

From: [REDACTED - LAWYER]
Date: Tuesday, April 4, 2023 at 1:43 PM
To: WRowan
Subject: The Workers Lab Complaint

Dear Mr. Rowan,

My name is [REDACTED], and I am an attorney with [REDACTED - NAME OF LAW FIRM] Ltd. As you know, this firm has been retained by The Workers Lab to investigate the allegations made in your March 14, 2023 complaint. We appreciate the time, effort and detail you put into your complaint. The Workers Lab takes these allegations seriously which is why it has engaged our firm to investigate.

As part of our investigation, I would like to schedule a call to discuss your complaint further. If you are amenable to a call, please provide some available times Thursday or Friday or anytime next week that work best for you. I would anticipate that the call will take at least an hour.

You are not required to participate in a call. If you do not want to have a call and want to rely on the details in your written complaint, instead, that is also fine. Regardless of whether we have a call or not, **we will complete our review and inform you of our findings.**

I look forward to hearing from you.

Thank you,

From: WRowan
Sent: Wednesday, April 5, 2023 6:34 AM
To: [REDACTED - LAWYER]
Subject: [EXT] Re: The Workers Lab Complaint

Hi [REDACTED],

Happy to talk. Unfortunately, slots are limited as I am in the UK currently.

I am in preparation for a medical procedure on Friday and have a busy call calendar already for tomorrow as the West Coast starts work. I assume you are in Chicago? I am 6 hours ahead. Would 9AM your time work tomorrow (Thursday)? If not I could do 10AM your time at a pinch. Please just send an invite.

I am keen that these calls are recorded. Please let me know if that's OK with you. If it's not, it's not a showstopper, still happy to talk.

Wingham

EMAILS ARRANGING A CALL HAVE BEEN REMOVED FOR BREVITY.

From: WRowan <[REDACTED]>
Date: Monday, April 10, 2023 at 7:23 AM
To: [REDACTED - LAWYER]
Subject: Follow up to interview on Thursday

[REDACTED],

In my interview on Thursday you suggested I send emails that might help [REDACTED - NAME OF LAW FIRM]'s investigation of my complaint to TWL. I undertook to cap that at five. This email contextualizes them in light of some of your questions.

And I am not clear if you have access to the emails referenced in the complaint. Nearly all could easily be forwarded by TWL staff. I will assume you do not have access.

1. Did TWL staff know their behaviour was upsetting me?

They absolutely did. There was some ribbing about issues like my British pronunciation or age during periods between the complained of behaviour, and that obviously was never a problem. But - for example - the meeting I identified as the first memorable "Pile on" in the complaint absolutely made clear how distressing their behaviour was for me. I remember gasping for words and being visibly close to crying at points in that session where the three of them took turns to unload their contempt at my perceived lack of gratitude and aggression in suggesting ways things could improve.

This was a first in my professional life. The impact on me won't have come as a surprise to AH/[REDACTED - TWL STAFFER]/ [REDACTED - TWL STAFFER]. I went into that meeting assuming I had made a mistake sending the email that triggered it. In it I had written:

Four weeks ago I was closest I've ever been to collapse from the sheer relentlessness of 60-hours-a-week bombardment by queries, worries, mistakes, missed deadlines, uncertainties, additional hurdles and corner-cutting.

This was another first. I need people who fund me to believe I can deliver, which means not showing fallibility. My worry going into the meeting was they would think they had backed someone who couldn't cope with demands of working in TWL's way. I was trying to convey the stress cause by the situation between us. Some of

the issues I list were just a factor of lack of support (not bullying). But others directly relate to the way they chose to communicate.

I did not directly accuse them of bullying or racist behaviour. It's hard to imagine the behavior that could have triggered. But Email 1 contains some text I have just highlighted in yellow to provide an indication of how they were repeatedly told I was despairing at their behaviour. However:

1. I repeatedly tried to placate them by assuming errors on my part.
2. For the same reasons, I sometimes peppered comments that they could interpret as criticism with praise that may not have been justified.
3. I generally tended to frame the consequences in terms of negative impact on the project, believing that was more likely to make them stop. (See for example, passages I have highlighted in red on Email 2).

2. Financial dependence

Repeated, random, threats to immediately cut our funding was – as everyone knew – so devastating because my organization had become financially dependent on TWL. This is captured in Email 3.

3. “You don’t know the rules” destabilization

A recurring feature of TWL bullying was a refusal to explain the rules by which I must abide to avoid, for example, termination of the partnership or refusal to open dialogue with project stakeholders. So, for example, despite repeated requests to share learning, I was never told why “most philanthropies told me (AH) to avoid you” or what I could do to change it. Nor was I to apologize to the woman of color they told me I had offended, they alone knew how to do it.

This can be seen, as examples, newly highlighted in green, in Email 2, and (also in green) in Email 4. This behaviour creates bewilderment, worry and paralysis, seemingly intentionally. It gives the person who arbitrates on whether my behavior is acceptable all the power.

4. Normalization of the behaviour

As I said on Thursday, I reached a point where I began including derogatory statements and instructions in routine emails to follow up a meeting. The fact emails were acknowledged and OTHER points in the follow up were sometimes refuted or refined, is an indicator of how normal the complained of behaviour was/is within TWL.

It may be argued that TWL simply ignored these write-ups because they didn't understand them. But AH does understand the importance of written records, Email

4 shows how my written record of events (around the [REDACTED] meeting listed in the complaint) triggered a demand from him that I send an email making clear I accepting his determination to himself apologize for my “behavior”. (Highlighted in purple.)

The email records weren’t ignored or dismissed as not worth engaging with. They simply captured a verbatim snapshot of TWL’s modus operandi as everyone knew, and no-one cared.

Sincerely

Wingham

From: WRowan
Sent: Thursday, April 20, 2023 11:44 AM
To: [REDACTED - LAWYER]
Subject: Re: [EXT] Re: The Workers Lab Complaint

[REDACTED], you’ll recall our conversation a couple of weeks ago. Could you advise when I will receive the results of [REDACTED - NAME OF LAW FIRM]’s investigation into my complaint?

Thanks

Wingham

From: [REDACTED - LAWYER]
Date: Friday, April 21, 2023 at 12:23 PM
To: WRowan
Subject: RE: [EXT] Re: The Workers Lab Complaint

Hi Wingham,

Thanks for following up. We are completing the investigation and have a meeting scheduled next week with the Board of Directors to discuss it. We will follow up with you after the meeting to discuss the findings.

Thank you,

[REDACTED]

From: WRowan
Sent: Tuesday, April 25, 2023 9:32 AM
To: [REDACTED - LAWYER]
Subject: The Workers Lab Complaint

[REDACTED],

I honestly don't see any value in discussing your report with you. I just need a copy emailed as soon as possible.

Based on dialogue with your [REDACTED - NAME OF LAW FIRM] colleague about this matter (see latest example below), I assume the purpose of a discussion would be further tactics/blandishments. [REDACTED - NAME OF LAW FIRM] either doesn't understand, or doesn't care, how destabilizing ambiguous information - trickled out - is for this already damaged project. We need concrete emails, not discussions.

I committed to co-operating with any investigation TWL wished to launch into my complaint. But I also made clear I would accept a pragmatic, neutral, assessor and I thought stability of our joint project should be the priority for all of us. If everyone involved appreciated the delicacy of the situation, it's possible a TWL nominee could have discretely, cheaply, assessed the issues, allowing directors to make decisions over following weeks, without needing lawyers at all.

I believe TWL's immediate recourse to combatative "boutique lawyers" was misguided at best. Your colleague [REDACTED]'s willingness to rack up billable time convening repetitive sessions to tell me how short of funds TWL is - then summarizing with a blatantly contradictory email - is frankly, offensive at this end. Regarding any discussions with [REDACTED - NAME OF LAW FIRM], I can only repeat what I have said to [REDACTED] in the email below, (to which he has not replied). We are desperately trying to plan against a fast counting down clock here. We will have to act on your report and TWL's decisions regardless of any sentiments that might surround them.

It's possible you see a discussion as more of a counselling session. I don't doubt your personal sincerity or intentions, but we are past the point where anyone from [REDACTED - NAME OF LAW FIRM] has credibility for this function for me. I would however, very much like to – respectfully - discuss the report with a TWL director. Please pass this request along.

Wingham Rowan

From: [REDACTED - LAWYER]
Date: Tuesday, April 25, 2023 at 7:21 PM
To: WRowan
Subject: RE: The Workers Lab Complaint

Thanks Wingham,

As I said in my prior email, I am meeting with the Board this week to discuss the results of the investigation. We are meeting on Thursday. To be clear, my job is to investigate your allegations. My investigation and findings are separate and apart from your negotiations with The Workers Lab to find a resolution to the business/funding issues between the two parties. I am not involved in those discussions, and my investigation and findings are not impacted by them.

My client is The Workers Lab. Because there has not been a Board meeting yet, I have not had the opportunity to discuss the report and its findings with my client first. After I discuss my findings with the Board, my intention was not to counsel but rather to discuss with you the findings and potentially any remedial measures The Workers Lab intends to take.

Finally, my report is a confidential and attorney-client privileged document. It was prepared at the request of The Workers Lab and includes confidential information including, among other things, information about, and provided by, other witnesses I interviewed. As such, I cannot provide you with a copy of the report. This process is consistent with how I conduct investigations for other clients.

Thanks,

[REDACTED]

From: WRowan
Sent: Wednesday, April 26, 2023 2:33 AM
To: [REDACTED - LAWYER]
Subject: Re: The Workers Lab Complaint

Totally understand [REDACTED], and apologies for my imprecise wording. By “your report” I meant a sanitized version of the findings from the investigations you and [REDACTED - LAWYER] conducted that I had understood you would prepare for external release.

However, if you won't be preparing that, I can reframe my point: whatever you were planning to tell me in a discussion, could you instead just send in an email at the earliest possible point.

.....

And can you confirm whether you are willing to pass on my request for a meeting with a director once you have reported?

All the best

Wingham

From: [REDACTED] J. Losh
Sent: Thursday, April 27, 2023 12:59 PM
To: WRowan <[REDACTED]>
Subject: RE: The Workers Lab Complaint

Wingham,

I apologize for the delay. Yes, I will pass on your request for a meeting with a director for the Board's consideration.

Thanks,

[REDACTED]

On 4 May 2023, at 23:14, [REDACTED - LAWYER] wrote:

Wingham,

In a prior email, you mentioned that you did not see value in discussing the report with me. I understand your position. With that said, in the event that you have changed your mind, please let me know your availability for a Zoom call to discuss the findings.

If you do not want to have a call to discuss the report, you are under no obligation to do so, and I appreciate you letting me know.

Please let me know.

Thank you,

[REDACTED]

From: WRowan [REDACTED]
Sent: Friday, May 5, 2023 2:10 AM
To: [REDACTED - LAWYER]
Subject: Re: The Workers Lab Complaint

[REDACTED]. I am obviously interested in whatever findings of your report TWL will disclose. I said I would rather have them in an email than verbally.

So.....

- If you are willing to put them in an email please do so.

- If you're not, then let's set up a Zoom for next week.

Can you confirm one way or the other.

Thanks.

From: [REDACTED - LAWYER]
Date: Friday, May 5, 2023 at 2:47 PM
To: Wingham Rowan <wingham@beyondjobs.com>
Subject: RE: The Workers Lab Complaint

Wingham,

Lets schedule a time for a Zoom call. Please let me know your availability for Monday after 1:30 or Tuesday after 9:30.

Thank you,

[REDACTED]

EMAILS SCHEDULING A ZOOM CALL REMOVED FOR BREVITY

From: [REDACTED - LAWYER]
Date: Wednesday, May 10, 2023 at 1:46 PM
To: WRowan
Subject: RE: The Workers Lab Complaint

Wingham- Thank you for the email and time this morning. I wanted to clarify a few points below in red.

Thanks,

[REDACTED]

From: WRowan
Sent: Wednesday, May 10, 2023 11:13 AM
To: [REDACTED - LAWYER]
Subject: Re: The Workers Lab Complaint

[REDACTED].,

Thanks for your time just now. It was interesting to hear findings resulting from the [REDACTED - NAME OF LAW FIRM] investigation into my complaint. You told me:

- The focus of the investigation was (a) did incidents described in the complaint occur (b) if so, did they breach California or Federal law around “protected characteristics”?
- You reviewed the complaint and have conducted interviews with key TWL staff, (plus me).
- Emails provided by interviewees were reviewed, but the assembled list of all emails referenced in the complaint - and explicitly offered to any investigating party - were not requested. However, you are confident that all pertinent emails have been reviewed.

As I mentioned during the Zoom, I asked all interviewees, including you, if they had relevant emails (or other documents) related to the subject matter of the complaint. Accordingly, I relied on the individuals I spoke with, to provide relevant emails.

- You described the investigation as independent in that you presented the final report directly to the board without any modification or right of approval by others within TWL. The investigation has not been co-ordinated with parallel discussions in hand between myself, Adrian Haro (AH), and your [REDACTED - NAME OF LAW FIRM] colleague [REDACTED]. However, you confirmed you do see the emails between the three of us because “I like to know what’s going on”. **You are correct that I described the investigation as “independent.” The investigation was objective, unbiased, and separate from the ongoing discussions you have been having regarding the design sprint. As I explained on the Zoom, TWL had no say in my investigation (including, for example, who I interviewed, what questions I asked, the report findings, recommendations, etc.) and the first time the Board saw the report was when I sent the final version prior to my presentation. Similarly, [REDACTED - LAWYER] had no involvement in, or input on, the investigation or report.**

As it relates to the emails between you, [REDACTED - LAWYER] and Adrian, while I do not recall saying the exact phrase, I trust that you accurately quoted me saying that I have seen some of the emails because “I like to know what’s going on.” For the sake of clarity, I have not seen, nor asked to see, all of the emails between the three of you. Because those discussions were separate from my investigation, they were not relevant to, nor were they considered in, my investigation and report.

Assesment of findings

The [REDACTED - NAME OF LAW FIRM] report confirms:

1. AH did tell me on multiple occasions he could terminate the agreement between TWL and MM4A and threatened to do so at short notice. **To clarify, the investigation confirmed the allegation that AH told you multiple times that he could terminate the agreement between TWL and MM4A, but I did not say that I confirmed that he “threatened to do so at short notice.”**
2. AH did tell me I needed someone non-white to attend meetings with me because as a white person with a British accent I remind people of colonialism or slavery. **The investigation confirmed your allegation in the Complaint that AH told you that he needed to attend meetings with you, not that “someone non-white” needed to attend with you.**
3. AH did tell me “everyone in philanthropy told me to avoid you”.
4. AH doesn’t remember telling me “Your messaging is crap”. (For the record it happened on several occasions and is recorded in emails between us. This could have been demonstrated had I been asked to substantiate the claim.) But he does recall saying my messaging was self-centered, muddled, and otherwise inadequate. **Again, I relied on the information provided to me. I asked all interviewees if they had relevant emails. In your case, you sent me four email chains. I assumed you sent me the emails that you believed were relevant to your Complaint.**
5. AH confirms he referred to me as “paranoid” but the investigation could not confirm it was meant as a comment on my mental health.
6. [REDACTED - TWL STAFFER] did call me “passive-aggressive” on occasions. But the investigation cannot confirm it was meant as a comment on my mental health.
7. The two mistakes of mine listed in the complaint were elevated by TWL staff over following months. But the investigation concluded this was out of TWL staff’s sincere concern that my whiteness was a problem for the project. **Your summary of this point is not accurate. I said that my investigation did not determine if TWL reminded you of your mistakes because TWL was trying to “elevate minor mistakes” due to your being white, or if they did so due to a legitimate concern with improving your presentation issues.**

8. The investigation was unable to establish there was a “beat up the white guy” mentality within TWL.

Overarching conclusion

- The determination in [REDACTED - NAME OF LAW FIRM]’s report is that events listed in my complaint do not cross the threshold of actionable harassment under state or federal law.

Current status

- The report has been presented to the TWL board, along with any [REDACTED - NAME OF LAW FIRM] recommendations for changes to process within TWL. The board meets in early June to discuss this and the ongoing design sprint.

Please let me know if I have misunderstood anything.

All the best

Wingham

From: WRowan
Sent: Thursday, May 11, 2023 10:23 AM
To: [REDACTED - LAWYER]
Subject: Re: The Workers Lab Complaint

[REDACTED].,

We have a problem.

My complaint made the point that Adrian Haro had several times told me “Your messaging is crap”. But the [REDACTED - NAME OF LAW FIRM] investigation concluded there was no evidence of this because Adrian doesn’t remember doing so. Yesterday, you wrote:

- **I relied on the information provided to me. I asked all interviewees if they had relevant emails.**

After you interviewed me about the complaint I forwarded only 4 emails. Could you take a look at the one titled "Email 2"? To Adrian in January this year, it covers an earlier meeting. In it you will see, near the top, highlighted to make it easy for you to find:

My point led – once again – to you asserting that “your messaging is crap”. Like your repeated trope about “people in philanthropy told me to avoid you” I have been unable to get to any actionable insight from these statements.

This email was not contested, reframed, or walked back by anyone at TWL as a record of events at which they were present. [REDACTED - NAME OF LAW FIRM] appear to have taken the erroneous memory of TWL’s CEO over solid evidence from the complainant.

Likewise, your statement about Adrian threatening to cancel the agreement with us. You shared: **I did not say that I confirmed that he “threatened to do so at short notice.”** Would you open “Email 1” dating from August 2022:

Dear Adrian,

I remain confused after our 75-minute meeting yesterday evening (my time)/ yesterday morning (your time). I know you were angry. You threatened three times to cancel our agreement to work together saying I needed to “decide if you want this partnership”. You stated TWL would pull out , starting with our session with [REDACTED - LAUNCH CITY] CBO’s next week, if you did not adequately receive this assurance. You then declined to cover the rest of my agenda for the weekly meeting.

I suggested we agree a time to talk when feelings would have cooled. You declined.

My guess is the investigation could not confirm Adrian threatened this at short notice because – again - he can’t recall doing so. (He did it on multiple occasions incidentally.) Again, I assume it’s his word against the evidence and his word is given precedence.

Normally, I would let this go among so many other priorities. But I fear a pattern is emerging. Your colleague [REDACTED] put an aside in one of his emails this week which illustrates another inaccurate – damaging to me – assumption that can easily be disproved with uncontested emails between the parties.

So the [REDACTED - NAME OF LAW FIRM] “crap” and “threat” findings are a problem on two fronts:

- They mischaracterize me as complaining unjustifiably. This is unfair. For years, my work has been driven by seeking viewpoints about any aspect of this project which could be improved. If anyone tells me “I think there’s some concerns about your messaging”, my response is always “can you explain more, how could they be addressed?”. I complained about the repeated “crap” statements because of their undermining lack of value, specificity, or ostensible purpose (I eventually got some points out of him but they were scarcely actionable.) I believe these incidents could illustrate bullying (in layman’s terms, not necessarily according to precise legal criteria) that was damaging the project because Adrian’s “solution” involved months of delay to our outreach. (I can evidence all that as well, but let’s not waste our time.)

Likewise, I would not complain about Adrian saying he could end our agreement if he wished. It’s possible his board gives him that power, I don’t know. But threatening to do so at extreme short notice, unless unspecified conditions are immediately complied with, while clearly enraged, abusive, and unreasonable, does merit complaint.

- I suspect there are other instances in the [REDACTED - NAME OF LAW FIRM] investigation where the unsubstantiated word of a TWL manager has been taken over an audit trail of events. I can’t currently prove this because I obviously don’t have access to the report, but given an emerging pattern it seems a valid suspicion that should reasonably be addressed.

When you interviewed me I asked if you had access to the emails referenced in the complaint. (They are all on TWL’s email system.) I understood that you had, and were asking me only for emails pertaining to the specific points we discussed. That is why I limited the number of emails I forwarded. I accept your assertion you did not say this, and must accept responsibility for my misunderstanding. But it does make it likely there’s other evidence behind the complaint’s points that might have justified more robust questioning of staffers’ memories.

I don’t know where this leaves us. This project has been precarious for months and it’s getting worse. I am beyond horrified at what TWL must have spent on legal fees since March. Yesterday, I grasped your investigation’s narrow focus (“Were ‘protected characteristic’ laws broken by actions in the complaint?” rather than “Is there bad behavior at TWL which should be stopped?”). The [REDACTED - NAME OF LAW FIRM] investigation was never going to solve my problem: how to get the design sprint to some sort of short-term solidity. (The complaint mentioned possibilities of legal action only because I felt I needed to jerk Adrian out of any “Oh this is just him going on about the same stuff” response and realize I was having to get serious.)

I need to keep repeating – because it may possibly offer a way of calming things down – I expected TWL to invite someone in their orbit to pragmatically, discretely, cheaply, probe the complained-of behavior. I anticipated there might be reprimands or changes to internal oversight; none of which would be any of my business. But crucially, everyone would intuit that rallying resources, energy, and communications around our joint project offered the best way to put an undesirable episode behind them.

I was wrong. TWL now will have depleted resources and is only communicating substantively through [REDACTED - LAWYER]. He has sown confusion at this end, either unintentionally or because he sees destabilization as a value-adding tactic.

As originator of the complaint at the heart of this morass, I offer these suggestions for what might happen now. They can of course be ignored, but I am again trying to solve problems before they worsen:

- If you have evidence stronger than “Email 1” or “Email 2” that Adrian has not claimed “your messaging is crap” and did not threaten short term cancellation, it’s probably now in everyone’s interest you share it, or at least describe it to me in an email.
- In my former profession, journalism, when you – inevitably – get things wrong, you promptly issue a retraction. I don’t know what standards [REDACTED - NAME OF LAW FIRM] holds itself to, but if minded to do the same, you could usefully include the possibility that other findings could be disproved alongside “crap” and “threaten”.
- If [REDACTED - NAME OF LAW FIRM] were to feel it should re-open the investigation of its own volition, I can forward the email stack, and be available for further cross examination.

But to me, there’s what seems an obvious proposal for TWL. Why not just get the parties directly round the table, clear the air of any concerns/frustrations/feelings of injustice then allow TWL and my team to work side-by-side to deliver a potentially significant win for all of us, and possibly for a lot of marginalized workers?

Failing that, a friendly caution. The [REDACTED - NAME OF LAW FIRM] investigation was of course questionable from its start. Other non-profits have been insistent on the strictest standards of evenhandedness by investigators. You will know, for example, that when Silicon Valley Community Foundation were accused of a toxic workplace they [cancelled a first investigation](#) because the lawyers chosen might be perceived to be biased against complainants. A second firm started afresh. This may be regarded as best practice in these situations.

With TWL's investigation, [REDACTED - NAME OF LAW FIRM] came out of the gate with preconceived assumptions: the letter informing me [REDACTED - NAME OF LAW FIRM] had been appointed to investigate immediately put [REDACTED - NAME OF LAW FIRM]'s view that my proposed plan for recovery looked like qualifying me as an extortionist. This statement may have been a misjudgment. But it remained unretracted throughout the investigation. [REDACTED - NAME OF LAW FIRM] obviously stood by it throughout.

I am absolutely not advocating that TWL get any more lawyers. I am suggesting that – given continued precariousness, and [REDACTED - LAWYER] reckless threats this week about what TWL might do if I ever need to exercise my right to tell the story of what's happened to this project at TWL, [REDACTED - NAME OF LAW FIRM] might want to examine the possibility of unconscious bias around “troublemakers” who raise discomfiting issues for a client. Currently, you are collectively contributing to a revealing case study of how easily philanthropic funding can apparently be diverted to some surprising activities.

Wingham

From: [REDACTED - LAWYER]
Date: Tuesday, May 16, 2023 at 9:18 AM
To: WRowan
Subject: RE: The Workers Lab Complaint

Wingham,

For the reasons I provided in my previous email, it is not productive to engage with you point by point about my completed investigation or its findings. Again, you should not interpret this to mean that I agree with your statements and opinions in your email.

Thanks,

[REDACTED]

From: WRowan
Date: Wednesday, May 17, 2023 at 4:15 AM
To: [REDACTED - LAWYER]
Subject: Re: The Workers Lab Complaint

Understood [REDACTED]. I wasn't seeking your agreement, only laying out what the available evidence points to and seeing if that concerned you enough to make you want to challenge the reasonable conclusions. We can of course speculate on why your firm chooses not to explain or justify this sequence of events.

Let's leave it there for now? Regards. Wingham