

Issue: Sexual Harassment

Sexual Harassment

By: Sharon O'Malley

 **SAGE** businessresearcher

Pub. Date: February 26, 2018
Access Date: January 17, 2019
DOI: 10.1177/237455680407.n1

Source URL: <http://businessresearcher.sagepub.com/sbr-1946-105812-2880747/20180226/sexual-harassment>

©2019 SAGE Publishing, Inc. All Rights Reserved.

Will employers act effectively to curb it?

Executive Summary

In the four months since The New York Times shone a spotlight on sexual harassment allegations against Hollywood producer Harvey Weinstein, a sea change has occurred in the workplace. Dozens of high-profile men have been accused of sexual misconduct, bringing them public shame and often dismissal. Female employees, emboldened by the growth of the #MeToo movement, are speaking up and reporting incidents in growing numbers. Employers are rewriting policy and training handbooks to forestall harassment, seeking to get in front of a problem that has already resulted in nearly \$700 million in settlements over a six-year period. Investors are pressuring companies to act and are considering harassment issues as they make investment decisions. Yet some express concern that the changing climate may create unintended consequences that could harm the intended beneficiaries.

Some key takeaways include:

- More than one-third of human resources professionals said they have taken a sexual harassment complaint in the past year.
- While high-profile fields such as entertainment and mass media have gotten the most publicity, most of the complaints filed with federal authorities are in less glamorous industries such as retail, manufacturing and health care.
- Clauses requiring employees to accept arbitration and confidentiality when they file harassment complaints are drawing fire from critics who say the practice makes it harder to address the problem.
- [Click here to listen](#) to an interview with author Sharon O'Malley.

Full Report



A flood of accusations against high-profile men has spawned a broad movement to combat sexual harassment, including this demonstration outside the Trump International Hotel in New York City in December. (Erik McGregor/Pacific Press/LightRocket via Getty Images)

For the 20 years that human resources attorney Jonathan Segal has advised executives at one large Philadelphia nonprofit, those clients have greeted him with open arms – literally – and an invitation to hug. Segal, a partner with the law firm Duane Morris, says he embraced both men and women and their warm welcomes every time he visited, and looked forward to more hugs during future meetings.

During his most recent appointment earlier this year, nobody offered a hug. Instead, his longtime acquaintances reached for his hand and shook it.

“They said no one realized when the hugging stopped,” Segal says, “but it stopped. They said they had to stop hugging each other. They said based on everything that was going on, they weren’t sure about hugging.... It happened organically.”

And, Segal adds, “it made me a little sad.”

A lot has changed in the workplace in the months since Hollywood mogul Harvey Weinstein, Today television show anchor Matt Lauer and more than 100 other high-profile men were publicly accused of sexually harassing or assaulting co-workers, the vast majority of them women.

Employers are instituting zero-tolerance policies to help them prevent misconduct and deal with offenders. Men accused of misbehavior ranging from lewd comments to rape are suffering public disgrace, the loss of their jobs and, in Weinstein’s case, criminal investigation. Emboldened women, rallying around the #MeToo hashtag, are reporting uncomfortable workplace encounters in greater numbers, according to human resources consultants who have observed the uptick.

And many employees have stopped hugging, commenting on each other’s appearance or joking about sex, even with friends they have worked with for years.

“The rules are literally shifting as we talk,” says Jaime Klein, founder and president of the New York-based firm Inspire Human Resources.

The ripple effects are being felt throughout the U.S. business world. Companies are rewriting personnel rulebooks and redesigning training programs in an effort to get ahead of a problem that has already cost them at least \$699 million in claims settlements and could expose them to even greater liability in the future.¹ Investors are factoring harassment into decisions about where to put their money and pressuring companies to take action. The shifting landscape also is spawning unintended consequences that some fear could damage women’s career opportunities by making men more reluctant to interact with them professionally.

More Complaints

The federal government defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” when the conduct interferes with work performance, affects employment status, or creates an “intimidating, hostile, or offensive” work environment. It can involve explicit sexual language, unwanted touching, or coercion or physical violence to get sex from an unwilling partner.²

Sexual assault, on the other hand, involves unwanted or forced sexual contact, such as rape or fondling.³

In a January 2018 survey, 36 percent of human resources professionals said they had taken a sexual harassment complaint from at least one employee in the 12 months after Susan Fowler, a former [Uber](#) site reliability engineer, published an eight-page manifesto accusing the ride-sharing company of looking the other way when she and other female employees accused male colleagues of rampant sexual harassment.⁴ Among those HR professionals, 36 percent said the number of complaints had increased during that year, according to the survey, which was conducted by the Society for Human Resource Management (SHRM), a professional trade group.

Fowler’s blog post went viral, led to the dismissal of Uber founder and CEO Travis Kalanick and touched off a spate of similar allegations – and resignations – at other Silicon Valley firms. Eight months later, more than 50 women, mostly actresses, accused Weinstein of offenses ranging from rape to requiring sex as a condition for casting in his movies.⁵

In January, Time magazine listed 122 prominent men in entertainment, media, sports, politics and the corporate world who had been accused of sexual harassment or assault since the Weinstein scandal broke in October 2017. Many resigned or were fired.⁶ And those were just the famous ones.

Klein says the accusations against Lauer might have been even more potent than those involving Weinstein, at least for her clients’ employees. “He felt like the guy next door,” she says of Lauer. “People got dressed, got their kids off to school with the Today show in the background. He feels like the mailman, the school principal. He feels like a husband or an uncle. He was so familiar that this felt dirty.”

Klein says 100 percent of her corporate, university and nonprofit clients have contacted her since late November, when [NBC](#) fired Lauer, to ask how they “can be ready for the call” in case one of their own employees accuses a manager or colleague of similar deeds. And their employees are “telling their truth” in greater numbers, Klein says. “Yes, they are,” she says. “Yes, with a capital Y.”

Segal agrees, saying that while he has not seen an increase in lawsuits or complaints to government agencies, “we’re seeing many more internal complaints.”

Those most likely to complain now, says Phyllis Hartman, a member of SHRM’s Ethics/Corporate Social Responsibility and Sustainability Panel, “are likely to have discovered that this has happened to other women and it’s OK to speak up.... Once one person speaks up, the floodgates are open.”



TV anchor Megyn Kelly and Hollywood producer Harvey Weinstein at a 2017 event. Accusations against Weinstein helped trigger the #MeToo movement; Kelly accused Fox News CEO Roger Ailes of harassing her. (Jamie McCarthy/Getty Images for The Hollywood Reporter)

Matt Lauer “felt like the guy next door. He was so familiar that this felt dirty.”

The accusations the consultants and their corporate clients are dealing with, however, are not confined to celebrities or offenders working in high-tech, media, entertainment or sports. “It’s from the box store to the board room,” Klein says.

Jocelyn Frye, a senior fellow with the Center for American Progress, a liberal Washington-based think tank, agrees. “Sexual harassment cuts across industries,” she says. “There is no industry that is immune.”

The U.S. Equal Employment Opportunity Commission (EEOC), the federal agency that enforces Title VII of the 1964 Civil Rights Act, which forbids discrimination, including sexual harassment, in the workplace, estimates that at least one in four women in the United States has experienced sexual harassment at work.⁷ In a recent Wall Street Journal/NBC poll, almost half of employed female respondents said they had been victimized.⁸

In an analysis of sexual harassment claims filed with the EEOC, Frye’s research team found that nearly 30 percent of the complaints came from low-income hotel, restaurant and retail workers, such as maids, cashiers and fast-food order-takers.⁹ Another 24 percent came from employees working in the manufacturing and health care fields.

“The public is focused on these high-profile settings, on Hollywood, the media, political statehouses and Congress,” Frye says. “That is really different from where this is actually occurring on a daily basis.”

She says much of the workaday harassment occurs in low-wage, low-skill workplaces where supervisors far outrank employees who feel they have nowhere else to go, and in industries such as manufacturing and construction, where women are sorely underrepresented.

In both high-profile and low-skill workplaces, Klein says, harassment can persist over long periods because victims often do not report it. They may fear retaliation or believe that executives will excuse the behavior of “high talent” superstars – such as Lauer or [Fox News’](#) Bill O’Reilly – who earn so much money for their companies that they are viewed as indispensable.

The SHRM study and 2016 research by the EEOC confirm that up to 76 percent of non-management sexual harassment victims say they do not file complaints with their supervisors, the EEOC or the courts.¹⁰

Unintended Consequences

Yet for all the mounting evidence of persistent harassment and systemic underreporting of it, there is concern among lawyers and consultants that some in the workplace may be overcompensating for the years of silence and denial. And they say this in turn may create unintended consequences that can harm the intended beneficiaries of change.

“I have [a] big fear that some men will avoid women to avoid harassment claims,” Segal, the attorney, says.

He points to Vice President Mike Pence’s refusal to dine alone with any woman except his wife. Pence, a devout Christian conservative, first revealed the policy to a Capitol Hill newspaper in 2002; it resurfaced in *The Washington Post* last year.¹¹

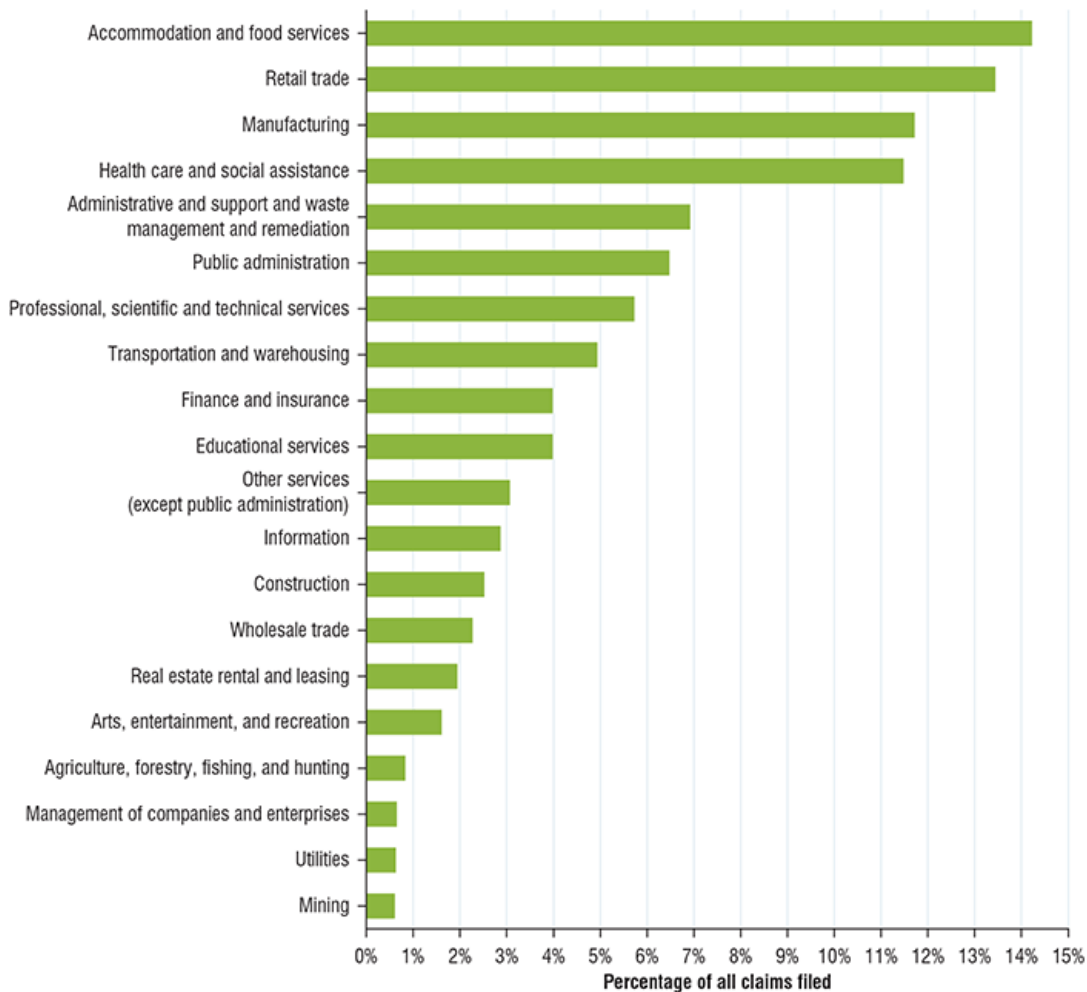
“That’s fine if you also won’t have dinner with a man,” Segal says. “You can’t treat [men and women] differently with opportunities.”

Professor David Sherwyn, director of Cornell University’s Institute for Hospitality Labor and Employment Relations, advises against going “crazy on political correctness,” saying, “There’s a balance [in] dealing with this stuff.”

Minneapolis-based human resources consultant Fran Sepler agrees: “If I’m a male manager and I’m afraid to be with a female employee, who’s missing the mentoring opportunities?”

Hotels, Restaurants Have Highest Harassment Rate

Percentage of sexual harassment claims by industry, 2005-15



Source: Jocelyn Frye, "Not Just the Rich and Famous," Center for American Progress, Nov. 20, 2017, <https://tinyurl.com/v9cxnzk>

The accommodation and food services industry — made up of hotels, restaurants, recreational facilities and other hospitality establishments — had the highest proportion of sexual harassment claims filed with the Equal Employment Opportunity Commission between 2005 and 2015.

"Has the pendulum swung too far?" asks Klein, the human resources consultant. "During any great social change, it always does, and then it corrects itself a little bit. But until then, people are walking on eggshells."

Some overreaction is OK, she says, as employees and employers adjust to the hyper-awareness of sexual harassment created over the past few months. "I hope when it levels off, people will be more aware about what's comfortable for others," Klein says.

She points to a story a client shared about a female employee who was admiring a co-worker's new dress. "That's a great dress," the woman said before turning to a male co-worker and asking, "John, isn't that a great dress?" John's response, according to Klein: "I'm afraid to answer that question."

Conversations about appearance might not have a place in the workplace of the future, says Klein. "Why are we talking about her dress?" she asks. "Did Bob have on a great tie? Should we be chatting about it?"

Like Segal, Klein has noticed less hugging and more alcohol-free holiday parties.

Employers will have to teach workers a new language to use at work, one that's "culturally OK" and considerate of co-workers, says Ryan D. Nelson, Utah president of the Employers Council, a membership organization representing 4,000 U.S. businesses. "I think people are

capable of reflecting and thought before speaking,” he says “and in that reflection, if it doesn’t feel quite right ... if what they say could be construed as sexual harassment, stop and consider, will that land flat? How would I like it if someone came up and said that to my wife?”

Attorney Segal advises employers to be explicit when they talk to their staffs about what kinds of behavior and language are acceptable in the workplace. “Things like sexual assault should be obvious to everyone except the miscreants who do it,” he says. “But employees need to know how to work with people in the gray areas. Talk about when a hug is OK, when a compliment is OK. Otherwise, your desire for civility can become sterility. Or you’ll end up with men pulling away from women to avoid harassment claims. That can become discrimination.”

So can a presumption of guilt when an employee makes an allegation of sexual harassment, reinforcing the need for thorough investigations, says Segal. “Every complaint should be taken seriously,” he says. “Every person should be treated respectfully. But not every claim has legal merit.”

The EEOC has reported that between 2010 and 2016 U.S. employers collectively paid just under \$699 million to employees to settle sexual harassment claims through the commission’s administrative enforcement pre-litigation process alone.¹² The largest jury award to an individual to date was \$168 million in 2012 to Ani Chopourian, a physician assistant at Mercy General Hospital in Sacramento, Calif. Chopourian said she filed multiple complaints about incidents of harassment, to no avail. (A judge later reduced the award to \$82.2 million, and a negotiated settlement was eventually reached.) In 2016, Fox News agreed to pay former Fox & Friends co-host Gretchen Carlson \$20 million to settle a lawsuit against former Chairman Roger Ailes, whom she accused of sexually harassing her in public, ogling her body and asking her for sex.¹³

In an effort to reduce their liability in case of an incident, businesses increasingly are attempting to make it easier for employees to report incidents.

Watch video with sociologist Claire Renzetti on sexual assault:



One of Klein’s clients, a company that supplies construction workers for jobs at a New York City airport, has created a hotline for whistleblowers to call. Another firm has created an ombudsman position to take employee complaints.

Other businesses are polling employees about whether they are experiencing sexual harassment at work. And some are educating workers about the process for reporting misconduct and are making same-sex supervisors available to take complaints. [Vox Media](#) and Uber have hired outside consultants to evaluate their sexual harassment policies. Other corporations now check for past sexual harassment incidents in vetting potential board members.¹⁴

The SHRM study revealed that 94 percent of organizations have anti-harassment policies, but 22 percent of non-management employees did not know the rules existed.¹⁵

Some executives are taking unusual steps to increase awareness. [Fidelity Investments](#) Chairwoman and CEO Abigail Johnson relocated her office from the seventh-floor C-suite to the 11th floor, where she works every day among the Boston-based financial giant’s key portfolio managers and traders. The move came a couple of months after Johnson fired a high-performing fund manager because of allegations of sexual harassment and pushed out a valued portfolio manager also accused of inappropriate behavior.

A Fidelity spokesman said Johnson’s relocation sends a message to her employees that such behavior will not be tolerated. Workplace consultants say it puts the work force on notice that she is watching.¹⁶

Kristina Bergman, co-founder and CEO of [Integrus Software](#) in Seattle, added a legal requirement to her policy book that forces investors to replace any member of the company’s board of directors if a “reasonable probability” exists that the director has engaged in sexual harassment.

“It felt like a good common-sense thing to get ahead of this,” Bergman said.¹⁷

Still, Washington attorney Joseph Sellers says one policy in particular can perpetuate sexual harassment: the mandatory arbitration contract.

Some companies require employees to agree to work out any grievances with a company-appointed arbitrator and to keep those negotiations and any outcome confidential. That prevents a woman who claims sexual harassment from suing the company over it;

instead, she is required to take her complaint to the arbitrator and abide by that decision.

EEOC Commissioner Chai Feldblum calls confidentiality clauses “problematic in terms of shining sunlight onto problems.... Things don’t get fixed because the incident is swept under the rug.”

Investors and advertisers are growing increasingly intolerant of sexual harassment. Shareholders of [Twitter](#) and [Facebook](#) demanded in January that the social media giants disclose more information about sexual-harassment posts on their platform, including how many are posted and how many users spread them to others before they are taken down. The shareholders, who collectively own approximately \$35 million of Twitter stock and \$1.1 billion in Facebook shares, also asked for more detailed reports about incidents involving hate speech, violence and fake news, and more information about what the social media platforms are doing to stop it.¹⁸

Fox fired star program host O’Reilly, accused by multiple women of making inappropriate sexual comments and asking for sexual favors, only after advertisers threatened to abandon the network if it failed to take action.¹⁹ [Calvert Research and Management](#), which specializes in socially responsible investing, is no longer putting money into businesses with “gender-related controversy.”²⁰ A recent headline in *Barron’s* called sexual harassment “a serious investment risk.”²¹

Better Training

Most employers have reacted to the heightened awareness of sexual harassment by teaching their staffs how to avoid it. But the most common training tool – an hour-long video that poses a few typical examples of workplace harassment – is losing its appeal.

In a 2016 review of research about workplace sensitivity training, an EEOC task force on sexual harassment said training programs tended to focus more on legal definitions and avoiding lawsuits than on stopping bad behavior.

“Much of the training done over the past 30 years has not worked as a prevention tool,” Feldblum and acting EEOC Chairwoman Victoria Lipnic wrote in a 2016 report. They added that “ineffective training can be unhelpful or even counterproductive.”²²

Segal agrees that traditional training is “very legalistic. The messaging is ... if it doesn’t rise to the level of sexual harassment, it’s not a problem.”

Instead, he says, “the training really needs to be clear that this is about preventing harm. If you do that, you minimize liability, but that’s not the goal. The goal is preventing harm.”



Fran Sepler: Training should be done in person and not online.

The EEOC commissioners encouraged businesses to replace their definitions-based video sessions with broader, in-person “respectful workplace training” that portrays incivility as a gateway to harassment. “It doesn’t focus as much on legal definitions as on common sense,” says Feldblum, a member of the EEOC since 2010. “It’s more about what you should do as opposed to directions on what you shouldn’t do. It’s more about teaching skills for how you should behave.”

Sepler, the human resources consultant in Minneapolis, is working with the EEOC to create in-person training modules. She suggests that training should teach employees how to respond to a colleague whose comments “make you feel bad or make you uncomfortable.” The modules are designed to encourage employees to discuss their work environments. Sepler calls sexual harassment training “too nuanced” for online delivery.

While the EEOC encourages all employers to train workers about what constitutes sexual harassment and how to avoid it, only California, Connecticut and Maine require businesses to hold regular training for all of their employees.

Such training can buttress a company’s defense against a sexual harassment claim should an employee take an allegation to court. Two 1998 U.S. Supreme Court cases, *Faragher v. City of Boca Raton* and *Burlington Industries v. Ellerth*, led the high court to allow employers with established procedures, such as sexual harassment training and a way for an employee to report an offense, to establish an affirmative defense to a sexual harassment claim.²³

More Women at the Top

Researchers have suggested that if more women held corporate leadership positions, sexual harassment in the workplace would wane.

“We already know how to reduce sexual harassment at work, and the answer is actually pretty simple,” sociology professors Frank Dobbin of Harvard University and Alexandra Kalev of Tel Aviv University wrote in the *Harvard Business Review*. “Hire and promote more women.”²⁴

According to Lynn Parramore, a senior research analyst at the Institute for New Economic Thinking, a New York-based think tank, women hold 16 percent of the seats on the 3,000 largest U.S public companies’ boards of directors, and 624 of the companies have no female

board members at all. In an analysis of sexual harassment research, Parramore paired that finding with one showing that 80 percent of boards have not discussed the issue of sexual harassment even in the aftermath of the Weinstein accusations.²⁵

“This generation of women is coming into the workplace now. They’re saying, ‘Don’t push me around.’”

“If you have a gender-diverse culture, this kind of behavior would be less tolerated and probably less prevalent,” said Charlotte Laurent-Ottomane, executive director of the Thirty Percent Coalition, which tries to place more women on corporate boards.²⁶

Natasha Lamb, a managing partner at [Arjuna Capital](#), said pay inequity contributes to harassment, as it can dissuade women from taking jobs at companies that pay men more for similar work, leading to a less-diverse employee base. Her North Carolina-based investment firm is pushing public corporations to disclose how much they pay male and female employees.

Some researchers have said that pay equity and fair treatment of women at work leads to higher bottom lines.²⁷

SHRM’s Hartman says she has worked with female-led companies that had no issues with sexual harassment. “They wouldn’t put up with it,” she says.

Hartman foresees a time when workplace cultures will be driven by gender equality, respect among employees and a new generation of women – a cohort influenced, in part, by the public reckonings many serial harassers have experienced over the past few months and by the popularity of the #MeToo movement.

“This generation of women is coming into the workplace now,” says Hartman. “They’re saying, ‘We want what we want. Don’t push me around.’ They feel more of a freedom to speak up.”

About the Author

Sharon O’Malley is an assistant professor of journalism at Anne Arundel Community College in Maryland and an adjunct instructor at the Philip Merrill College of Journalism at the University of Maryland. She is a freelance writer, editor, consultant and trainer who has published articles in dozens of newspapers and magazines, including USA Today, Ladies’ Home Journal, Working Woman and American Demographics. Her reports for SAGE Business Researcher include [Shopping Malls](#), [Internships](#), [Product Recalls](#), the [Business of Christmas](#), [Paid Leave](#) and [Retail’s Struggles](#).

Chronology

1960s-1970s

Sexual harassment becomes illegal.

1964

Title VII of the Civil Rights Act bans employment discrimination based on race, color, religion, sex or national origin and creates U.S. Equal Employment Opportunity Commission (EEOC) to investigate claims of employment discrimination.

1975

The term “sexual harassment” is coined by women’s rights activists at Cornell University.

1976

U.S. Department of Justice employee Diane Williams becomes the first sexual harassment victim to win a court case after accusing her boss of firing her for refusing his sexual advances.

1980s

EEOC, courts define sexual harassment.

1981

EEOC expands gender discrimination guidelines to include sexual harassment and identifies two kinds: quid pro quo harassment that makes employment decisions conditional on the granting of sexual favors and harassment that creates a hostile work environment.

1984

U.S. Court of Appeals for the 8th Circuit rules in *Barrett v. Omaha National Bank* that a single, severe workplace incident can constitute sexual harassment.

1986

U.S. Supreme Court rules for victim in its first sexual harassment case, *Meritor Savings Bank v. Vinson*.

1990s-2000s

High court clarifies liability for sexual harassment.

- 1991** President George H.W. Bush signs Civil Rights Act of 1991, allowing sexual harassment plaintiffs to seek monetary damages.... Law professor Anita Hill accuses Supreme Court nominee Clarence Thomas of persistent sexual harassment when the two worked together years earlier. Thomas denies the allegation and wins Senate confirmation. ... Federal district court judge in Jacksonville, Fla., finds, in *Robinson v. Jacksonville Shipyards*, that posting pornographic photographs constitutes sexual harassment.
- 1993** U.S. Supreme Court rules in *Harris v. Forklift Systems* that a victim does not have to suffer psychological damage for a workplace to be considered hostile.
- 1995** Republican U.S. Sen. Bob Packwood of Oregon resigns after dozens of campaign workers accuse him of sexual harassment. The workers did not file suit, but complain to the media of offensive and degrading behavior.
- 1997** EEOC receives 15,889 charges of sexual harassment, the highest for a single year in its history.
- 1998** Female employees of Minnesota's Eveleth Taconite Co. iron mine settle the nation's first sexual harassment class-action lawsuit for \$3.5 million.... Supreme Court rules in *Oncale v. Sundowner Offshore Services* that same-sex sexual harassment is actionable under Title VII.... Female employees at Mitsubishi Motor Manufacturing in central Illinois win \$34 million in sexual harassment suit.... Supreme Court says businesses may defend themselves against a sexual harassment claim by showing that they established procedures for employees to seek redress, even if the employee does not take advantage of those procedures, as long as no retaliatory action was taken against the alleged victim.... Former Arkansas state employee Paula Jones drops sexual harassment lawsuit against President Bill Clinton in exchange for \$850,000. Clinton never admitted guilt in the case, which triggered a series of events that resulted in his impeachment by the House of Representatives.
- 2004** Former Fox News producer Andrea Mackris sues television personality Bill O'Reilly for \$60 million, claiming sexual harassment. She later settles out of court for undisclosed amount.
- 2010-Present** **Monetary awards skyrocket.**
- 2011** Jury awards Aaron's rent-to-own store employee Ashley Alford \$95 million in a claim against a store manager who she says sexually harassed her for a year. The amount is later reduced to \$40 million because of a federal cap on damage awards.
- 2012** Physician assistant at Sacramento's Mercy Hospital wins largest jury award ever for sexual harassment claim: \$168 million. A judge later reduces the award to \$82.2 million, and a negotiated settlement is eventually reached.
- 2016** Fox News agrees to pay former Fox & Friends show co-host Gretchen Carlson \$20 million to settle lawsuit against former Chairman Roger Ailes two months after Ailes resigned amid allegations of sexual misconduct.
- 2017** Fox fires O'Reilly amid multiple claims of sexual harassment.... Uber engineer Susan Fowler publishes eight-page blog post alleging rampant sexual harassment at the ride-sharing service, leading to founder and CEO Travis Kalanick's resignation.... More than 50 actresses accuse Hollywood producer Harvey Weinstein of sexual harassment or sexual assault, opening a floodgate of accusations against more than 100 prominent men in entertainment, sports, politics and the media.

Resources for Further Study

Bibliography

Books

- Bennett, Jessica, "[Feminist Fight Club: A Survival Manual for a Sexist Workplace](#)," HarperCollins, 2016. A journalist blends her personal stories of harassment with an assessment of sexism in the American workplace.
- Carlson, Gretchen, "[Be Fierce: Stop Harassment and Take Your Power Back](#)," Center Street, 2017. The former Fox News anchorwoman, who received a \$20 million settlement from the network after accusing its former CEO, Roger Ailes, of sexual harassment, shares her experience and those of other women with similar stories.
- Elsesser, Kim, "[Sex and the Office: Women, Men, and the Sex Partition That's Dividing the Workplace](#)," Taylor Trade Publishing, 2013, updated 2015. A Forbes contributor delves into issues that create barriers between men and women at work, including sexual harassment policies, workplace romances and differences in communicating.

Articles

Chira, Susan, and Catrin Einhorn, "How Tough Is It to Change a Culture of Harassment? Ask Women at Ford," *The New York Times*, Dec. 19, 2017, <http://tinyurl.com/y9xarhua>. Two *New York Times* reporters reveal the "stubborn persistence" of sexual harassment at Ford Motor Co. by interviewing the women whose lawsuit led the automaker to settle with the U.S. Equal Employment Opportunity Commission for \$10 million in August 2017.

Fowler, Susan, "Reflecting On One Very, Very Strange Year At Uber," *Susan Fowler Blog*, Feb. 19, 2017, <http://tinyurl.com/j5vwzhu>. The engineer whose complaints about sexual harassment led to the dismissal of Uber founder and CEO Travis Kalanick alleges that the ride-sharing service ignored the sexual harassment claims that she and other women made against a high-performing manager.

Kim, Crystal, Leslie P. Norton and Lauren R. Rublin, "Sexual Harassment Is Becoming a Serious Investment Threat," *Barron's*, Nov. 4, 2017, <http://tinyurl.com/yablmsa>. A trio of *Barron's* columnists explores the struggle that companies with sexual harassment scandals face when it comes to raising money and staying in business.

Reports and Studies

"Harassment-Free Workplace Series: A Focus on Sexual Harassment," *Society for Human Resource Management*, Jan. 31, 2018, <http://tinyurl.com/ycwxdho>. The world's largest organization for human resource professionals presents findings from a yearlong survey of its members about sexual harassment in the workplace.

Feldblum, Chai R., and Victoria A. Lipnic, "Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic," U.S. Equal Employment Opportunity Commission, June 2016, <http://tinyurl.com/y8xux2gn>. Two Equal Employment Opportunity Commission members summarize the recommendations of a task force on workplace harassment.

McLaughlin, Heather, Christopher Uggen and Amy Blackstone, "The Economic and Career Effects of Sexual Harassment on Working Women," *Gender & Society*, June 2017, <http://tinyurl.com/y8vbjmm6>. Three sociology professors say women who experience sexual harassment early in their careers are likely to quit their jobs and change their professions as a result.

Parramore, Lynn, "\$MeToo: The Economic Cost of Sexual Harassment," *Institute for New Economic Thinking*, January 2018, <http://tinyurl.com/ydx6zjhe>. A senior research analyst for a research organization surveys the findings of studies and reports on sexual harassment's financial impact on businesses, the government and women.

The Next Step

Arbitration Clauses

Gershman, Jacob, "As More Companies Demand Arbitration Agreements, Sexual Harassment Claims Fizzle," *The Wall Street Journal*, Jan. 25, 2018, <https://tinyurl.com/ybnzmgp4>. The percentage of nonunion private-sector employees covered by mandatory arbitration clauses has doubled since the early 2000s, and many workers covered by such clauses wind up dropping harassment claims. One reason is that lawyers are reluctant to take cases that go to an arbitration panel rather than a court.

Thomsen, Jacqueline, "AGs demand Congress end mandatory arbitration in sexual harassment cases," *The Hill*, Feb. 13, 2018, <https://tinyurl.com/y6we6bku>. The attorneys general from all 50 states, the District of Columbia and five U.S. territories have demanded that Congress pass legislation to end mandatory arbitration in sexual harassment cases.

Wingfield, Nick, and Jessica Silver-Greenberg, "Microsoft Moves to End Secrecy in Sexual Harassment Claims," *The New York Times*, Dec. 19, 2017, <https://tinyurl.com/y75l259m>. Microsoft has ended mandatory arbitration in employee sexual harassment cases and announced its support for federal legislation that would ban agreements requiring arbitration in such cases.

#MeToo

Hendrix, Steve, Ellie Silverman and Marc Fisher, "Lunches, hugs, and break-room banter: Where are the new boundaries at work?" *The Washington Post*, Jan. 28, 2018, <https://tinyurl.com/yap9tdan>. In the wake of the #MeToo movement, some people are struggling to navigate the differences between sexual harassment and friendly interaction in the workplace.

Marotti, Ally, "#MeToo revelations have made workplace romances complicated for employers," *Chicago Tribune*, Feb. 13, 2018, <https://tinyurl.com/y99msz5s>. More employers now require co-workers in new relationships to complete "love contracts," also known as "consensual romance in the workplace agreements."

Smartt, Nicole, "Sexual Harassment In The Workplace In A #MeToo World," *Forbes*, Dec. 20, 2017, <https://tinyurl.com/ycqflyhr>. Supervisors should heighten vigilance to potential signs of sexual harassment in the workplace in the aftermath of the #MeToo movement, advises the co-owner and vice president of Star Staffing, a California-based employment firm.

Organizations

Alteristic

7955 Cameron Brown Court, Springfield, VA 22153
1-571-319-0354
www.alteristic.org

A nonprofit that develops training programs and strategies for prevention of sexual assault and harassment, community mobilization, bystander intervention and response versus prevention.

Center for American Progress

1333 H St., N.W., 10th Floor, Washington, DC 20005
1-202-682-1611
www.americanprogress.org

Liberal institute that develops policy ideas, seeks to promote media coverage of important issues and works to shape national debate.

Center for Workplace Compliance

1501 M St., N.W., Suite 400, Washington DC 20005
1-202-629-5650
www.eeac.org

Advises member companies on compliance with equal employment opportunity and affirmative action regulations.

Employers Council

175 W. 200 South, Suite 2005, Salt Lake City, UT 84101
1-801-364-8479
www.employerscouncil.org

Membership organization with six Western locations that supplies companies with attorneys, human resource professionals, researchers, trainers, investigators and other specialists.

Equal Rights Advocates

1170 Market St., Suite 700, San Francisco, CA 94102
1-415-621-0672
www.equalrights.org

A nonprofit legal organization dedicated to protecting and expanding economic and educational access and opportunities for women and girls.

Institute for Women's Policy Research

200 18th St., N.W., Suite 301, Washington, DC 20036
1-202-785-5100
www.iwpr.org

Promotes women's issues and polices to strengthen families and communities.

Office for Civil Rights, U.S. Department of Education

400 Maryland Ave., S.W., Washington, DC 20202
1-800-421-3481
<https://www2.ed.gov/about/offices/list/ocr/index.html>

The federal agency that enforces Title IX, which forbids discrimination based on sex in education.

U.S. Equal Employment Opportunity Commission

131 M St., N.E., Washington, DC 20002
1-800-669-4000
www.eeoc.gov

The federal agency that enforces workplace sexual harassment laws.

Notes

[1] Chai R. Feldblum and Victoria A. Lipnic, "Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic," U.S. Equal Employment Opportunity Commission, June 2016, <https://tinyurl.com/y8xux2gn>.

[2] "Facts About Sexual Harassment," U.S. Equal Employment Opportunity Commission, undated, <https://tinyurl.com/j5stxbv>.

[3] "Sexual Assault," U.S. Department of Justice, undated, <https://tinyurl.com/o4nld48>.

[4] "Harassment-Free Workplace Series: A Focus on Sexual Harassment," Society for Human Resource Management, Jan. 31, 2018,

- <http://tinyurl.com/y7kw3zng>; Susan Fowler, "Reflecting On One Very, Very Strange Year At Uber," Susan Fowler Blog, Feb. 19, 2017, <http://tinyurl.com/zgo4yh7>.
- [5] "Harvey Weinstein scandal: Who has accused him of what?" BBC, Dec. 20, 2017, <https://tinyurl.com/yagq6mrx>.
- [6] Samantha Cooney, "Here Are All the Public Figures Who've Been Accused of Sexual Misconduct After Harvey Weinstein," Time, Jan. 26, 2018, <https://tinyurl.com/yc59cs6v>.
- [7] Feldblum and Lipnic, op. cit.
- [8] Louise Radnofsky, "Poll: 48% of Employed Women Say They Have Been Sexually Harassed at Work," The Wall Street Journal, Oct. 30, 2017, <https://tinyurl.com/yascecoj>.
- [9] Jocelyn Frye, "Not Just the Rich and Famous," Center for American Progress, Nov. 20, 2017, <https://tinyurl.com/y9cxnsrk>.
- [10] "Harassment-Free Workplace Series," op. cit.; Feldblum and Lipnic, op. cit.
- [11] Ashley Parker, "Karen Pence is the vice president's 'prayer warrior,' gut check and shield," The Washington Post, March 28, 2017, <https://tinyurl.com/y98redjl>.
- [12] Feldblum and Lipnic, op. cit.
- [13] Kevin McCoy, "Sexual harassment: Here are some of the biggest cases," USA Today, Oct. 25, 2017, <http://tinyurl.com/ybnt97w8>.
- [14] Jeremy Barr, "Employee Resigns Amid Vox Media Sexual Harassment Investigation," The Hollywood Reporter, Nov. 3, 2017, <https://tinyurl.com/yclnmozv>; Polina Marinova, "10 Things You Need to Know From Eric Holder's Uber Report," Fortune, June 13, 2017, <https://tinyurl.com/yd6rd68e>.
- [15] "Harassment-Free Workplace Series," op. cit.
- [16] Jena McGregor, "After sexual harassment cases, Fidelity's CEO has moved her office close to fund managers," The Washington Post, Nov. 22, 2017, <https://tinyurl.com/y9xp6249>.
- [17] Jena McGregor, "This tech entrepreneur has a novel policy to deter sexual harassment," The Washington Post, Aug. 3, 2017, <https://tinyurl.com/y89yvqyb>.
- [18] Elizabeth Dwoskin, "Shareholders press Twitter and Facebook to act on fake news, hate speech and sexual harassment," The Washington Post, Jan. 11, 2018, <https://tinyurl.com/yavjafjf>.
- [19] Megan Garber, "Why Was Bill O'Reilly Really Fired?" The Atlantic, April 19, 2017, <https://tinyurl.com/yclr4cl6>.
- [20] Crystal Kim, Leslie P. Norton and Lauren R. Rublin, "Sexual Harassment Is Becoming a Serious Investment Risk," Barron's, Nov. 4, 2017, <https://tinyurl.com/yd7aowhg>.
- [21] Ibid.
- [22] Feldblum and Lipnic, op. cit.
- [23] Heather Boshak and Robert Epstein, "The Affirmative Defense to a Vicarious Liability Sexual Harassment Claim," New Jersey Law Journal/Fox Rothschild LLP, April 7, 2008, <http://tinyurl.com/y8tk8tfa>.
- [24] Frank Dobbin and Alexandra Kalev, "Training Programs and Reporting Systems Won't End Sexual Harassment. Promoting More Women Will," Harvard Business Review, Nov. 15, 2017, <http://tinyurl.com/y8me883o>.
- [25] Lynn Parramore, "\$MeToo: The Economic Cost of Sexual Harassment," Institute for New Economic Thinking, January 2018, <https://tinyurl.com/ydx6zjhe>.
- [26] Kim, Norton and Rublin, op. cit.
- [27] Ibid.