

Crawling Across Broken Glass

How One Woman Fought Gender Discrimination, Beat the Odds And Won

Lisa Shipley

## **Introduction**

### **The Consequences of Leaning In**

My name is Lisa Shipley.

Like many career-oriented women, when I entered the workforce I dreamed of breaking the proverbial glass ceiling by diligently working hard and excelling in my chosen profession. By all standards, I did just that. Through hard work and outstanding performance, I became one of the five highest-ranking sales executives—and the only woman—at Hypercom, a publicly traded, global corporation well-known for being highly dominated by men. Because of my work ethic and achievements I was well regarded and valued by six different male presidents/CEOs, respected by my colleagues and sales team, and recognized as a leader within my industry—even bestowed with honors. For 12 straight years I remained loyal to my employer in an industry commonly known for job-hopping—even among the most senior positions.

So what went wrong?

I hit an unexpected barrier—a gender-biased cultural barrier.

My whole world changed when Philippe Tartavull, a Hypercom board member who had previously been president of Oberthur Card Systems North and Central America, a French company, was named president and CEO of Hypercom. Nearly ten months later, after I had closed the biggest quarter in North American sales the company had ever seen, I walked away from a corporation for which I had lucratively performed for more than 12 years. Under this man's discriminatory leadership, I could no longer endure the pure hell he put me through for ten strenuous months. His gender bias was exceptionally apparent, highly abusive, and increased in intensity over time.

After years of loyalty, I felt the only way to survive professionally was to accept a similar position with another company in the same industry. I had no intention of doing anything beyond removing myself from this intolerable situation so that I could move on with my career and my life. But after negotiating for months with this man to approve paying me commissions that I had rightfully earned during my final quarter with the company, commissions that he had willingly paid to those who had worked under me, he flatly refused. That was the last straw.

So, despite the stigma that is often thrust upon a woman who claims gender discrimination, in January 2009, one year after resigning and fighting for what was rightfully mine, I filed a gender discrimination lawsuit. Little did I realize that filing that lawsuit would be the beginning of a long and arduous four-year ordeal, filled with calculated delays by Hypercom (the defendant) escalating legal costs, leveling malicious accusations, and creating enormous emotional stress for me.

When the case finally went to trial, there were five long days of testimony. Hypercom's lawyers tried everything they could to manipulate facts, discredit my claims, and demean me—to bankrupt me. I cried repeatedly on the witness stand. Each day was gut wrenching.

So, was it worth it?

As I take you behind the scenes and share my whole story, you be the judge. And as you do, please keep in mind that my sole passion in sharing this story with you is not to discourage you in pursuit of your ambitions and dreams, it is to convey to you the challenges that women continue to face—even more now as we endeavor to climb the ladder of success in a global and culturally diverse business world. For purposes of reader

clarification, a minimal amount of editing was made to the trial transcripts—no material facts were changed. Everything in this book really happened,

I continue to believe that with perseverance, integrity, and hard work we can still achieve our ultimate dreams, yet I also believe we must have a keen awareness of the potential bias and pitfalls that unfortunately still exist.

Here is my story.

### **Change Creates Chaos**

It was now 2007, and I had just completed my eleventh year with Hypercom. In February my immediate boss, O. B. Rawls, told me that he would recommend to the CEO that he promote me to senior vice president and managing director of North America. Since he was in charge of global sales and was well aware of the success I had achieved in the United States and Canada, he knew I was ready for this promotion. It was an incredible opportunity. I would be joining the ranks of four men who held the same position in various international markets and it would make me the highest ranking woman in this globally, publicly traded company.

Responsibilities for the new role included increasing market share, developing and implementing strategic plans for sales, and managing a national sales team. They were the exact responsibilities of all the other managing directors with the added responsibility for integrated solutions that we provided for large retail stores. This additional aspect of the position entailed a much more complex business environment and one that did not exist in foreign markets. My territory would encompass the company's largest revenue producing territory in the entire world. It was an exciting challenge and one that my previous performance proved I was fully capable of handling.

About the same time as this change was going on, another major change was happening. There were three companies that competed in this industry space—Hypercom, VeriFone, and Ingenico. At this particular time Hypercom was a distant third to the other two, and the board of directors felt that the current president and CEO, as well as his predecessor, had produced very disappointing results. They wanted a different

approach. For that reason, they decided to bring on board one of their own—a board member named Philippe Tartavull. Philippe, a native of France who now lived in the United States and held dual citizenship, had demonstrated success running the U.S. operation of Oberthur Card Systems North and Central America, a French credit card company. So in February 2007 the board named Philippe acting president.

Organizationally, that placed him directly under the CEO, but the board altered that arrangement by giving Philippe dotted-line authority to report directly to them.

To look at Philippe, you might not immediately get the sense of a strong, powerful executive. He was slender, about 170 pounds, and couldn't have been more than 5 feet 8. His dirty blonde, disheveled hair was cropped close to his head, framing his pale, squared-off, expressionless face. No one seemed to know how he had received the narrow scar that ran from his right temple to the edge of his mouth and exaggerated the severity of his face. He appeared stern and aloof, and when he spoke he never looked you in the eye, and it felt more like he was talking “at” you and deliberately avoiding any real connection. His stiff demeanor and seemingly detached persona sent a chilling warning to anyone who approached him that he was not there as a colleague but more as the one who gets things done. It didn't take long for us to realize that the board had given him complete authority to take full charge.

Besides having Philippe report directly to the board, the CEO had also been stripped of his most important functions—responsibility for global sales, marketing, and product development. The board shifted those responsibilities to Philippe. So although Philippe was technically under the CEO, he was in reality given the authority to manage

Hypercom's day-to-day business. It was very clear that Philippe, not the CEO, was now running the show.

Almost immediately Philippe began to implement changes. For example, managing directors were the ones who approved expenses and hired employees without having to seek approval to do so. Philippe put in a new system of expense controls that required his approval for a number of tasks that the managing directors had previously done on their own authority. In essence, he tightened up procedures, thus requiring almost everything to now come through him for his approval.

Throughout this somewhat tumultuous upheaval, my promotion continued to be discussed and in April I officially assumed my new role, fully approved, of course, by Philippe. However, he changed my title from senior vice president to simply managing director. Even though he had approved the position for me, it became evident very early on by his treatment of me that he would have preferred that I had never been promoted. I quickly realized that it was a new day and I would have to prove myself to him. At first this was not a scary prospect to me. I reassured myself that I was well liked by my colleagues and my success with the company was evident. However, this soon gave way to a state of mind at work that bordered on a sense of panic all the time, never knowing when he would direct his next dismissive action at me. In side conversations he was known to refer to me as "junior" managing director. It was very condescending and degrading, but it was only the beginning of many discriminatory tactics that would impact my career and my life.

Although my salary had been decided upon by the time I began my new role, no finalization had been made regarding the remaining elements of my compensation,

including commissions, bonus, car allowance, and so on. This impacted me greatly because in the past 11 years those elements in addition to my base salary had accounted for 50 percent of my take-home pay. Thus, without a compensation plan in place my income fell to half of what it should have been.

O.B. tried diligently to finalize this but Philippe refused to deal with it. As a matter of fact, Philippe told O.B. that he had decided he wanted to craft my compensation plan himself; yet as time went on no plan ever developed. I had many conversations with O.B. trying to get my commission structure finalized. He in turn had numerous conversations with Philippe, but to no avail. By the end of April, when I would have normally received my commission, there was no plan in place and so I received nothing. Yet plans for all my male counterparts had been swiftly put in place early in the year. Needless to say, the situation was both frustrating and unfair.

Finally, toward the end of May a plan was provided. My commissions were substantially lower than the company's male managing directors, and worse yet, I still wasn't getting paid my commissions. It wasn't until July that I finally started receiving the commission portion of my pay. During all this time the only one I could get any sympathy or help from was O.B. I constantly complained to him. Not only was I still waiting for compensation I had earned, but I also had been denied car allowances, housing allowances, and stock options that my male peers had all been given. Philippe's excuse was that the disparity was country driven; in other words, for the countries my peers served there were different requirements. I knew this was not the case.

I eventually documented in an email to O.B. that because the payment process had been dragged out for such a long period of time I wanted to personally bring up the



issue with Philippe. He was fine with that because he wasn't getting anywhere with him. When I emailed Philippe about the lack of fairness in my compensation his response to me was nothing short of a dismissal. "Lisa, I am starting to be tired of these discussions," he wrote. Again, nothing changed.

By July, none of my commissions had been approved and I again discussed the issue with O.B., who in turn continued to try to get Philippe to do what was right. Philippe's response to O.B. was almost the same. "Don't worry. It's in my court." Then in August, Philippe asked O.B. to leave the company, saying only that he wanted to take the management in a different direction.

Compensation issues, while major, were not the only discriminatory treatment I was receiving. By now it had come to my attention that even my base salary was about \$50,000 lower than at least three of the four other managing directors despite the fact that my territory brought in far greater revenues than any of theirs. I also learned that O.B.'s contract as well as all my male counterparts' contracts had severance agreements worth between three and seven month's pay, while I had been denied one.

Aspects of my being treated differently were no secret. It was well recognized by my peers that Philippe was extremely condescending and disrespectful to me in meetings and even in casual encounters. When we had meetings where all of the managing directors were to make presentations, Philippe would always make me go first and then he would interrupt me, scoff at my suggestions, and purposefully do all he could to diminish my value and embarrass me. While I was giving a presentation at one meeting with all the managing directors from around the world Philippe interrupted me several times. Then he actually left the building in the middle of my presentation. He just walked

out. No explanation, no excuse, just walked out. The other managing directors never experienced this treatment. Although Philippe was rude and abrupt to everyone, he was always noticeably more so to me.

Frequently I was excluded from meetings, leaving me feeling humiliated. I was also well aware that out of my presence, my peers would ask O.B. why Philippe treated me the way he did. It was overtly apparent to them that Philippe did not give me the same respect that he gave them. Each week Philippe's dismissive attitude intensified. I lived in fear of what would happen next, believing that Philippe was slowly trying to push me out the door. Over time, despite the fact that I was producing the company's largest revenues, I became emotionally drained and felt like such an outsider. He never granted me a one-on-one meeting the entire time I worked for him; instead, he chose to simply ignore me. To him, I didn't exist. I would go home at night feeling exhausted, and I could feel my confidence eroding as I wondered why I was being treated in this degrading way. After a few months I gave up trying to please Philippe and went into survivor mode, just delivering the numbers in hopes that his attitude toward me would turn around.

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The authority I once had to make decisions regarding pricing, deals, expenses, or contracts without explicit approval—Philippe took all that away. Yet when I sought his approval, he simply refused to meet with me—even refused to return my phone calls or emails. When I complained, he dismissed my concerns as “nonsense.”

One of the most important ways to promote customer loyalty is for managing directors to take the company president along with them on customer visits. This is particularly important to show appreciation to the company's largest accounts. It's a

prestigious gesture that also impacts the ability to increase the sale of Hypercom equipment. In 2007, Philippe visited customers all over the world, working with all of the male managing directors. Despite the fact that I was bringing in contracts valued between \$5 million and \$25 million with some of the largest companies in the region, no matter how hard I tried to get him to visit any of my customers in the United States, he could not find a single day to visit any of them.

I eventually stopped trying to get him to visit my customers because I knew how much he disliked me and I was worried his disdain for me would become apparent to my customers. I was also concerned his abrupt manner could have been insulting or offensive to my customers.

Despite that, to me there was no rational reason for his refusal to visit my customers other than his out-and-out distaste for me as a female, period. He lived in the United States and travel to any of my customers would have been easy. But he chose to ignore Hypercom's largest customers, which also happened to be mine.

You don't have to be paranoid to feel singled out by this kind of behavior. It was pure dismissive behavior, just like many of the other trivializing things he did to let me know I was not worthy of his time, and just one more way he treated me totally different from any of the other managing directors.

In our industry, like many industries, there are trade shows held every year. Cartes, the one show that potential customers from all over the world attend, was being held in Paris, France, as it was every year. New products are demonstrated at this show; there are educational seminars where new industry developments and trends are discussed; and most important, you have the opportunity to interact with customers and

potential customers. Naturally, I expected to attend this show. I inquired numerous times and Philippe's constant response was, "We will decide later." When "later" came, I was not allowed to attend. The reason, supposedly, was "cost." Interestingly, cost had nothing to do with sending my four male peers from around the globe. So, while all of my peers would be afforded the opportunity to mix with potential customers and hear about the latest innovations in the industry, I was left to believe that it was not important for me to do the same. Then when the show was over I found out that Philippe had arranged for a three-hour meeting with all the managing directors on the last day of the show—all the managing directors but me. I could easily have participated in the meeting by phone or Skype, but I was never even given the opportunity. When I later asked Philippe about the meeting, he dismissively responded that I hadn't missed anything. But, in a later email he freely admitted that one item discussed during this meeting was increasing market share in the United States.

"Missed nothing?" I thought. Here they were discussing increasing the market share of my territory, yet I had absolutely no input. It was yet another example of how Philippe preferred to act as if I didn't exist.

You may be wondering by now why I didn't discuss what was going on with Hypercom's human resources department. Unfortunately, there was no one in the department to discuss my concerns with, as the last manager had left the company in 2006. There were administrative people handling HR issues, but Philippe had reorganized the department so that any decisions regarding these issues had to go directly to him. So, even though I had made my complaints known to superiors, any complaints were simply ignored because they could be. Amazing, but true. Instead of acknowledging any of my

concerns, Philippe dismissed them and led superiors to believe that I was just complaining because I didn't like some of the changes he had made.

Clearly, the handwriting was on the wall. I had run out of options. In the months since Philippe had become president the discrimination toward me had progressively intensified, and there were no indications that it would ever improve. In fact, as I would find out later, during this time he had actually interviewed people for my job—a fact he would later vehemently try to deny.

The emotional pressure was immense. Every day I seemed to face another struggle. My drive to succeed and my insecurities about the job kept me fighting for approval. I thought that by bringing in more deals and generating more revenue, maybe I'd get some positive recognition. But the more I succeeded, the more Philippe seemed to dismiss me.

It became clear to me that to stay and fight would be fruitless. At best, I imagined it would only get worse. Soon the stress began affecting my overall health. In fact, one morning I drove to an urgent care center because my heart was racing abnormally fast and I could not seem to get it to stop. It was incredibly frightening. The doctor who examined me found my resting heart rate was 188; the normal resting heart rate for adults ranges from 60 to 100. I was diagnosed with severe stress and put on a heart monitor for a month.

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For years competitors had tried to get me to leave Hypercom and go to work for them; for years I had turned down all offers out of loyalty to the company and a job that I revered. But circumstances had changed and I honestly believed my future was being

severely threatened. I had, at the time, received an offer letter from a major competitor and asked myself, Should I accept it or continue to fight the battle?

On December 18, 2007, my decision became absolutely clear. On that day I found out Philippe had been officially named president and CEO of the company. An internal memo went out announcing the appointment and two days later it was announced publicly. Now it was definite—Philippe would be in this position permanently.

That very day I decided to accept the offer I had from Ingenico. I signed the offer letter and on January 3 I resigned from Hypercom in a letter written to the chairman of the board. I wanted the board to know exactly why I was leaving, and I didn't want to allow any opportunity for Philippe to provide his own reasons to board members. I also sent a letter to my staff. I kept it very professional, but I wanted them to hear it from me.

In the past when anyone at Hypercom resigned to go to work for another company they were cut off from everything and escorted out of the building. That did not happen to me. Instead, within a couple of days I received an email requesting me to be in Phoenix—the location of our corporate headquarters—the following Tuesday to meet with Philippe. I agreed to do so and flew to Phoenix.

Philippe stood and greeted me quite cordially, certainly more so than usual. He asked if there was anything that would change my mind. Having little trust that anything I might ask that he would agree to would actually ever happen, I told him no, that too much damage had been done. In his typically cool demeanor, with no direct eye contact, he simply said, “Good,” and I felt he was relieved I was definitely leaving.

Philippe then escorted me to the legal department. Here I was given a non-solicit-for-money proposal. If I signed it they would pay me \$50,000, but I could not hire any

Hypercom employee for the next 12 months. I believed they knew how very loyal my staff was to me and that it would certainly be possible that at some point one of them would want to work for me at Ingenico. I wasn't inclined to sign such an agreement, but I was gracious and said I would review it and left without signing anything. In fact, I never did sign it. At that point my resignation was accepted and I was officially gone from Hypercom—free to begin my new job.

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Although I had accepted Ingenico's offer and was now employed by them, I was still legally due commissions for my fourth-quarter sales at Hypercom. Those commissions were to be paid to me in February 2008, along with my final base pay. In my final quarter at Hypercom, I had closed the largest sale in the history of the company—nearly \$30 million. In fact, by the end of that year my territory was the largest revenue generator for Hypercom, outproducing all four other regions—regions all led by men.

Based on my fourth-quarter sales, my last paycheck, including base pay and commission, should have totaled about \$100,000. To my shock, the check I received was for just \$30,000. By my calculations I had been shorted by about \$66,000. I was furious. I made several attempts to resolve the shortage issue by communicating with the appropriate people at Hypercom. Despite my attempts to point out that my calculations showed I should have received more, Philippe flatly refused to approve the full amount, insisting that this was all they owed me and nothing would be done to change the decision.

That was the last straw, and I felt that it was just one more part of the blatant discrimination I had been dealing with for the past year. I felt like Philippe was all but daring me to challenge him.

I never had any intention of suing Hypercom when I left; all I wanted was the commission I had rightly earned and to move forward with my life. If I had given any thought to suing the company, I would have done things much differently. As it was, I had turned everything over when I left, all documents, emails, everything that would have provided any evidence of the way I had been treated. Without any of that documentation it would be much more difficult for me to build a case. But now I had been pushed to my limits; I was being cheated financially and that was simply my breaking point. Not paying me what I had rightfully earned felt so unjust that it absolutely pushed me over the edge.

Filing a lawsuit was totally foreign territory for me, something I'd never envisioned doing. I needed advice from someone who knew more about the legal aspects and someone I trusted implicitly. The following month I reached out to a longtime business associate and friend in my hometown of Chicago. For confidentiality purposes, I'm calling him Fred. Fred is an incredibly successful businessman; he is well connected and someone I respect immensely. Fred is also extremely wealthy, and suffice it to say that with all his business transactions through the years he has also had numerous legal dealings.

I discussed my situation with Fred, and he agreed I had been treated unfairly. He also knew that suing a global corporation would be no easy task and that I'd need a very savvy and experienced law firm. He believed that a firm he had personally had many



dealings with was the right one. And although I lived in Atlanta and the firm he recommended was in Chicago, he assured me that this should not be a problem.

So, following Fred's sage advice, I contacted the law firm of Neal, Gerber & Eisenberg.