

KEY FINDINGS OF THE SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE

REPORT OF THE CO-CHAIRS OF THE EEOC SELECT TASK FORCE
ON THE STUDY OF HARASSMENT IN THE WORKPLACE

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KEY FINDINGS

OF THE SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE

REPORT OF THE CO-CHAIRS OF THE EEOC SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE

The Equal Employment Opportunity Commission (EEOC), the federal agency charged with enforcing federal labor laws that prohibit workplace discrimination, released findings from a year-long look into harassment in the workplace. The Select Task Force on the Study of Harassment in the Workplace was created in January 2015 and invited 16 people to participate as members who represent a wide range of interests including employers, organized labor, employee advocacy groups, academics, and attorneys. A complete list of the Task Force members and their organizational affiliations is available on pages 1-2 of the report.

To learn more about the EEOC, visit <https://www.eeoc.gov/> or to learn more about the Select Task force on the Study of Harassment in the Workplace, visit https://www.eeoc.gov/eeoc/task_force/harassment/.



From April 2015 through June 2016, the Task Force held a series of meetings at different locations throughout the country. Testimony was presented by more than 30 witnesses over the course of the year. The Task Force received numerous public comments that reflected, in the words of the report, “a broad diversity of experience, expertise, and opinion” (p.1).

In addition to testimony providing first-person experiences of harassment and expert testimony, staff from the Task Force conducted a wide-ranging literature review on different aspects of harassment that would contribute to providing the most comprehensive picture of workplace harassment as was currently possible.

The EEOC defines harassment as a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA). It is further defined as “unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national

origin, age (40 or older), disability or genetic information.” Conduct is illegal when:

- it becomes a condition of continued employment
- the conduct is severe or pervasive enough to create a work environment that would be intimidating, hostile, or offensive to reasonable people
- it is in retaliation for filing a discrimination charge, testifying, or participating in an investigation, or opposing discriminating employment practices (EEOC, n.d.a)

There are also limits to who is covered under these laws and time limits to when someone may file a charge.

The stated focus of the Task Force, however, was ultimately toward prevention. To that end, the report offers a wide-ranging set of recommendations that go beyond issues such as enforcement or liability, and instead approach workplace harassment with a comprehensive prevention lens.

KEY FINDING: Workplace harassment remains a persistent problem.

Almost one third of the approximately 90,000 charges received by EEOC in fiscal year 2015 included an allegation of workplace harassment. This includes, among other things, charges of unlawful harassment on the basis of sex (including sexual orientation, gender identity, and pregnancy), race, disability, age, ethnicity/national origin, color, and religion. The data below reflects the breakdown of charge by each protected class from employees working for *private employers or state and local government*:

- 45% alleged harassment on the basis of sex;
- 34% alleged harassment on the basis of race;
- 19% alleged harassment on the basis of disability;
- 15% alleged harassment on the basis of age;
- 13% alleged harassment on the basis of national origin; and
- 5% alleged harassment on the basis of religion (p.7).

Below is the same breakdown of charges by *federal employees* alleging harassment in fiscal year 2015:

- 36% alleged harassment on the basis of race;
- 34% alleged harassment on the basis of disability;
- 26% alleged harassment on the basis of age;

- 12% alleged harassment on the basis of national origin;
- 7% alleged harassment on the basis of sex; and
- 5% alleged harassment on the basis of religion (p.7).

Since filed charges received by the EEOC reflect only a portion of the harassment behaviors that could actually be happening, the Task Force looked to other empirical data on workplace harassment to learn more.

Starting with prevalence data that exists for any of the protected classes, the Task Force found sex-based harassment to be most studied by researchers to date — not only for prevalence data but in all of the other dimensions of workplace harassment that are discussed in the report.

According to the EEOC, it is unlawful to either discriminate against or harass a person because of their sex. Sexual harassment can include behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature (EEOC, n.d.b). Sexual harassment is not limited to behaviors only of a sexual nature. It also includes offensive remarks about a person's sex. Anyone of any sex, sexual orientation, or gender identity can be a victim or a harasser. The victim and the harasser can also be of the same sex, sexual orientation, and/or gender

Protected class: Those groups protected from employment discrimination by law. These include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps. Every U.S. citizen is a member of some protected class, and is entitled to the benefits of EEO law. However, the EEO laws were passed to correct a history of unfavorable treatment of women and minority group members (EEOC, n.d.a). To learn more about each type of harassment visit: <https://www.eeoc.gov/laws/types/>

identity (EEOC, n.d.b; EEOC, n.d.c).

In the literature review of published studies on sex-based harassment, the report found wide variations between prevalence rates, ranging from 25% to 85% of women who report experiencing workplace sexual harassment. The Task Force accounted for these variations reflective of different study methodology that included: 1) who was being asked the questions, and 2) how the questions about workplace harassment were being asked.

First, they noted the differences between prevalence rates based on the sample of people who were surveyed. One in four women (25%) reported experiencing “sexual harassment” in the workplace — a percentage consistent across randomly representative samples. The percentage rises to 50% where researchers used convenience samples, defined as surveys measuring respondents that are “convenient to the researcher, e.g., student volunteers or respondents from one organization” (p. 8).

How questions were asked of the respondents mattered. When respondents were asked about “sexual harassment” without having the term defined by researchers, prevalence rates were lower than when respondents were asked about specific sexually based behaviors they may have experienced. In their review of prior studies, the EEOC found that prevalence rates of sexual harassment when respondents were asked behavioral-based questions ranged from 40% to 75%. The Task Force noted researchers (Magley, Hulin, Fitzgerald, & DeNardo, 1999) have concluded that people view behaviors as problematic or offensive even if they don’t label them as “sexual harassment” (p. 9).

(Ed. Note: This is not unlike other forms of sexual violence where researchers have found that using a particular label such as ‘rape’ to describe a behavior may cause people to

not endorse the word, but if asked about the specific behavioral actions that define the term, participants may provide a different response. For further discussion of this phenomenon, see Fisher, Cullen, & Turner, 2000; Holmes, 2007; Senn, Carey, & Courey-Doniger, 2011; Vaillancourt-Morel et al., 2016; Wilson & Miller, 2016).

Regardless of whether people endorse a particular term or label for this behavior, research cited by the Task Force (Magley et al, 1999; Munson, Miner, & Hulin, 2011) suggests people victimized still experience the negative consequences: “whether or not a woman considers her experience to constitute sexual harassment, she experiences similar negative psychological, work, and health consequences” (p. 10).

The report noted significantly less research available on other protected bases of workplace harassment. For example, finding research studies on behaviors for race- and ethnicity-based harassment alone proved difficult as most studies failed to distinguish between harassment and other forms of discrimination (p. 8). Results that were found for other prevalence data can be viewed on pages 11-14.

In light of the scarcity of additional empirical data, the Task Force made the following observation:

“The bottom line is that there is a great deal we do not know about the prevalence of harassment that occurs because of an employee’s race, ethnicity, religion, age, disability, gender identity, or sexual orientation. This is so, despite the fact that there is no shortage of private sector charges and federal sector complaints that are filed claiming harassment on such grounds. We hope that an outcome of this report will be a particular focus by funders and researchers on collecting better prevalence data on harassment based on these additional characteristics” (p. 14).

KEY FINDING: Workplace harassment too often goes unreported.

"...based on the empirical data, the extent of non-reporting is striking" (p.15).

Challenging the notion that many individuals seek legal relief after workplace harassment, the Task Force found evidence suggesting quite the opposite, noting "...based on the empirical data, the extent of non-reporting is striking" (p. 15).

Looking again at sex-based harassment, the report cited findings by researchers (Cortina & Berdahl, 2008) comparing multiple studies on sexual harassment, and found the most common responses of those victimized were:

- avoid the harasser (33% to 75%);
- deny or downplay the gravity of the situation (54% to 73%); and/or
- attempt to ignore, forget, or endure the behavior (44% to 70%) (p.15).

Based on this same data, the most common response of women who experience harassment is to turn to family members, friends, and

colleagues. The least common response of men or women is to take formal action by reporting the harassment internally at their workplace or filing a formal legal complaint (p. 16). In fact, the report noted that this research found "approximately 70% of individuals or three out of four individuals who experienced harassment never even talked with a supervisor, manager, or union representative about the harassing conduct" (p. 16).

Expert testimony (Cortina, 2015) suggested that an employee's decision to not file a complaint or report harassing behavior is because victims anticipate a range of negative reactions including:

- disbelief of their claim;
- inaction on their claim;
- fear of blame for causing the offending actions;
- social retaliation (including humiliation and ostracism); and
- professional retaliation, such as damage to their career and reputation.

The Task Force went on to suggest those fears may be well-founded, citing research (Cortina & Magley, 2003) that found 75% of employees who spoke out against workplace mistreatment faced some form of retaliation (p. 16). Other research (Bergman, Langhout, Palmieri, Cortiha, & Fitzgerald, 2002) found "reporting is often followed by organizational indifference or trivialization of the harassment complaint as well as hostility and reprisals against the victim" (p. 17).



KEY FINDING: There is a compelling business case for stopping and preventing harassment.

The Task Force noted that in 2015, EEOC alone recovered \$164.5 million for workers alleging harassment and that was just direct, quantifiable costs. There is a clear business case to be made for preventing sexual harassment that recognizes not just the direct financial costs associated with legal action, but the demoralizing atmosphere that is created and the burdens borne by those who experience, and witness, workplace harassment.

Direct costs:

From 2010 - 2015, employers have paid out \$698.7 million to employees alleging harassment through the Commission's pre-litigation process alone (p. 18). The Task Force found one estimate of settlement payments and court judgments in 2012 alone was over \$356 million and the largest sexual harassment jury award in 2012 was \$168 million (eBossWatch, 2012).

The financial liabilities that can be incurred as well as damaging publicity that can result from legal actions are obvious risks to an employer's reputation and bottom line. A hostile workplace can also lead to an inability to attract employees and/or retain its current employees or customers (p. 24).

Power and privilege can play a primary role in workplace harassment. For example, the Task Force highlights what they call the "Superstar Harasser." This is someone who by some measure within their workplace, e.g., income-generating ability, reputation, public sentiment, or other measure, assumes an elevated sense of privilege that can become a breeding ground for harassment (p. 24). Different expectations may lead this person to believe the rules do not apply to them. Employers may feel conflicted in addressing problematic behavior with this

individual fearing potential risk in alienating or losing someone they believe contributes significant value to their organization. The Task Force, however, cautioned employers against the "binary thinking that weighs the productivity of a harasser solely against the costs of his or her being reported" (p. 24). Employers should consider the negative impact of toxic employees as well as productivity or value to the organization. "No matter who the harasser is," the report argues, "the negative effects of harassment can cause serious damage to a business," noting reputational costs alone can have serious consequences (p. 24).

Indirect costs:

Regardless of whether legal action is pursued, the indirect costs that can incur are just as real and damaging. The report outlines multiple personal harms experienced by those who are victimized (pp. 20-22) as well as by those who witness harassment. These harms can cost employers through decreased productivity, increased turnover, and reputational damage (p. 20).

Psychological effects, for example, are often experienced by victims and can include anger, depression, disgust, emotional exhaustion, and drug or alcohol abuse. Physical health effects were found to include headaches, sleep problems, and others (p. 21).

Bystanders to workplace harassment are also impacted. Employees — both female and male — who observed hostility directed to female employees were more likely to experience lower psychological wellbeing, according to researchers (p. 21). Employees who are not targets themselves of workplace harassment may voice concern for the victim, workplace



unfairness, as well as fear of becoming the next target (p. 21).

Finally, the report notes the most costly outcome to organizations is employee turnover. “Some have hypothesized that turnover costs are the largest single component of the overall cost of sexual harassment” (p. 22).

An additional area that employers may be interested in learning more about is workplace risk factors for harassment. Noting that research studies often focus on individual characteristics either of those who act out offending behaviors or those who become victims of harassment, the Task Force instead looked to available empirical data as well as expert testimony to help identify environmental or organizational conditions that could increase the likelihood of workplace harassment occurring. Some of the organizational conditions they listed include:

- lack of diversity in the workplace; yet also cultural and language difference in the

workplace (under different conditions);

- workforces with young workers;
- those with significant power disparities;
- “high value” employees; and
- “coarsened” social discourse outside the workplace.

Many workplaces have one or more of the above risk factors present, and these characteristics don't in and of themselves cause harassment (p. 30). But the Task Force recommends that employers should maintain “situational awareness” and consider proactive action to address any particular risk factor(s) that makes their workplace more susceptible to harassment behaviors. Readers can find this discussion and additional considerations on pages 25-30. The report also includes a chart of risk factors and possible responses for employers as an appendix.

PREVENTING WORKPLACE HARASSMENT

KEY FINDING: It starts at the top — leadership and accountability are critical.

“The importance of leadership cannot be overstated — effective harassment prevention efforts, and workplace culture in which harassment is not tolerated, must start with and involve the highest level of management of the company” (p. v).

The report states in plain terms: “Organizational cultures that tolerate harassment have more of it and workplaces that are not tolerant of harassment have less of it” (p. 32).

Several points of discussion are worth noting in addition to the following recommendations. The report stresses that a commitment to an inclusive and respectful workplace is not in and of itself enough. Leadership must ensure accountability mechanisms are in place throughout the organization to hold employees responsible for their actions. This includes mid-level and front-line managers responsible for their part in monitoring and stopping harassment.

An organization’s commitment to a harassment-free workplace, the report notes, is not “driven by a compliance mindset but is part of an overall diversity and inclusion strategy” (p. 31). The culture is driven by values that start with believing all employees deserve respect regardless of race, class, religion, sex, or any of the protected bases where people may differ. That commitment must be seen as authentic in both the formal and informal culture of a workplace. Management must demonstrate this commitment through time and money dedicated to both appropriate response and prevention efforts. This includes rewarding and incentivizing behaviors such as acknowledging well-handled complaints by managers as well as holding accountable those who may not respond appropriately (p. 35).

Recommendations on leadership and accountability

- Employers should foster an organizational culture in which harassment is not tolerated, and in which respect and civility are promoted. Employers should communicate and model a consistent commitment to that goal.
- Employers should assess their workplaces for the risk factors associated with harassment and explore ideas for minimizing those risks.
- Employers should conduct climate surveys to assess the extent to which harassment is a problem in their organization.
- Employers should devote sufficient resources to harassment prevention efforts, both to ensure that such efforts are effective and to reinforce the credibility of leadership’s commitment to creating a workplace free of harassment.
- Employers should ensure that where harassment is found to have occurred, discipline is prompt and proportionate to the severity of the infraction. In addition, employers should ensure discipline is consistent and does not give (or create the appearance of) undue favor to any particular employee.
- Employers should hold mid-level managers and front-line supervisors accountable for preventing and/or responding to workplace harassment, including through the use of



metrics and performance reviews.

- Should employers have a diversity and inclusion strategy and budget, harassment prevention should be an integral part of that strategy (pp. 66-67).

Recommendations on policies and procedures

Policies regarding harassment, including reporting procedures, the course of investigations, and corrective actions are all components of a comprehensive effort to address harassment.

The most basic starting point for all employers is to have a stated policy against harassment that sets forth the behaviors that will not be accepted in the workplace and the procedures to follow in reporting and responding to harassment.

Employers should:

- adopt and maintain a comprehensive anti-harassment policy that prohibits harassment based on sex, race, disability, age, national origin, or religion. The policy should extend to social media and should establish clear

procedures for reporting and dealing with harassing behaviors.

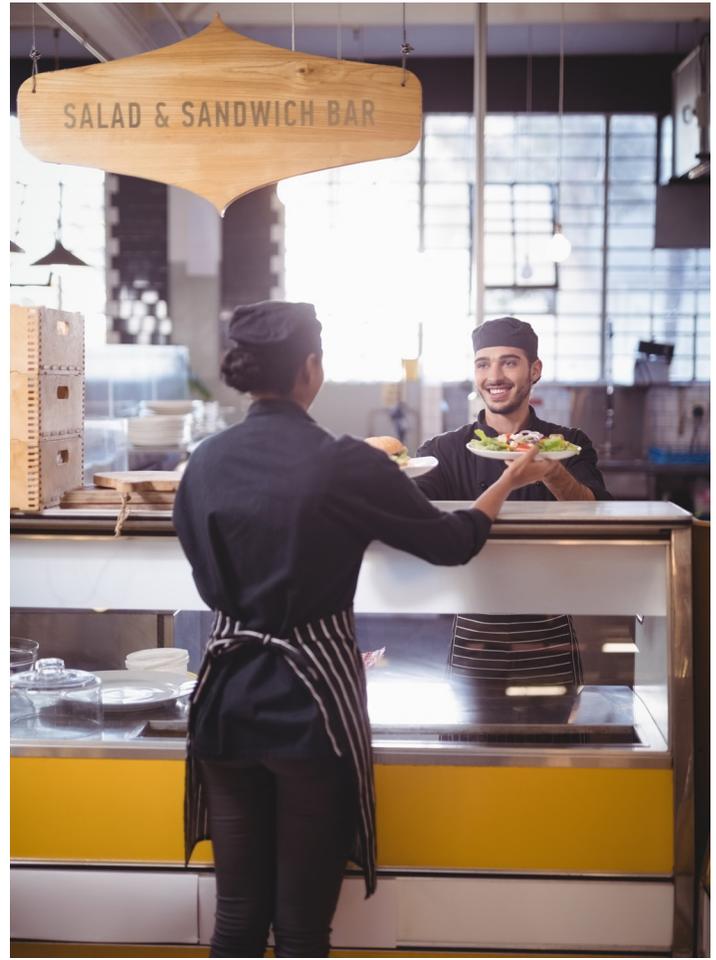
- communicate frequently and in a variety of forms the organization's anti-harassment policy, how to make a complaint of harassment, and how to report observed harassment.
- be alert for and take steps to ensure retaliation against an employee who reports harassment does not occur.
- periodically test the reporting system to make sure it is working.
- devote sufficient resources so that workplace investigations are prompt, objective, and thorough. While confidentiality or anonymity may not always be possible, investigations should be kept as confidential as possible.
- offer employees the ability to report harassment in multiple ways and provide multiple points of contact. The Task Force heard broad support for multiple reporting options including choices of procedures as well as choices among "complaint handlers" that

could include multi-lingual complaint hotlines, web-based submissions, and others.

- disciplinary action for harassment must be proportionate to the offense. Noting they heard from witnesses who told them that weak responses can be viewed as affirming the behaviors, “zero tolerance” policies can convey a one-size-fits-all policy that could backfire. Termination, for example, may be an appropriate response for demanding sexual favors in return for a promotion, but probably not appropriate for the first-time telling of a sexist joke. This could in fact, contribute to employees not reporting harassment, particularly when the person targeted does not want a co-worker to lose their job over relatively minor harassing behavior — they just want the behavior to stop.
- consider working with other employers to allow researchers to access workplaces to research the effectiveness of policies, reporting systems, investigative procedures, and corrective actions put into place by those employers. Working with other businesses would allow research data to be aggregated in a manner that would not identify individual employers (pp. 40-44).

The EEOC should:

- work with other federal agencies to ensure confidentiality of workplace investigations and policies regarding the regulation of social media usage of employees meets all federal regulations. When appropriate, EEOC should seek settlement agreements with employers where policies, complaints, or investigative procedures implemented to resolve a charge or lawsuit are in line with the Task Force’s recommendations.
- seek as part of its settlement agreements with employers an agreement that researchers



will be allowed to work with the employer in assessing the impact and efficacy of the policies, reporting systems, investigative procedures, and corrective actions put into place by that employer, whenever this is appropriate (pp. 43-44).

In unionized workplaces, the ***labor union should:***

- ensure that its own policy and reporting system meet the principles outlined in this section (p. 43).

Finally, the Task Force acknowledged that reports of harassment after policy changes may increase but cautioned against using that number as a sole measurement of success in addressing workplace harassment. Higher numbers of complaints initially can reflect an increased willingness of those victimized to come forward (p. 36).

KEY FINDING: Training must change.

“...effective training cannot occur in a vacuum — it must be part of a holistic culture of non-harassment that starts at the top” (p. v).

The Task Force recommends a two-pronged training strategy:

Anti-harassment compliance training
PLUS

Workplace civility and bystander training

Anti-harassment compliance training

Compliance training is generally recognized as the most prevalent type of training that organizations use to teach employees about workplace harassment. The report noted that compliance training for many workplaces has often come about as a result of legal mandates or prior EEOC conciliation agreements (p. 44).

As compliance training is one of the principal mechanisms organizations use as a way to prevent harassment, the Task Force looked for evaluation data on effectiveness but found limited studies that could be representative. Based on expert testimony and empirical data (however limited), the Task Force concluded that:

“...deficiencies notwithstanding, based on the practical and anecdotal evidence we heard from employers and trainers, we conclude that training is an essential component of an anti-harassment effort. However, to be effective in stopping harassment, such training cannot stand alone but rather must be part of a holistic effort undertaken by the employer to prevent harassment that includes the elements of leadership and accountability described above (emphasis added). In addition, the training must have specific goals and must contain certain components to achieve those goals”(p. 45).

Two key components to successful training include:

Content

Compliance training educates employees about the types of behavior or conduct that are not acceptable in the workplace — for example, forms of sexual conduct that are unwelcome and offensive to women. The report noted specifically that effective trainings should:

- be tailored to the specific contexts of each workplace using examples and scenarios that realistically involve situations from the specific workplace.
- focus on behavior that is unacceptable in the workplace, not just the legal standards where the behavior becomes legally actionable.
- clarify what conduct is, and is not, harassment. For example, it's not harassment for a supervisor to tell an employee that their job performance is not adequate, nor is a random compliment (in the absence of other factors).
- educate employees about their rights and responsibilities if they experience behaviors that are not acceptable as defined by their employer.
- inform employees about how the formal complaint process works, confidentiality provisions in place, and assurances of no retaliation (p. 50).

Structure

The Task Force suggests employers pay attention to how trainings are structured and suggests:

- training should be supported at the highest levels within organizations;
- training should be reinforced on a regular basis — although not by routine exercises, but varied and dynamic in content and style.
- training should be conducted by qualified, in-person trainers. If in-person training presents a difficulty such as cost or location of employees, online or video-based training should be tailored to specific workplaces or workforces and designed to include active engagement by participants.
- training should be evaluated routinely for effectiveness. (pp. 52-53).

In addition to incorporating the above principles

into their training efforts, employers should also allocate sufficient resources to train middle-management and first-line supervisors on how to respond effectively to harassment. This includes harassment that they observe, is reported to them, or they have knowledge or information about. Supervisors should be responding to harassment before it reaches a legally-actionable level (p. 53).

The Task Force also made recommendations directed to the EEOC including: developing a resource guide for employers that contains checklists and training modules for compliance trainings; reviewing and updating their own anti-harassment compliance training modules used in trainings; and education programs using the content and structural recommendations highlighted above.

KEY FINDING: New and different approaches to training should be explored.

“In short, an organization’s commitment to a harassment-free workplace must not be based on a compliance mindset, and instead must be part of an overall diversity and inclusion strategy” (p. 31).

The Task Force heard testimony regarding several new models of training that could show promise for harassment prevention. These include bystander intervention training, which aims to empower bystanders by giving them tools to intervene when they witness troublesome behavior, and workplace civility training, which focuses on promoting respect and civility in the workplace generally.

Workplace civility and bystander intervention training

Noting various research studies that suggest uncivil behaviors can often “spiral” into harassing behaviors and create a climate of general derision and disrespect, the Task Force suggests investing in training that can shape a positive organizational

culture (p. 55). Two types of training that show promise in improving organizational culture are workplace civility training and bystander intervention training.

“...we know from the research that organizational culture is one of the key drivers of harassment” (p. 54).

The Task Force characterizes workplace civility training as promoting respect and civility in the workplace. Civility trainings are different from compliance trainings in that compliance training focuses largely on eliminating unwelcome behavior based on protected class attributes while civility training often includes skills-based training that targets areas such as conflict resolution, effective



supervision, and interpersonal skills training (p. 54). It focuses on the positive — “what employees and managers should do rather than what they should not do” (p. 55). While acknowledging this type of training has yet to be rigorously evaluated as a harassment prevention tool, they believe it could be an important complement to compliance training.

Bystander training is another potential strategy the Task Force is suggesting to workplaces. Currently less common as workplace training, bystander training is increasingly visible as a strategy on college campuses to prevent sexual assaults.

Bystander intervention training could help employees identify unwelcome and offensive behavior; create a sense of responsibility on the part of employees to “do something” and not stand by; give employees the skills and confidence to intervene in some manner to stop harassment; and demonstrate the employer’s commitment to empowering employees to act (p. 57). While acknowledging a lack of research evaluating the effectiveness of bystander training as a workplace harassment prevention

strategy, the Task Force believes in the potential of this strategy to positively impact an organization’s culture (p. 58).

The Task Force recommends:

- employers consider including workplace civility training and bystander intervention training as part of a holistic harassment prevention program.
- EEOC work with other federal agencies to clarify what would be permissible in workplace civility codes under federal statutes.
- researchers assess the impact of workplace civility training on reducing the level of harassment in the workplace.
- EEOC work with experts on sexual assault bystander intervention training to develop and evaluate a bystander intervention training module for reducing harassment in the workplace.
- EEOC, where appropriate and as a best practice, seek as part of its settlement agreements that researchers will be allowed to work with the

employer in assessing the efficacy of workplace civility training and/or bystander intervention training on reducing workplace harassment.

- multiple employers should consider coming together to offer researchers access to their workplaces. Allowing researchers to study multiple employers would allow them to gather data that is not identifiable to any one individual employer (pp. 59-60).

Outreach: Getting the word out

The Task Force noted a significant amount of time was spent discussing outreach and education efforts that would be useful to informing workers about their rights as well as educating employers to better understand their responsibilities to their workers. They noted that EEOC is updating its *Enforcement Guidance on Harassment* and is proposing to upgrade the technology of its website, including making the site accessible in a number of languages (p. 62).

They also noted that to reach everyone who should be reached with information and resources, other organizations in addition to EEOC should be involved.

The Task Force suggested the following:

- EEOC should develop additional resources and user-friendly guides on workplace harassment for both employers and employees accessible on mobile devices.
- Other organizations including non-profit groups should develop educational materials designed for employers to explain the business case for strong harassment prevention cultures, policies, and procedures.
- Non-profit organizations (including employee advocacy organizations, business membership associations, and labor unions) should develop both written and creative materials such as videos, posters, etc. for employees

to understand their rights and employers to understand their responsibilities.

- EEOC should ensure that a range of EEOC resources to prevent and respond to workplace harassment appear high on the list of results returned by search engines so people have easy access to resources (p. 62).

**To learn more about EEOC's Enforcement Guidances and Related Documents, visit:
https://www.eeoc.gov/laws/guidance/enforcement_guidance.cfm**

Young workers

As a result of hearing testimony on the particular impact of harassment on youth, especially those just starting out in the workforce, the Task Force recommends a targeted effort be made to educate this group of workers about their rights — specifically “...to work in an environment free from harassment, intimidation, and /or discrimination...” (p. 63). Some members of the Task Force and other witnesses stressed the importance of reaching youth before they enter the workplace (p. 63).

Commending the Youth@Work national initiative that EEOC launched in 2004 as an outreach and education campaign targeted to young workers, the Task Force made the following recommendations:

**To learn more about the EEOC Youth@Work Initiative, visit:
<https://www.eeoc.gov/youth/>**

- EEOC should update its Youth@Work initiative and update the website to include more about workplace harassment.
- Colleges and high schools should incorporate

workplace harassment into their school-based anti-bullying and anti-sexual assault programs.

- EEOC should partner with web-based educational websites, such as Khan Academy or YouTube channels that have a large youth following, to

develop content around workplace harassment.

- EEOC should work with youth to help educate their peers on workplace harassment by establishing a contest for youth to design videos or apps on workplace harassment (pp. 63-64).

KEY FINDING: *It's On Us.*

“Harassment in the workplace will not stop on its own” (p. 64)

Finally, the Task Force proposed a public outreach initiative patterned after the successful effort that was initiated for campus sexual violence called *It's On Us*. The *It's On Us* campaign grew out of the White House Task Force to Protect Students from Sexual Assault begun in 2014 to develop a multipronged approach to address campus sexual assault.

It's On Us aimed to fundamentally shift the way people think about sexual assault from the belief that this is about a crime committed by a perpetrator against a victim, to one which the whole community feels empowered to prevent. The EEOC Task Force would like to see workplace harassment transformed similarly: moving from a focus on targets, harassers, and legal compliance to one where all employees, regardless of position,

feel empowered to change the workplace culture.

The EEOC Task Force suggests the three pillars of the *It's On Us* campaign — increasing bystander intervention, defining consent, and creating an environment to support survivors — can be adjusted to fit workplace anti-harassment efforts with a particular emphasis on bystander intervention. They embrace this bold goal and the potential results of patterning a workplace campaign using the multi-faceted approach of a public awareness campaign complemented with a strong organizing campaign. This strategy offers an invaluable opportunity to engage individuals in workplace harassment prevention on a level beyond any policy, procedure, or compliance training (pp.64-65).

To learn more about the White House Task Force to Protect Students from Sexual Assault, see <https://tinyurl.com/mupn9yh>

To learn more about the *It's On Us* campaign, see www.itsonus.org



Conclusion

This report of the Task Force on Workplace Harassment provides a call to action for all organizations, businesses, and employers to recognize and take steps to address and prevent workplace harassment. The specific strategies in the report provide a solid framework for an organization to begin building an effective response to harassment, or to update and revise a current one. There are several appendices included in the full report that could be useful to helping employers take stock of their current efforts including a chart of risk factors and possible responses for employers.

Especially promising is the acknowledgement that compliance training alone is not a solution. Thirty years of compliance training has not stopped workplace harassment. The Task Force emphasized multiple times their belief that workplace culture is a critical driver of employee behavior. Creating and fostering workplace cultures that are respectful and inclusive may contribute most to stopping harassment in all its forms for all employees.

For additional information, the full report contains rich discussion and details behind these recommendations. It is accessible from the EEOC website, along with minutes from the various Task Force meetings and testimony that informed this report at https://www.eeoc.gov/eeoc/task_force/harassment/index.cfm

PRIMARY SOURCE

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