

## **CHARGE OF DISCRIMINATION**

### **U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION** (to be cross-filed with the California Civil Rights Department)

This charge is filed [REDACTED] who were discriminated against and subjected to a hostile work environment on the basis of their national origin and religion during their employment at Cisco Systems, Inc. (“Cisco”). Cisco is a networking hardware, software and telecommunications company located at 170 West Tasman Drive, San Jose, California 95134, and employs more than fifteen persons. LAAW, which represents the Charging Parties, is a non-profit public interest law firm located at 180 Montgomery Street, Suite 600, San Francisco, California 94104, and its telephone number is 415.864.8848. LAAW will disclose the identities of and contact information for the Charging Parties, who wish their identities to be kept confidential due to their fears of retaliation, to the Commission for purposes of its investigation of their claims.

The Charging Parties, along with many others, belonged to an internal group of Cisco employees who were concerned that the company’s technologies were being provided to the Israeli military in support of its actions in Gaza subsequent to October 7, 2023, in violation of Cisco’s own Global Human Rights Policy and Code of Business Conduct, as well as international law. This group of employees, organized around the name “Bridge to Humanity” (“B2H”), was composed primarily of Palestinian, Arab and/or Muslim employees of Cisco. Many of the Charging Parties belong to one or more of those communities.

On June 13, 2024, members of B2H’s leadership, which included the Charging Parties, emailed an [“Open Letter from Concerned Ciskonians”](#) to Cisco leadership. Among other things, the Open Letter demanded that Cisco cease providing its technology to the Israeli government, disinvest from specified Israeli entities, establish pay parity between its Palestinian and Israeli employees, and take other steps to come into compliance with Cisco’s own standards and values as well as international law. The Open Letter was eventually signed by more than 1,700 Cisco employees. But Cisco directed that B2H’s internal SharePoint web page, where the Open Letter had been made available to Cisco employees, be taken down. And in an email to Cisco affinity group leaders, it stated that B2H’s email was “under review” and advised those group leaders that they could file disciplinary complaints about it to Cisco’s employee relations department.

Subsequently, the Open Letter’s signatories were harassed and targeted because of their support for the cause of Palestinians. For example, on July 2, 2024, one Cisco employee posted in the Connected Jewish Network (CJN) internal employee forum, open to all Ciskonians, that those who signed the Open Letter should “just up and quit (not just quit Cisco, but *quit living* and make this world a better place for all.)” (emphasis added) One Cisco employee posted a comment in the CJN space indicating that he had exported a list of Open Letter signatories, even though their identities (except for anonymous signers) had been available to all Cisco employees. Another employee responded that “I’m sure those who have signed aren’t very happy that [redacted] now has their names in Excel [followed by three laughing emojis].” And on July 18, 2024, yet another Cisco employee posted the names of ten B2H members and urged others to file complaints against them based on his false claim they were trying to have him fired. Members of the CJN space included numerous Cisco leaders, including some company vice presidents; none spoke out against those comments.

B2H members immediately complained to Cisco’s Corporate Security about the threats posed by the above posts to their physical and digital safety. Notably, the B2H members expressed serious concern that the names could be used to dox community members and/or be released to organizations such as Canary Mission, whose database is used by Israeli intelligence agencies to target persons entering Palestine or Israel<sup>1</sup> and other countries in the SWANA region, or persons living in Palestine who are associated with them.<sup>2</sup> Despite the urgency and gravity of their concerns, Cisco security never responded to these concerns, and never conducted a full forensic investigation into the exporting of the list of Open Letter signatories.

In addition, on August 15, 2024, in a 76-page complaint provided to Cisco’s Employee Relations and Ethics offices,<sup>3</sup> B2H members, joined by others, thoroughly detailed and analyzed hundreds of comments posted in the CJN space by its members, beginning in late 2023, that had transformed that space “into an echo chamber for discrimination and hate speech.” Among other things, this complaint noted that certain CJN members had, in their comments, “repeatedly glorified violence, joked about sending people to their deaths, likened Palestinians and those with opposing viewpoints to animals, [and] labeled Palestinians, Arabs, and Muslims as murderous, violent, terrorists . . .” Some examples provided in the complaint included:

- In response to alleged disinformation by Hamas about the October 7 attacks, one CJN member said, “And these are the ‘legitimate’ Palestinians we’re supposed to be able to work with. [nauseous emoji face]”
- Another commenter in the CJN space, one of many who equated support for Palestine with antisemitism, wrote, “The Nazis set the Arabs up for success. . . The Arab-Israeli situation is just an extension of anti-Semitism that began in Germany.”
- Still another stated that “Israeli passersby killed 2 members of a Palestinian family in Jerusalem this morning, and I for one am extremely grateful.”

The complaint asked that Employee Relations examine the actions of those CJN members who had made the comments in question as well as the CJN moderators who had failed to ensure the safety of the CJN space, and that Ethics Office cases be opened to investigate how members of Cisco leadership may have been silent or complicit in the face of those actions and failures to act against this pattern of harassment. Finally, the complaint asked that Cisco “swiftly act to restore a healthy, safe environment for all employees free of discrimination and hate, and that Cisco will enact policies to ensure that our Inclusive Communities and broader workplace remain safe for all Cisconians.”

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<sup>1</sup> See, e.g., Toi Staff and JTA, “Government said to use Canary Mission blacklist to bar visitors,” THE TIMES OF ISRAEL, Oct. 5, 2018 (available at <https://bit.ly/4dR2V71>).

<sup>2</sup> See, e.g., James Bamford, “Who is Funding Canary Mission? Inside the Doxxing Operation Targeting Anti-Zionist Students and Professors,” THE NATION, Dec. 22, 2023 (available at <https://bit.ly/47BbFNk>).

<sup>3</sup> “Cisco Ethics and Employee Relations Case: Due to Unchecked Discrimination, Colleagues Have Leveraged an Inclusive Community to Create a Hostile Work Environment.”

Cisco only responded to the August 15 complaint more than two months later, on October 16, 2024. Cisco stated only that “some” of the multitudes of racist and egregious comments described in the complaint would be taken down. Cisco declined to take any broader actions to establish accountability for those who had posted the comments or acquiesced in their posting, or to enunciate transparent, equitable and enforceable guidelines for political activity in Cisco spaces consistent with its own values. Cisco’s decision to take only the most minimal and ineffectual steps toward ensuring a discrimination- and harassment-free workplace stood in sharp contrast with its actions in 2020, when it fired employees for posting arguably less immediately threatening comments that “Black lives don’t matter. All lives matter,” and that the Black Lives Matter movement “reinforces racism.”<sup>4</sup>

Based upon the foregoing, the Charging Parties allege that Cisco failed to take timely and reasonable actions to protect them, and B2H members and the allies, from harassment based on their status as Palestinians, Arabs and/or Muslims, and to prevent their future harassment. Indeed, by its actions, Cisco contributed to a hostile work environment by stigmatizing their advocacy as deserving of discipline, encouraging this harassment. And in failing to take swift and decisive action in response to this harassment, Cisco discriminatorily treated the Charging Parties and others like them less favorably than those advocating within the company for analogous social and political causes. Cisco’s actions and failures to act violated both Title VII and the California Fair Employment and Housing Act.

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<sup>4</sup> “Cisco Fires Workers for Racial Comments During Diversity Forum,” BLOOMBERG NEWS, July 17, 2020, available at [https://finance.yahoo.com/news/cisco-fires-workers-racial-comments-100000113.html?soc\\_src=social-sh&soc\\_trk=ma](https://finance.yahoo.com/news/cisco-fires-workers-racial-comments-100000113.html?soc_src=social-sh&soc_trk=ma).

## **Charge Of Interference with Protected Concerted Activity and Unlawful Retaliation**

This charge is filed by [REDACTED] [REDACTED] who organized under the name Bridge to Humanity (“B2H”) and who were subjected to unlawful interference with protected concerted activity by their employer, Cisco Systems, Inc. (“Cisco”). Cisco is located at 170 West Tasman Drive, San Jose, California 95134. LAAW, which represents the Charging Parties, is a non-profit public interest law firm located at 180 Montgomery Street, Suite 600, San Francisco, California 94104, and its telephone number is (415)-864-8848. LAAW will disclose the identities and contact information of the Charging Parties to the National Labor Relations Board for the purposes of its investigation. However, the Charging Parties request that their identities remain confidential due to fears of doxing, harassment, and retaliation.

The Charging Parties’ concerted activities began in response to Cisco’s actions related to the escalation in Israel and Palestine that began on October 7, 2023. On October 9, 2023, Cisco’s CEO externally issued a statement supporting Israeli employees. The following day, the CEO and Executive Leadership Team (“ELT”) sent a company-wide email reiterating support for Israeli employees, noting the company’s ongoing efforts to assist them since October 7. These efforts included a Human Resources-developed SharePoint site titled “Supporting Our Teams in Israel,” which provided resources and programs specifically for Israeli employees. Cisco did not provide a similar message, resources, or programs for its Palestinian employees or employees located within Palestine.

By October 11, 2023, employees – primarily Palestinian, Arab, and/or Muslim – began organizing in response to this disparate treatment. On October 11, an employee emailed the ELT on behalf of an internal group, highlighting that the ELT’s October 7 email ostracized Palestinian employees and undermined workplace equity, and requesting equal workplace resources for Palestinian employees consistent with Cisco’s response to Israeli employees and its broader history of taking action in support of equality and human rights.

Over the following months, employees continued to organize around the terms and conditions of their employment under the name B2H. Their advocacy included writing an “Open Letter” to the ELT, which expressed concerns about Cisco providing its products to the Israeli military in violation of Cisco’s Global Human Rights Policy and Code of Business Conduct. The letter also demanded that Cisco establish pay parity between Palestinian and Israeli employees and the re-mapping of Palestinian employees working for Cisco Israel to another Cisco entity for their safety. Additionally, B2H employees created an internal Webex bot and SharePoint site that, together, allowed employees to sign on to the Open Letter, communicate with B2H organizers, and access support and resources for affected employees. The Open Letter ultimately garnered over 1,700 signatures before being shut down.

Cisco responded to this protected concerted activity by directing employees to escalate any discussions about the Open Letter to Employee Relations, effectively limiting the Open Letter’s exposure and encouraging disciplinary action against B2H members. Subsequently, on July 18,

2024, Cisco removed B2H's SharePoint site and shut down the Webex bot without communicating any specific policy violations and while allowing other employee-created SharePoint sites to remain active. Most recently, Cisco has terminated at least four high-performing employees who were actively and visibly involved with B2H's protected concerted activity. Cisco's characterization of these terminations as part of cost-saving measures is suspect, given the individuals' exemplary performance.

The above facts represent only a selection of Cisco's interference with employees' protected concerted activities. The Charging Parties have extensive documentation and witnesses that they will provide during the investigation.

Should you have any questions or require further information, please do not hesitate to contact us. We look forward to working with the agency on this matter.

**ATTACHMENT TO LABOR CODE §§ 1101 AND 1102 COMPLAINT OF [REDACTED]**

I was discriminated and retaliated against by Cisco Systems, Inc., because of my advocacy in support of Palestine and, specifically, because of demands made by myself and other Cisco employees that the company cease providing its technology to the Israeli government and take related steps to come into compliance with its own stated values. For the reasons set forth below, Cisco's actions and failures to act violated Labor Code Sections 1101 and 1102.

I belong to a group of Cisco employees organized around the name "Bridge to Humanity" ("B2H"). B2H is composed primarily of Palestinian, Arab and/or Muslim employees who are deeply concerned about the provision of Cisco technologies to the Israeli military in support of its actions in Gaza subsequent to October 7, 2023. On June 13, 2024, a group of B2H organizers, to which I belong, emailed an "Open Letter from Concerned Cisconians" to Cisco leadership and internal Cisco employee affinity group leaders. Among other things, the Open Letter demanded that Cisco discontinue providing its technology to the Israeli government, disinvest from specified Israeli entities, establish pay parity between its Palestinian and Israeli employees, and take other steps to come into compliance with Cisco's own Global Human Rights Policy and Code of Business Conduct as well as international legal standards. The Open Letter, which was posted on B2H's internal SharePoint webpage, was eventually signed by more than 1,700 Cisco employees.

Political discussions and other activities within Cisco spaces concerning causes with less direct relevance to Cisco's operations and professed values have long been accepted, if not encouraged, by Cisco. For example, political issues such as Black Lives Matter, the war on Ukraine, and LGBTQ+ rights have been the subject of open and vigorous discussion in Cisco-sponsored spaces. None of those topics was treated by Cisco as inappropriate for internal discussion; to the contrary, Cisco's top leadership took clear, indeed bold and unequivocal positions on many of those matters. And, notably, after the events of October 7, Cisco leadership issued strong statements of support of Israel.

But Cisco treated B2H's attempt to surface its concerns around Palestine very differently. On Saturday, June 15, 2024, in an email to the Cisco affinity group leaders, Cisco leadership effectively characterized the Open Letter as a form of harassment. It stated that "[B2H's] email may have sparked a spectrum of emotions and Cisco is committed to creating an environment where all employees feel safe and heard." The email went on to state that B2H's email "is under review," and requested that the affinity group leaders "limit the exposure by not forwarding [the email] to others." Cisco additionally advised them to "escalate any concerning discussions to Employee Relations" and provided a direct link where the affinity group leaders could "open an [Employee Relations] case." In so doing, Cisco stigmatized and branded B2H and its members—whose sole intention had been to initiate a constructive internal dialogue about the company's dealings in Palestine—as creating a hostile work environment. On Thursday, July 18, 2024, Cisco took down B2H's SharePoint web page, where the Open Letter had been made available to Cisco employees to read and sign if they so chose.

In response, the B2H members pointed out that Cisco's "Conscious Culture" ethic explicitly encouraged Cisco employees to "ask the toughest questions around how we are impacting society for the better" and purported to value "trustworthiness and ethical conduct . . . among our employees, suppliers, and business partners." They questioned how Cisco's efforts to

prevent the Open Letter from circulating were compatible with that ethic. Finally, the B2H members sought clarification as to which Cisco policies—if any—they had violated.

Cisco officials initially acknowledged that B2H members had violated no company policies. Subsequently, however, Cisco belatedly alleged they had violated its Solicitation Policy, which prohibits unsolicited communications regarding non-work-related activities—even though B2H’s efforts concerned highly relevant questions as to whether Cisco’s business dealings were consistent with its own stated values and policies. At the same time, Cisco doubled down on its stigmatizing characterization of B2H, stating that B2H’s SharePoint page contained “concerning messaging and information that could be seen as inappropriate or offensive to fellow employees.” Cisco has never engaged in promised discussions aimed at restoring B2H’s SharePoint page and its associated signature collection bot, and they remain inoperative.

B2H’s internal advocacy concerning the crisis in Gaza and its efforts to promote dialogue and transparency about Cisco’s involvement in that crisis came at a great cost to its members and their Cisconian allies. Those consequences continue unremedied to this day.

After the Open Letter was circulated, its more than 1,700 signatories were harassed and targeted because of their support for the cause of Palestinians. For example, on July 2, 2024, one Cisco employee posted in the Connected Jewish Network (CJN) internal employee forum, open to all Cisco employees, that those who signed the Open Letter should “just up and quit (not just quit Cisco, but *quit living* and make this world a better place for all.)” (emphasis added) One Cisco employee posted a comment in the CJN space indicating that he had exported a list of Open Letter signatories, even though their identities (except for anonymous signers) had been available to all Cisco employees. Another employee responded that “I’m sure those who have signed aren’t very happy that [redacted] now has their names in Excel [followed by three laughing emojis].” And on July 18, 2024, yet another Cisco employee posted the names of ten B2H members and urged others to file complaints against them based on his fabricated claim that they were trying to have him fired. Members of the CJN space included numerous Cisco leaders, including some company vice presidents; none spoke out against those and other harassing and hateful comments.

B2H members immediately complained to Cisco’s Corporate Security about the threats posed by the above actions and posts to their physical and digital safety. Notably, the B2H members expressed serious concern that the names could be used to dox them, and/or be released to organizations such as Canary Mission, whose database is used by Israeli intelligence agencies to target persons entering Palestine or Israel<sup>1</sup> and other countries in the SWANA region, or persons living in Palestine who are associated with them.<sup>2</sup> Despite the urgency and gravity of their concerns, Cisco security never responded to these concerns, and never conducted a full forensic investigation into the exporting of the list of Open Letter signatories.

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- Another commenter in the CJN space, one of many who equated support for Palestine with antisemitism, wrote, "The Nazis set the Arabs up for success. . . The Arab-Israeli situation is just an extension of anti-Semitism that began in Germany."
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The complaint asked that Employee Relations examine the actions of those CJN members who had made the comments in question as well as the CJN moderators who had failed to ensure the safety of the CJN space for all Cisco employees, and that Ethics Office cases be opened to investigate how members of Cisco leadership may have been silent or complicit in the face of those actions and failures to act against this pattern of harassment and hate speech. Finally, the complaint asked that Cisco "swiftly act to restore a healthy, safe environment for all employees free of discrimination and hate, and that Cisco will enact policies to ensure that our Inclusive Communities and broader workplace remain safe for all Cisconians."

Cisco responded to the August 15 complaint more than two months later, on October 16, 2024. It stated only that "some" of the multitudes of racist and egregious comments described in the complaint would be taken down. Cisco declined to take any broader actions to establish accountability for those who had posted the comments or acquiesced in their posting, or to establish transparent, equitable and enforceable guidelines for political activity in Cisco spaces consistent with its own stated values. Cisco's decision to take only the most minimal and ineffectual steps toward ensuring a discrimination- and harassment-free workplace stood in sharp contrast with its actions in 2020, when it swiftly fired employees for posting arguably less immediately threatening comments that "Black lives don't matter. All lives matter," and that the Black Lives Matter movement "reinforces racism."<sup>4</sup>

In sum, Cisco, by its decisions and policies:

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<sup>3</sup> "Cisco Ethics and Employee Relations Case: Due to Unchecked Discrimination, Colleagues Have Leveraged an Inclusive Community to Create a Hostile Work Environment."

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- Suppressed B2H’s internal political advocacy on behalf of Palestine, based on shifting justifications, even though such activities: (a) were expressly encouraged by Cisco’s “Conscious Culture” ethic, and (b) had been freely permitted and undertaken with respect to other political causes, including—notably—by supporters of Israel in the context of the conflict in Gaza. This indicated animus by Cisco toward B2H’s political viewpoint.
- Failed to take swift and decisive actions to protect myself, and other B2H members and allies, from harassment based on our advocacy on behalf of Palestine, and to prevent future harassment against us. Cisco itself contributed to this hostile work environment by stigmatizing our advocacy as offensive and deserving of discipline, thereby encouraging our harassment. These actions and failures to act by Cisco were retaliatory in nature.

Under these circumstances, Cisco’s actions and inactions described above constituted viewpoint-based silencing of and retaliation against myself and others for our political activity in support of Palestine, in violation of Labor Code Sections 1101 and 1102.