

Sexual Harassment and the Workplace

This factsheet series explores how domestic violence, sexual assault, stalking, and harassment (DVSASH) impacts employees and the workplace. This factsheet defines sexual harassment, describes how to recognize it, and importantly, lists steps workplaces can take to better prevent and respond to sexual harassment in the workplace.

Sexual Harassment

Sexual harassment in the workplace is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Sexual harassment refers to both unwelcome sexual advances, or other visual, verbal, or physical conduct of a sexual nature and actions that create an intimidating, hostile, or offensive work environment based on an employee's sex. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser, and actions that subject co-workers to a hostile work environment.ⁱ

Prevalence

While a national survey of workplace sexual harassment does not currently exist, a 2018 survey found that 59 percent of women and 27 percent of men had experienced sexual harassment within or outside of the workplace.ⁱⁱ Of those who said they had experienced sexual harassment, 69 percent of women stated that they had been sexually harassed in a professional or work setting.ⁱⁱⁱ

A 2017 taskforce for the Equal Employment Opportunity Commission, estimated that, depending on sector, anywhere from 25 to 85 percent of women report having experienced sexual harassment.^{iv} Data from 2005 through 2015 found that the largest number of claims filed were from the accommodation and food services industries.^v Between 2018 and 2021, sexual harassment charges received by the EEOC were overwhelmingly

filed by women (78.2 percent). Further breakdown of relevant data indicates that concurrent charges of racialized discrimination and national origin discrimination disproportionately affected Black workers and Hispanic, respectively. Finally, 43.5 percent of sexual harassment charges filed were done so with a concurrent charge of retaliation.^{vi} While these data show that the problem is significant, the EEOC also estimates less than 14 percent of individuals experiencing harassment in the workplace file charges.^{vii}

Employees in some occupations and industries report higher rates of sexual harassment due to a number of risk factors such as a homogenous workforce, jobs that depend on customer service or client satisfaction, workplaces with “high value” employees, and isolated workplaces.^{viii} This includes hotel workers (58 percent report experiencing sexual harassment), restaurant workers (60 percent), casino workers (77 percent), women farmworkers (80 percent), and women in the construction trades (30 percent).^{ix}

It is not only the workplace sexual harassment that can impact the workplace. Sexual harassment happening in public spaces can have significant mental health and well-being impacts on the person experiencing the harassment, as well. Immediate work outcomes such as decrease in job satisfaction, work withdrawal, and deteriorating relationships with coworkers can impact all workers where sexual harassment is occurring.^x

Recognizing Sexual Harassment in the Workplace

Sexual harassment not only impacts the person being harassed, but also coworkers and the workplace as a whole. These impacts can be in the form of decreased productivity and safety, but can also lead to increased employee turnover, transfers, absences for the person experiencing harm and the person causing harm, as well as legal and financial costs for the workplace.^{xi}

Women are more likely

9x to quit

5x to transfer

3x to lose their job

due to experiencing sexual harassment at work

Responding to and Preventing the Impacts of Sexual Harassment on Employees

Employers have a crucial role in preventing and responding to the impact sexual harassment, and all forms of violence, has on employees and the workplace. Here are six steps every employer should take:

1. Create or update workplace policies

Address DVSASH in your workplace policies. Consider your codes of conduct, anti-bullying policies, leave policies,^{xii} workplace violence policies, investigation and disciplinary processes, and other relevant policies affecting people experiencing DVSASH.

For policy guidance, visit: <http://workplacesrespond.org>

2. Provide supports and accommodations

To mitigate the impacts DVSASH has on employees, be sure to provide reasonable accommodations, such as having a different work location or schedule and Employee Assistance Programs, to help support their safety and ability to work.

3. Understand the risk and protective factors

Certain industries and occupations have higher risk factors for sexual harassment; meaning that there are more opportunities for a coworker, supervisor, or other party to harass an individual. Some of these risk factors include working for tips where one's job and income rely on customer satisfaction where customers may feel they can exhibit unwanted advances or sexual conduct; working in an isolated context such as hotel housekeepers, domestic workers, janitors, and agricultural workers where the work is expected to be done alone; workplaces that are male-dominated, have a "high-value" employee,^{xiii} or have significant power differences between employees and supervisors; and working with a temporary visa or lacking legal immigration status as these situations may cause fear that the worker's immigration status might be at risk.^{xiv}

To learn more about risk and protective factors in the workplace from our Risk and Protective Factor Assessment, visit:
<http://workplacesrespond.org>

4. Raise awareness

Shame and stigma often prevent individuals from seeking support. By raising awareness and challenging myths around DVSASH, employers can demonstrate their commitment to supporting survivors, deter others from using employer resources (such as laptops, phones, or company vehicles), to harm others, and create an environment where coworkers and supervisors feel comfortable holding people causing harm accountable.

5. Train employees

Employees need to be aware of relevant workplace policies that address all forms of DVSASH what resources are available to support survivors, what their responsibilities are if they witness harassment, and how they can best support coworkers experiencing DVSASH.

For training guidance, visit: <http://workplacesrespond.org>

6. Create a culture of care

Above all, employees need to feel safe and supported in the workplace. By creating an environment in which all employees are treated with dignity and respect, employers can help to ensure that employees experiencing DVSASH don't have to suffer in silence and have access to the support and resources necessary to be safe at work.

To learn more about how to create a comprehensive workplace violence prevention and response program visit www.workplacesrespond.org.

Workplaces Respond provides technical assistance to workplace stakeholders seeking to better prevent and respond to domestic violence, sexual assault, stalking, and harassment impacting the workplace. Scan this QR code to access the Resource Center.



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ⁱ See California's Civil Rights Department from their definition of sexual harassment: https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2020/03/Sexual-Harassment-Fact-Sheet_ENG.pdf

ⁱⁱ Blazina, C. (2021). *Fast facts on views of workplace harassment amid allegations against New York Gov. Cuomo*. Retrieved <https://www.pewresearch.org/short-reads/2021/08/06/fast-facts-on-views-of-workplace-harassment-amid-allegations-against-new-york-gov-cuomo/>

ⁱⁱⁱ Ibid

^{iv} Chai Feldblum and Victoria Lipnic, "EEOC Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic," June 2016, https://www.eeoc.gov/eeoc/task_force/harassment/.

^v Frye, J. (2017). *Not Just the Rich and Famous: The Pervasiveness of Sexual harassment Across Industries Affects All Workers*. Retrieved from <https://www.americanprogress.org/article/not-just-rich-famous/>

^{vi} Sexual Harassment in Our Nation's Workplaces. Office of Enterprise Data and Analytics (OEDA) Data Highlight No. 2. U.S. Equal Employment Opportunity Commission (EEOC), Washington, DC, April 2022. Retrieved from <https://www.eeoc.gov/data/sexual-harassment-our-nations-workplaces>

^{vii} Smith, B. L. (2018, February 1). What it really takes to stop sexual harassment. *Monitor on Psychology*, 49(2). <https://www.apa.org/monitor/2018/02/sexual-harassment>

^{viii} Chai Feldblum and Victoria Lipnic, "EEOC Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic," June 2016,

^{ix} UNITE HERE Local 1. (2016). *Hands Off Pants On: Sexual Harassment in Chicago's Hospitality Industry*. Retrieved from <https://www.handsoffpantson.org/wp-content/uploads/HandsOffReportWeb.pdf>;

The Restaurant Opportunities Centers United and Forward Together. (2017). *The Glass Floor Sexual Harassment in the Restaurant Industry*. https://onlabor.org/wp-content/uploads/2016/04/REPORT_TheGlassFloor_Sexual-Harassment-in-the-Restaurant-Industry.pdf; Waugh IM. "Examining the sexual harassment experiences of Mexican immigrant farmworking women." *Violence Against Women*. 2010 Mar;16(3):237-61. doi: 10.1177/1077801209360857. Epub 2010 Jan 21. PMID: 20093433; Institute for Women's Policy Research. (2013). *Women in Construction and the Economic Recovery: Results from 2013 IWPR Tradeswomen Survey*. <https://iwpr.org/iwpr-survey-finds-construction-trades-offer-good-wages-for-women-workers-but-harassment-and-discrimination-still-common/>.

^x Heather McLaughlin, Christopher Uggen, and Amy Blackstone, "Sexual Harassment, Workplace Authority, and the Paradox of Power," *American Sociological Review* 77, no. 4 (July 2012): 625–47.

^{xi} Shaw, E., Hegewisch, A, and Hess, C. (2018). *Sexual Harassment and Assault at Work: Understanding the Costs*. Retrieved from https://iwpr.org/wp-content/uploads/2020/09/IWPR-sexual-harassment-brief_FINAL.pdf

^{xii} In many states and jurisdictions, employers are required to provide job-protect leave to survivors of domestic and dating violence. To learn more visit: <https://www.workplacesrespond.org/resource-library/state-guide/>

^{xiii} A "high-value" employee is someone who does not feel they need to comply with workplace policies because they have a name that is used to raise money, gain notoriety, or otherwise bring positive external reinforcement for the workplace.

^{xiv} Shaw, E., Hegewisch, A, and Hess, C. (2018). *Sexual Harassment and Assault at Work: Understanding the Costs*. Retrieved from https://iwpr.org/wp-content/uploads/2020/09/IWPR-sexual-harassment-brief_FINAL.pdf