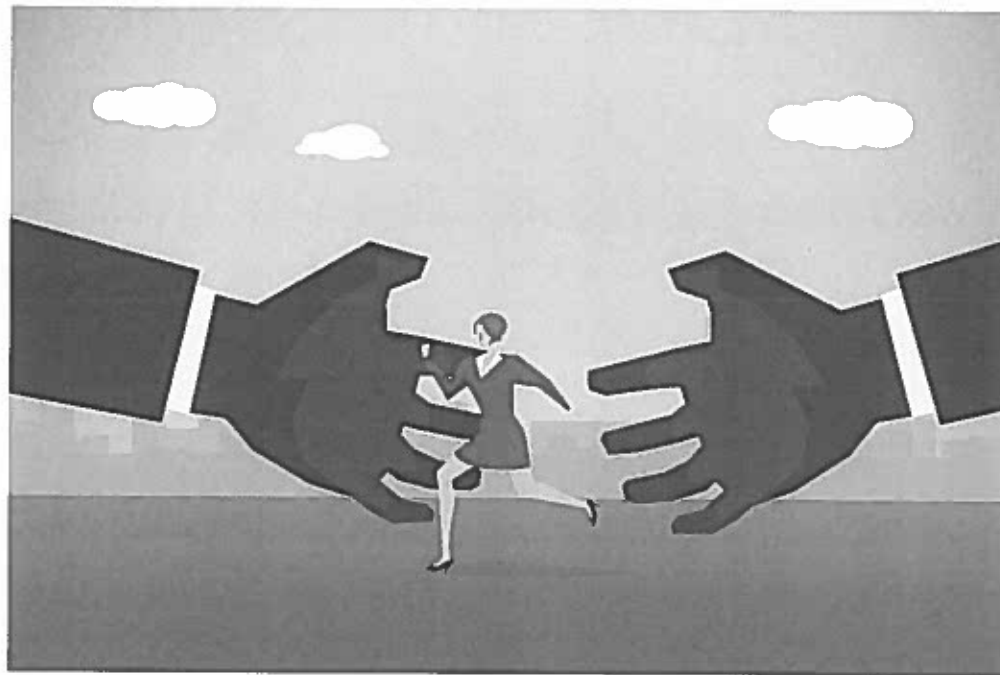


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Study finds 75 percent of workplace harassment victims experienced retaliation when they spoke up

What we know about sexual harassment in America.

By Tara Golshan | Oct 15, 2017, 9:00am EDT



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Shame, fear, and cultural norms all allow sexual harassment to go underreported.

There is so much we don't know, but there *is* research that tells us some specifics about the state of the problem and the factors that make it better or worse in different workplaces.

Harvey Weinstein's long alleged history of sexually preying on actresses, journalists, and musicians — and then scaring them into silence — has spurred a deeply charged national conversation about sexual harassment in the workplace. As more women speak up about this issue, demanding something be done, there is a lack of clarity of what can be.

The US Equal Employment Opportunity Commission, a government agency responsible for processing the sexual harassment complaints that do get reported, says nearly one-third of the 90,000 complaints received in 2015 included a harassment allegation — but the agency notes that that number is far too low to reflect reality. They also estimate that 75 percent of all workplace harassment incidents go unreported altogether.

In 2016, the EEOC released a comprehensive study of workplace harassment in the United States, which concluded that “anywhere from 25% to 85% of women report having experienced sexual harassment in the workplace.” It's a strikingly wide gap, but one that is very substantial even in its most conservative estimate — statistically predicting one in four people are affected by workplace sexual harassment.

In this void of concrete empirical data, we pieced together reports, surveys, and studies to outline the state of workplace sexual harassment in the United States — and what can be done to address it.

1) Some industries are worse

Sexual harassment is not an industry-specific problem, but some environments are worse, according to Emily Martin, general counsel and vice president for workplace justice at the National Women's Law Center:

- **In male-dominated industries like construction, where women are seen as interlopers, women experience high levels of harassment.**
- **Service-based industries, in which employers rely on tips and customer approval, can also breed an environment of harassment. Reports have also indicated customer behavior can impact how supervisors treat their employees.**

- **Women in low-wage jobs, like hotel cleaners or farm workers, experience high levels of harassment because they do not have bargaining power to push back.**

“Part of what sexual harassment is is an expression of power and expression of hostility,” Martin said. “When there aren’t women there to do the job, some men think women can’t do the job. When there are fewer women in the workplace, they are more isolated in general.”

Unionized workforces often see women being paid more equally and earning higher wages, which could help foster a more open culture around harassment reporting — unionized workforces in general aim to offer workers protections that could make victims less fearful of coming forward. But that doesn’t make them void of this kind of issue.

While workplace sexual harassment is often discussed in terms of women, men also experience sexual harassment in the workplace. According to a Washington Post survey, 10 percent of men have experienced sexual harassment at work. According to the EEOC, reports of men experiencing workplace sexual assault have nearly doubled between 1990 and 2009, from 8 percent to 16 percent of all claims.

This could be a sign of more incidents among men, but also is largely indicative of a changing culture around reporting, in which more people feel comfortable coming forward.

2) 75 percent of harassment victims experienced retaliation when they spoke up

As the Weinstein case exemplifies, women often don’t come forward with their experiences out of fear of retaliation. These fears are very valid and well-founded.

“One 2003 study found that 75% of employees who spoke out against workplace mistreatment faced some form of retaliation,” the EEOC report found.

In Weinstein's case, the Hollywood executive would threaten up-and-coming actresses' careers if they did not engage with him, or place negative stories about them in the media to mire their names in scandal. These tactics aim to isolate and silence victims.

When people do come forward, Vox's Anna North explained, it's usually when others around them do — strength in numbers. Once some of Weinstein's accusers came out, more followed.

Formal reporting is the “least common response” among men and woman who have experienced harassment in the workplace — “approximately 30% of individuals who experienced harassment talked with a supervisor, manager, or union representative,” the EEOC study said. It continued:

Unwanted physical touching was formally reported only 8% of the time; and sexually coercive behavior was reported by only 30% of the women who experienced it. ... Studies have found that 6% to 13% of individuals who experience harassment file a formal complaint. 63 That means that, on average, anywhere from 87% to 94% of individuals did not file a formal complaint.

A lot of this underreporting comes down to a fear of retaliation from the employers or colleagues. Victims often fear they won't be believed, or will receive blame or be subject to professional retaliation — like being fired from their jobs.

3) When acts of “harassment” are specifically defined, more women report incidents

But there are also other factors that lead to underreporting.

Digging deeper into the numbers of people affected by workplace sexual harassment, the EEOC found that reports of incidents grew when the specific acts that count as harassment were more specifically defined in surveys.

In other words, when people were just asked outright if they had experienced sexual harassment at work, without the term being defined, one in four reported having experienced some form of harassment in the workplace.

But when specific acts of harassment were mentioned, like sexual coercion or crude jokes, 60 percent of women reported having experienced some form of sexual or gender harassment.

This indicates a lack of societal clarity around what constitutes harassment in the workplace — and what is brushed off as just uncomfortable encounters. The EEOC recommended sexual harassment trainings as an effective way to clarify those gray areas.

4) Those once-a-year sexual harassment seminars likely do nothing

Company sexual harassment training is easily mocked — and often brushed off in popular culture.

Even the EEOC admits its ineffectiveness:

“Much of the training done over the last 30 years has not worked as a prevention tool — it’s been too focused on simply avoiding legal liability,” its report says.

But there are innovations to anti-harassment programs that have seen some results, Martin says — namely in bystander training and tailoring programs to specific workplaces.

There is also an emphasis on middle managers, who are seen as the first line of defense against inappropriate behavior. One witness told the EEOC’s researchers:

If I had limited assets to improve the climate of any organization, I would invest ninety-five percent of them in middle managers. These are the people who make

all of the difference in the day-to-day lives of organizations and people. When we train middle managers, we don't just train them about how to spot and address problem behavior — we teach them empirically sound things to do and say when an employee seeks them out to discuss a problem.

None of this works, however, if there isn't a clear message from the top that the company is invested in its employees and their well-being.

5) Sexual harassment costs companies millions

From the Weinstein events, as we saw with Fox News's Roger Ailes and Bill O'Reilly, there is often institutional pressure to push allegations under the rug — the idea being that companies with a public face don't want sexual harassment claims to go public because the alleged harasser is often a company star.

It's why companies often process claims through mandatory confidential arbitration instead of an open court, and why so many cases allow for nondisclosure agreements.

These tactics can be effective in hiding the problem on two fronts: They keep victims feeling isolated, and at times like the only people affected, and they insulate the perpetrator. But the incentives might be backward.

"A superstar employee that is creating that toxic work environment is probably costing that company more than he or she is bringing in," Martin says.

According to the EEOC, in 1994 the Merit Systems Protection Board, a federal agency that oversees the abuses targeting federal employees, conservatively estimated that "as a result of sexual harassment, job turnover (\$24.7 million), sick leave (\$14.9 million), and decreased individual (\$93.7 million) and workgroup (\$193.8) productivity had cost the government a total of \$327.1 million."

That's in addition to settlements:

Since 2010, employers have paid out \$698.7 million to employees alleging harassment through the Commission's administrative enforcement prelitigation process alone. While we do not have strictly comparable cost data with respect to the various agencies of the federal government, we surmise it would likely be similar, given the diverse and varied nature of the federal workforce and its worksites.

It all goes to say that there are a lot of systems in place that prevent people from speaking up.

"Even if you are rich famous and powerful, you can feel isolated in these situations," Martin said. "But if you are not rich and famous and powerful, you still have to get your paycheck because it's between you and homelessness. There are good reasons why it's hard for women to bring formal complaints in these situations."