tailored for men, where women are just guests to address the politically correct need to have some women who are not just administrative assistants."

Her colleagues' attitudes outside of the office were probably what she found most difficult to cope with. All the important results, such as the successful completion of a merger, were celebrated with the clients in *men's clubs*. Everyone called it the "dirty dancing celebrations." Deborah did not know much about these nights, but according to a recent BBC report one of the clubs attended by her colleagues was infested with drug dealers and prostitutes.

It was difficult for Deborah to look her colleagues' wives in the eyes during Christmas dinners and other celebrations. She was sure that these nights were a bad habit that her colleagues had acquired to unwind the crazy tension accumulated during the project. "I know that they do crazy things there, I can say so because they look at me differently for a few days after these celebrations. The days after completing a project are terrible for me. I can feel that there is an unhealthy distance between them [male colleagues] and me and Emma. I remember that just one day after closing an acquisition, I heard Johnny, a junior analyst, whispering a sexual comment about Emma[...]. What really shocks me is that just one week later, they are almost decent guys again."

Deborah asked Samantha Lien whether it would be possible to ban these celebrations. After some research, Samantha came back with some bad news:

"Dear Deborah,

I have found out that those meetings are not paid for by our bank. It seems they are either offered by the client or personally paid for by each person. Given this situation, my position as the firm's lawyer is much more difficult. Let me know if you have any idea on how to solve this problem. I guarantee you all my personal and professional support. After all, as you probably know, my former husband is part of your team...

Yours sincerely,

Samantha Lien"

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