#### JUSTICE POLICY CENTER



# The New World of Work

### **Principles and Practices for Addressing Harassment**

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#### **ABOUT THE PURPLE CAMPAIGN**

The Purple Campaign is a non-profit organization whose mission is to address workplace harassment by implementing stronger corporate policies, establishing better laws, and empowering people to create lasting change in their own workplaces and communities. The organization launched in January 2018 after Tarana Burke's longstanding "Me Too" movement went viral and over 12 million people used the hashtag on social media. The organization brings together diverse stakeholders--including corporate leaders, policy experts, and survivors--to advocate for better policies and practices to address workplace harassment.



#### **ABOUT RALIANCE**

RALIANCE is a national partnership dedicated to ending sexual violence in one generation. RALIANCE partners with a wide range of organizations to improve their cultures and create environments free from sexual harassment, misconduct and abuse. Every day, RALIANCE helps leaders establish safe workplaces and strong communities by advancing research, influencing policy, and supporting innovative programs.



#### ABOUT THE NATIONAL SEXUAL VIOLENCE RESOURCE CENTER

The National Sexual Violence Resource Center (NSVRC) is the leading nonprofit in providing information and tools to prevent and respond to sexual violence. NSVRC translates research and trends into best practices that help individuals, communities and service providers achieve real and lasting change. The center also works with the media to promote informed reporting. Every April, NSVRC leads Sexual Assault Awareness Month, a campaign to educate and engage the public in addressing this widespread issue. NSVRC is also one of the three founding organizations of RALIANCE, a national, collaborative initiative dedicated to ending sexual violence in one generation.

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# The New World of Work: Principles and Practices

The Purple Campaign, a nonprofit organization dedicated to ending workplace harassment, developed a first-of-its-kind corporate certification program specifically focused on addressing workplace harassment with the goal of recognizing employers taking exemplary steps and implementing best practices in the field.<sup>1</sup> The first companies to participate in the program were from the technology sector and included Airbnb, Amazon, Expedia, Uber, and Viasat. The pilot phase of the certification program included a survey of currently implemented policies and practices, which the Purple Campaign used to benchmark existing practices and develop its certification criteria.

As the Purple Campaign was wrapping up its analysis of the pilot phase in March 2020, the world ground to a halt as the COVID-19 pandemic affected all sectors of society, including the workforce. Over the following year, the Purple Campaign led conversations with corporate leaders and policy experts, conducted trainings, and undertook additional research to understand how employers across industries were adapting to the new world of work, and what implications the changing workforce would have on policies and practices to address workplace harassment.

On March 18 and 19, 2021, the Purple Campaign and Harvard Law School Executive Education cohosted a workshop called The New World of Work: Anti-Harassment Policy Workshop. This event convened nearly 70 business leaders, legal scholars, advocates, and researchers to share about emerging trends, policies, and practices related to addressing harassment in the workplace. It was structured around the four parts of the Purple Campaign's policy framework and certification program: **Reduce, Respond, Rethink, and Rebuild.** The functions of the four parts are as follows:

 Reduce involves promoting *transparency* and providing effective *training* to prevent workplace harassment through shared norms and behaviors as well as forthright leadership and plain talk about harassment policies, procedures, and complaints received.

<sup>&</sup>lt;sup>1</sup> In this report, we use the term "workplace harassment" to include sexual harassment (harassment of a sexual nature) and nonsexual harassment (harassment on the basis of characteristics such as race, religion, sex, national origin, age, and disability).

- Respond involves implementing effective policies and practices around *reporting* options for employees and establishing fair and responsive *investigation procedures and corrective actions*.
- Rethink involves the intersectionality of how people experience harassment and ways companies can create greater diversity, equity, and inclusion.
- Rebuild involves the Purple Campaign's corporate certification program, which represents an
  effort to establish a new set of norms and actions within the business community to help end
  harassment in the workplace.

This report provides direction for the new world of work by identifying emerging trends in ameliorating workplace harassment and summarizing the two-day workshop, addressing the first three components of the four-part framework. In each section, we begin with background and highlights about what we know for each part of the framework. We then present lessons from the field (drawn from the pilot phase survey, background research, and conversations with corporate leaders and policy experts) and the workshop sessions, documenting where the world of work is heading. We conclude with a section on the **Rebuild** component containing next steps for the Purple Campaign's corporate certification program.

#### BOX 1

#### Why Addressing Workplace Harassment Matters

The problem of workplace harassment spans all industries and affects employees at all levels, and the proliferation of remote work during the COVID-19 pandemic creates new opportunities and challenges for addressing harassment in the workplace. Below we describe the scope of the problem and the negative consequences it can entail:

- Between 25 and 85 percent of women report having experienced harassment in the workplace, depending on the study and how harassment is defined.<sup>a</sup>
- Since the COVID-19 pandemic began, more than half of human resources managers have seen an increase in issues being reported.<sup>b</sup>
- By 2025, estimates predict that 36.2 million Americans will be working remotely, an increase of 87 percent from before the COVID-19 pandemic.<sup>c</sup>
- More than half of women report experiencing some form of harassment or microaggression in the past year, but many of these incidents have gone unreported to employers, with concerns over career penalty being one of the main reasons cited.<sup>d</sup>
- Employment contexts in which employees are at increased risk of harassment include working for tips, in isolated contexts, and in male-dominated fields or jobs, and working in settings

where significant power differentials exist among employees. Immigration statuses (i.e., undocumented or temporary status or having temporary worker visas) can also put employees at risk of harassment.<sup>e</sup>

- Sexual harassment can have professional, psychological, and financial consequences for people who have experienced it, including lower job satisfaction, commitment, and productivity; increased likelihood of absenteeism, negative relationships with colleagues, and departure from the workplace; and the development of depression, anxiety, and other health issues.<sup>f</sup>
- Over one-third of people in the legal profession who have been sexually harassed have left or considered leaving their workplaces.<sup>g</sup>
- Women faculty, staff, and students in academia experience high levels of harassment, in part because of failures within their institutions to take harassing behavior seriously. Over 50 percent of women faculty and staff and 20 to 50 percent of women students have experienced sexual harassment within academic environments.<sup>h</sup>
- Seventy percent of physicians report some form of sexual harassment in the workplace.<sup>i</sup>
- Restaurant workers experience harassment on multiple fronts, including from management (66 percent), coworkers (80 percent), and customers (78 percent).<sup>j</sup>
- Eighty-four percent of women working in an lowa meatpacking plant reported that they had experienced at least one form of sexual harassment at work.<sup>k</sup>

Sources: <sup>a</sup> Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic (Washington, DC: US Equal Employment Opportunity Commission, 2016); <sup>b</sup> "Exploring HR Issues and Expectations amid the Pandemic," Paychex WORX, February 25, 2021, https://www.paychex.com/articles/human-resources/covid-19-hr-issues; <sup>c</sup> *Future of Workforce Pulse Report* (San Francisco: Upwork, 2021); <sup>d</sup> Women @ Work: A Global Outlook (New York: Deloitte, 2021); <sup>e</sup>. Shaw, A. Hegewisch, and C. Hess, Sexual Harassment and Assault at Work: Understanding the Costs (Washington, DC: Institute for Women's Policy Research, 2018); <sup>f</sup> K. Pender, *Us Too? Bullying and Sexual Harassment in the Legal Profession* (London: International Bar Association, 2019); R. S. Merkin and M. K. Shah, "The Impact of Sexual Harassment on Job Satisfaction, Turnover Intentions, and Absenteeism: Findings from Pakistan Compared to the United States," *SpringerPlus* 3, no. 1 (2014): 1–13; <sup>g</sup> Pender, *Us Too?*; <sup>h</sup> P. A. Johnson, S. E. Widnall, and F. F. Benya, eds., *Sexual Harassment of Women*: *Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine* (Washington, DC: National Academies Press, 2018); <sup>i</sup> S. Jenner, P. Djermester, J. Prügl, C. Kurmeyer, and S. Oertelt-Prigione, "Prevalence of Sexual Harassment in Academic Medicine," *JAMA Internal Medicine* 179, no. 1: 108–11; <sup>i</sup> M. Rodriguez, T. Reyes, M. Longiaru, and K. Krishnamurthy, *The Glass Floor: Sexual Harassment in the Restaurant Industry* (New York: Restaurant Opportunities Center United, 2014); <sup>k</sup> B. Yeung and G. Rubenstein, "Female workers face rape, harassment in the agriculture industry," Reveal News, June 25, 2013, https://revealnews.org/article/female-workers-face-rape-harassment-in-us-agriculture-industry.

## Reduce

**Reduce** is the first component of the Purple Campaign's four-part framework and involves preventing harassment from occurring. More specifically, it involves establishing, through policies and practices,

shared norms about the types of behaviors that are unacceptable in the workplace. Reducing harassment involves increasing *transparency* about antiharassment policies and implementing more effective antiharassment *trainings* for employees and managers.

#### Transparency

Transparency plays a key role in preventing workplace harassment. Employers can create shared norms, build trust, and demonstrate accountability by developing and communicating clear written policies that describe companies' expectations for acceptable behavior, processes for responding to unacceptable behavior, and information on instances when policies were violated and the actions taken in response. This section describes what we know about the state of transparency-related policies on workplace harassment as well as emerging trends in workplace-harassment transparency and considerations for workplaces moving forward.

#### WHAT WE KNOW

It is important not only to develop clear policies for dealing with harassment at work, but also to ensure employees are informed about those policies and trust their employers to follow them consistently. The following findings show that employers across industries have work to do in this regard:

- Studies show that employees in workplaces without specific policies on harassment report experiencing higher levels of harassment.<sup>1</sup>
- Over half (53 percent) of employees say that their company has "talked the talk since #MeToo" but that they do not see it "walking the walk."<sup>2</sup>
- One-third of employees in the legal profession say they did not report sexual harassment internally because they lacked confidence in their employer's protocols and/or reporting procedures.<sup>3</sup>
- Lower-wage workers in decentralized workplaces, such as retail stores and chain restaurants, are often unaware of reporting processes or feel that reports will not be adequately addressed. This is partly because corporate headquarters and human resources departments are far removed from these workplaces.<sup>4</sup>

#### WHERE WE'RE HEADING

In addition to common transparency-related practices such as having specific antiharassment policies, some companies have gone further by implementing new policies that better reflect the changing work environment. Examples include the following:

- Going beyond the office walls. As calls for transparency have increased during #MeToo and it has become clear that harassment occurs not only between organizations' employees but also with third parties (e.g., contractors, users of online platforms), some companies, including Facebook and Google,<sup>5</sup> have made their internal harassment policies available to the public.
- Demonstrating action. Some companies have committed to sharing information about policy violations, either internally or externally. Examples of internal information sharing include annual company-wide meetings,<sup>6</sup> internal reports summarizing harassment investigations from the past year,<sup>7</sup> and commitments to sharing results of investigations with all employees who file a report.<sup>8</sup> Other companies have publicly disclosed information about how they have responded to policy violations.<sup>9</sup>
- Knowing what you don't know. Some companies now ask outside consultants to review their antiharassment policies. Outside consultants can bring specific antiharassment expertise that a company may be missing internally, as well as a fresh perspective from someone not immersed in the company culture.
- Transparency during transitions. Some companies have demonstrated the importance of transparency not only during stable periods, but also during times of transition. For example, Zillow built trust with its employees by sharing its initial remote work policy document with employees. Circulating documents and revealing human resources departments' thought processes provides an opportunity to build trust, even if they do not receive much feedback in return.<sup>10</sup>

#### BOX 2

#### Intentional Integrity at Airbnb

During the March 2021 workshop hosted by the Purple Campaign and Harvard Law School Executive Education, Rob Chesnut, former general counsel and chief ethics officer at Airbnb, spoke about the "intentional integrity" program he helped create at the company. Intentional integrity is the idea that organizations should be intentional about defining their purpose and values and about developing clear rules that reflect those values. Organizations also should be transparent with employees and other stakeholders to ensure accountability. Intentional integrity is about going beyond basic compliance with ethics laws and developing a culture of integrity in the workplace. Chesnut noted the following three important components of the program:

- Top-down and broad-based buy-in. Chesnut noted that having support from company leadership and making that support known to employees is key to getting broad-based buy-in. For example, Airbnb's top leaders publicly commit to not having a romantic relationship with anyone at the company. Ensuring that the group that develops a company's code of ethics is cross-functional and diverse is also important for building a sustainable program that employees widely support.
- Clear policies. When it comes to creating policies, imprecision is the enemy of integrity. People will interpret vague or ambiguous language in a way that benefits them personally. Specific definitions and limits are necessary and should be communicated clearly. Airbnb's "ask out once" rule is an example of this specificity: you can ask a coworker out once, and if they refuse for any reason, you must drop it and move on.
- Continual reinforcement. Continually reinforcing the message of integrity and policies associated with it is important. Airbnb uses multiple channels to do this, including having a senior leader spend an hour with all new-hire classes, doing an annual "integrity tour" where a senior leader visits each office and meets with staff, and sending out monthly integrity videos.

Workshop participants appreciated the proactive nature of the intentional integrity program, the fact that it was led by company leadership, and the specificity of the policies. Suggestions for building on the program included providing guidance for applying these ideas to workplaces with different contexts and structures (e.g., higher education institutions) and how to implement a similar program and keep it sustainable when company leadership has not bought in.

Source: The New World of Work Anti-Harassment Policy Workshop, March 2021.

"People want more than a paycheck, they want to actually work at a place they are proud of."

-Rob Chesnut, former general counsel and chief ethics officer, Airbnb

#### Training

Antiharassment training is another strategy for establishing shared norms and improving understanding about the types of conduct that are unacceptable in the workplace. Importantly, the #MeToo movement has demonstrated that traditional approaches to antiharassment training have been largely ineffective at addressing the root causes of the problem. This section summarizes the shortcomings of traditional training approaches, describes what we know about the features that make trainings more effective, and showcases examples of creative solutions.

#### WHAT WE KNOW

The following findings from research and practice describe what features make antiharassment trainings less effective and what features make them more effective:

- Approaching people as potential harassers or victims in an antiharassment training may cause them to ignore the information because they do not see themselves that way.<sup>11</sup> By contrast, recent evidence shows that approaching people as bystanders empowers them to intervene.<sup>12</sup>
- Trainings are most effective when they are tailored to the specific realities of different workplaces and use examples that realistically involve situations from organizations' worksites or industries.<sup>13</sup>
- Longer trainings tend to be more effective, because they provide more opportunities for contact and more practice of relevant behavior skills.<sup>14</sup>
- Mandatory trainings are generally more effective, because they send a message that an
  organization is truly committed to an issue, increasing trainees' motivation to learn.<sup>15</sup>

"In the training arena, I liken focusing on compliance to be sort of like focusing on the bottom layers of Maslow's pyramid. By setting your goal at the basic needs part of the pyramid, you're missing...the full value that training can have....When training is compliance oriented only, it doesn't really bring your organization together." —Michael Marra, co-regional managing partner, Fisher Phillips LLP

#### WHERE WE'RE HEADING

Organizations have been implementing new antiharassment training practices based on what we know about the features of effective training. Examples of these practices include the following:

 Telling it like it is. As recommended by the Equal Employment Opportunity Commission (EEOC), many organizations now customize their antiharassment training to their workplaces and environments. The EEOC observed that "using examples and scenarios that realistically involve situations from the specific worksite, organization, and/or industry makes the compliance training work much better than if the examples are foreign to the workforce."<sup>16</sup>

- Clarifying gray areas. Some types of workplace harassment are more clear-cut than others. For example, situations involving alcohol use or relationships between employees at work can create gray areas that can be clarified through dedicated attention in a training curriculum. Many companies now incorporate information about their relationship and alcohol policies into their antiharassment trainings.
- Bringing people together. Many organizations hold separate trainings for managers and nonmanagers. Though it is important to provide additional training for supervisors, keeping employees entirely separate during training may send the message that different rules and standards apply to each group and prevent open dialogue about the values of an organization. Instead, some organizations have started including managers and nonmanagers in joint sessions, which can signal to employees that managers take the issue seriously and get everyone on the same page about company-wide norms and expectations. They have then held separate trainings for supervisors to cover their unique roles and responsibilities and to create a space where they can ask candid questions and have open discussion.<sup>17</sup>
- Empowering bystander intervention. Companies are increasingly incorporating bystander intervention training into their training efforts, building on a practice previously used by nonprofits, colleges and universities, and the military. The nonprofit organization Hollaback! partnered with the bystander program Green Dot to train over 500 people to become site leaders in their communities, and with the platform HeartMob to stop online harassment.<sup>18</sup> The EEOC believes that Green Dot's bystander training approach could be effective in the workplace by creating "a sense of responsibility on the part of employees to 'do something' and not simply stand by," by giving "employees the skills and confidence to intervene in some manner to stop harassment," and by demonstrating an "employer's commitment to empowering employees to act in this manner."<sup>19</sup>
- Expanding influence. The rise of the gig economy means harassment may more often involve nonemployees, such as independent contractors, freelancers, and interns, who may not receive antiharassment training as employees do. To address this, New York City and New York State have mandated sexual harassment prevention training for these groups.<sup>20</sup> Similarly, Illinois has recently required all companies to provide training for all employees (including part-time and temporary employees) and strongly advised providing training for independent contractors.<sup>21</sup>

#### BOX 3

#### The Purple Method

The Purple Method is an antiharassment training approach that incorporates several features not typically found in most compliance-focused trainings. During the March 2021 Purple Campaign and Harvard Law School Executive Education workshop, Dallas Thompson, training director for the Purple Method, explained that in addition to being evidence based, interactive and engaging, and compliant with laws in all 50 states, the approach has the following features:

- It is grounded in core values. Grounding the training in an organization's core values rather than focusing exclusively on compliance makes it more engaging. Concepts are connected back to the organization's mission and the work the employees are committed to.
- It incorporates tailored examples. Trainings that are not customized to an organization's specific workplace environment may use examples of harassing behaviors that are irrelevant to its employees. Incorporating examples tailored to each organization is more effective than using generic or irrelevant examples because it allows participants to see and discuss scenarios that could actually happen in their workplace.<sup>a</sup>
- It covers the gray areas. Often, people can easily identify straightforward examples of harassment but are unsure about more nuanced interactions involving compliments, relationship policies, alcohol use, physical touch, workplace norms, or implicit bias.
- It approaches people as bystanders and allies. Traditional trainings often approach employees as potential perpetrators, which can make them feel defensive and targeted.<sup>b</sup> In contrast, approaching people as potential bystanders and allies can make them feel empowered.
- It is applicable to the virtual environment. As the workforce becomes increasingly dispersed, using training formats that work well in a virtual environment and cover the ways harassment can occur virtually is increasingly important.

The customization of the training and the idea of approaching people as bystanders and allies appealed to workshop participants. Suggestions for building on this approach included providing guidance for implementing it in workplaces of different structures and sizes (e.g., large, multinational corporations versus small boutique organizations) and guidance for facilitating discussion of examples of gray areas and making people feel safe enough to share their own experiences.

**Sources:** <sup>a</sup> Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic (Washington, DC: US Equal Employment Opportunity Commission, 2016); <sup>b</sup> F. Dobbin and A. Kalev, "The Promise and Peril of Sexual Harassment Programs," Proceedings of the National Academy of Sciences 116, no. 25 (2019): 12255–12260.

## Respond

It is also important to improve employers' responses to incidents of workplace harassment that end up occurring. The second component of the Purple Campaign's four-part framework is **Respond**, which addresses *reporting* processes as well as *investigation procedures* and *corrective action*.

#### Reporting

Reporting is a central component of addressing workplace harassment, and despite the progress achieved during #MeToo, many people—especially those with less institutional power—remain hesitant to report instances of harassment. Although employees in some sectors have been more physically distant from their coworkers during the pandemic, they may still experience workplace harassment over platforms like video conferencing, text messaging, and organizations' internal chat systems. They also may be even more reticent to report workplace harassment in this virtual context because they may feel isolated, unsure about how to report remotely, or fearful of retaliation in the midst of difficult economic circumstances. This section addresses how employers can break down barriers to internal reporting—in in-person and virtual contexts—and build trust with an increasingly remote workforce.

#### WHAT WE KNOW

It is important to create processes that allow employees experiencing harm to feel empowered to report harassment and seek help in stopping it. As the following findings show, the world of work struggles in this regard:

- Seventy percent of people who experience workplace harassment do not speak to a manager, supervisor, or union representative about it.<sup>22</sup>
- Common reasons people don't report misconduct include the status of the person who causes the harm (e.g., that person is more senior), fear of retaliation, fear of not being believed, and fear that the behavior is perceived as acceptable in their workplace.<sup>23</sup>
- A recent survey assessing inequities facing women in the workplace during the pandemic found that most women who experienced harassing or noninclusive behaviors did not report them to their employer, and that only 31 percent of the women surveyed believe that their company currently has a process for reporting discrimination and harassment.<sup>24</sup>
- Virtual reporting of human resources issues has been common during the pandemic: according to a survey of over 1,000 people conducted in September 2020, 80 percent of employees had

reported issues via email, 62 percent via video call, 52 percent via phone call, and 42 percent via text message; only 27 percent had reported in person.<sup>25</sup>

- Two-thirds of women working in restaurants reported feeling they would face negative repercussions if they reported sexual harassment from management, and 70 percent reported feeling they would face negative repercussions if they reported sexual harassment from customers.<sup>26</sup>
- Reports of sexual harassment are often met with minimization, hostility, and retaliation.<sup>27</sup> Of people who had spoken out about their workplace mistreatment, 75 percent faced some form of retaliation.<sup>28</sup>

#### WHERE WE'RE HEADING

Implementing multiple and varied options for reporting workplace harassment experiences may empower employees to report and seek help. Once designed and implemented, these options must be communicated to employees so they know their options for sharing concerns and which avenue best meets their needs. Organizations are doing the following to provide options for reporting harassment:

- Creating multiple reporting opportunities, including various channels for internal reporting, reporting to third parties, and anonymous reporting. Providing people multiple methods for reporting harassment and misconduct communicates an organization's interest in hearing from staff about issues and concerns. Many companies now give employees the option of reporting in person to their manager, any other manager, or anyone in human resources; reporting via email; or reporting via an anonymous hotline. For example, McDonald's responded to a wave of sexual harassment lawsuits in 2020 by establishing the Business Integrity Line, which is staffed 24/7, 365 days a year by an outside firm experienced in handling sensitive calls. The hotline number is publicly available and allows people to remain anonymous.<sup>29</sup>
- Becoming the third party. Some organizations have taken it upon themselves to serve as thirdparty reporting contacts. For example, Illinois recently enacted legislation to create a sexual harassment hotline for people in the public and private sectors to report sexual harassment and find needed resources.<sup>30</sup> The hotline website provides additional information about reporting, legal assistance, and counseling. The National Institutes of Health likewise is encouraging people who are aware of sexual harassment that is affecting research funded by the institutes to contact it directly via a publicly available email alias.<sup>31</sup>

- Reporting through apps. New technology companies have emerged to offer innovative apps, artificial intelligence, and other online tools for reporting harassment anonymously or confidentially. These tools include AllVoices, Callisto, #NotMe, Speakfully, Spot, STOPit, tEQuitable, WorkShield, and Vault Platform. In addition to allowing employees at subscribing companies to report internally, in 2018, AllVoices launched a public-facing tool that allows employees, freelancers, contractors, vendors, and others to anonymously report any issue to a company, even if it is not signed up on the platform.<sup>32</sup>
- Encouraging early reporting. Providing multiple channels for reporting harassment may encourage staff to report experiences of less serious behaviors before they escalate to more serious ones and termination becomes the appropriate corrective action. Some employees are concerned about reporting situations that will lead to termination for the people they are complaining against (see box 4 below), and encouraging early reporting could alleviate this barrier. Early reporting also gives people an opportunity to recognize their behavior is problematic and resolve it before more harm is caused.
- Building, cultivating, and maintaining cultures of trust in the virtual work environment. The pandemic has changed the nature of work in many sectors, moving in-office work to people's homes and online platforms. This represents a massive shift in the world of work that has required getting current staff comfortable working virtually and onboarding new staff to teams in a virtual environment. This shift is likely to last after the pandemic, when some share of employees may continue working in virtual rather than in-office settings and may experience cyber workplace harassment. How can companies continue to communicate that this type of behavior is unacceptable and that they support people experiencing harm? The virtual work environment requires companies to provide thoughtful, repeated communication about their values, transparency efforts, and reporting models. Examples of how this might be accomplished include all-staff meetings, online events or town halls, facilitating small group settings during regular meetings, and monthly videos disseminated to staff. Key to this is regular communication about acceptable and unacceptable workplace behaviors, transparency around reports received and how they are resolved, and reminders of reporting options and how to seek help.

#### BOX 4 Trust and Reporting in the Current World of Work

During the Purple Campaign and Harvard Law School Executive Education's March 2021 workshop, Melinda Kimbro, chief people officer and senior vice president of people and culture at Viasat Inc., and Lynn Haaland, deputy general counsel and chief compliance and ethics officer at Zoom Video Communications, discussed the following barriers to reporting in the context of current workplace environments:

- Comparing our experiences to those of others. In the face of the COVID-19 pandemic and the racial reckoning that followed the murder of George Floyd, some people may have minimized their own harassment experiences in the workplace. As such, these events may have become reasons for people not to report their experiences, perhaps believing their problems were less severe relative to those of others and therefore not worth raising.
- Reporting in mission-driven organizations. Staff at mission-driven organizations may receive unintentional messages that they should not raise concerns around harassment because that may somehow disrupt environments where everyone is working toward a collective goal or because those concerns will distract from those organizations' missions.
- Worrying about what will happen to the person one reports against. Having a strict "zero-tolerance" approach in response to reports of harassment—or assuming that approach exists at one's company—may discourage staff from reporting because they assume drastic measures may be taken against the person they are reporting about. Employees may not want the person causing them harm to be terminated from the organization for various reasons. For example, they may fear losing that person's contributions to the team and/or company. Communicating the range of responses that someone could experience after a report is made—many of which fall short of termination (e.g., counseling, training, coaching)—and communicating that the company will take an individualized, thoughtful approach to each report may encourage people to come forward.

Workshop participants suggested that one way to further overcome these barriers to reporting is to offer staff the opportunity to learn from real-world scenarios during training sessions. If people are comfortable sharing, it might be helpful to hear directly from people who have experienced and reported workplace harassment and those who have been accused about their experiences with reporting, the investigation, and the corrective actions taken. This would be just one way to communicate the variety of outcomes that may occur after a report of harassment and could make someone more comfortable reporting.

Source: The New World of Work Anti-Harassment Policy Workshop, March 2021.

"Speaking up is showing that you care for the mission because the mission will be corrupted if you don't....For example, at Zoom our values are CARE, caring for the community, caring for our teammates, caring for our customers...so, we talk in a more positive sense, please show you care by speaking up...to make that reporting, that speaking up, something that is encouraged."

–Lynn Haaland, deputy general counsel and chief compliance and ethics officer, Zoom Video
 Communications

#### **Investigations and Corrective Action**

In addition to revealing the extent of the problem, #MeToo has revealed flaws in existing approaches to *investigations and corrective action* when it comes to workplace harassment. Issues in investigating workplace harassment range from inadequate procedures, to delays in completing the process, to a lack of transparency about the outcome. Even if a fair and thorough investigation has been conducted, an employer must also take steps to guarantee accountability. This starts with ensuring that leaders take proportionate remediation measures in response to substantiated allegations. This section addresses steps employers can take to create fair, thorough, and impartial investigation procedures and to respond effectively when employees report instances of workplace harassment.

#### WHAT WE KNOW

The following findings demonstrate that although employers have made progress toward implementing effective policies and practices regarding investigations and corrective action, many employees think they have to go farther:

- A recent survey found that by 2019, 41 percent of organizations had adopted required investigation processes, whereas only 8 percent reporting having done so in 2018.<sup>33</sup>
- Half of employees say that consequences for workplace harassment are still inadequate, and 3 out of 10 employees think that high performers are never or rarely held accountable when they harass someone.<sup>34</sup>
- Women and men both say companies need to do more to create a safe and respectful work environment. Only 27 percent of employees say managers regularly challenge biased language and behavior when they observe it. Forty percent say disrespectful behavior toward women is

often quickly addressed by their company. And just 32 percent think their company swiftly acts on claims of sexual harassment.<sup>35</sup>

#### BOX 5

#### **Best Practices for Workplace Harassment Investigations**

At the Purple Campaign and Harvard Law School Executive Education's March 2021 workshop, Grace Speights, chair of global labor and employment practice at Morgan, Lewis & Bockius LLP, outlined the following best practices for conducting fair and effective investigations of workplace harassment:

- Demystify the process. Explain the investigation process itself, describe the supports that are available for the employee during the investigation, and ask about any accommodations the employee might need. Ideally, this would be done before an incident occurs to make employees feel more comfortable about coming forward.
- Don't interrogate. When meeting with witnesses, don't treat the questioning process as an interrogation. The investigator should be trained and empathetic, explain what happens after the investigation, and ensure that they check in with all parties.
- **Be consistent.** Develop a corrective action matrix that addresses the options for corrective action for incidents of every type and degree of severity that could happen in the workplace, and ensure the matrix is consistently applied if claims are substantiated.
- **Be transparent.** Ensure participants understand not only what the *potential options* for corrective action look like, but also what the *ultimate outcome* of the investigation is.
- Follow through. Ensure there is an appropriate closeout at the end of the process and that continuing support and resources are available to both the employee who was harmed and the employee that caused harm after the investigation is over.

Source: The New World of Work Anti-Harassment Policy Workshop, March 2021.

"Investigations are necessary, not only to get to the bottom of what issues are being raised, but investigations also help you with finding out your culture."

-Grace Speights, chair of global labor and employment practice, Morgan, Lewis & Bockius LLP

#### WHERE WE'RE HEADING

Whether due to organizing by employees, pressure from boards of directors, or mandates from constituents, organizations and lawmakers have begun implementing new investigation and corrective-action practices and prohibiting others. Examples include the following:

- Empowering employee advocacy. Although human resources and compliance and ethics departments are typically responsible for investigating employee allegations, they also work for the organizations that face potential liability if those allegations are substantiated. Recognizing that internal investigators are ultimately there to represent the organization they work for rather than the people involved in investigations, organizations have begun engaging employee advocates to ensure all parties are treated fairly during the investigation process. For example, in 2018, Congress passed legislation to address its internal procedures. New procedures include providing a free confidential advisor to explain the claim process, helping employees draft claims, and advising people throughout the investigation process if they are not represented by an attorney.<sup>36</sup> Moreover, Microsoft recently created the Employee Advocacy Team, which focuses exclusively on assisting employees going through a workplace investigation.<sup>37</sup>
- Un-silencing voices. The #MeToo movement has revealed that many employees who have come forward to report workplace misconduct have signed settlement agreements that include nondisclosure, nondisparagement, and no-rehire clauses that prohibit them from speaking about their experiences and from continuing to work at their organizations. Recognizing the harmful effect such contractual agreements can have on an employee's career, lawmakers and employers alike have taken steps to limit their use in cases involving workplace harassment and discrimination. Since 2017, 13 states have passed laws to limit or prohibit employers from requiring employees to sign nondisclosure agreements as a condition of employment or as part of a settlement agreement.<sup>38</sup>
- Taking it to the top. Boards of directors and investors are increasingly involved in issues regarding workplace harassment and discrimination, reflecting a recognition of the significant risk of liability they pose. In August 2017, Benchmark Capital, an early investor in Uber and member of its board of directors, sued the company's CEO for fraud, breach of contract, and breach of fiduciary duty, over misconduct allegations including instances of gender discrimination and sexual harassment at the company.<sup>39</sup>
- Jumping without a parachute. Companies have also begun prohibiting "golden parachutes," or large exit packages for former executives against whom there have been credible allegations of

sexual misconduct, in part in response to lawsuits and employee walkouts. In November 2018, thousands of Google employees around the world walked out of their offices after the *New York Times* reported the company had paid millions of dollars in exit packages to male executives accused of misconduct.<sup>40</sup> In January 2019, shareholders filed a lawsuit against Google parent company Alphabet, arguing it had breached its duty to shareholders when it approved golden parachute packages for former executives.<sup>41</sup>

#### BOX 6

#### Applying Restorative Justice Principles to Workplace Harassment

Restorative justice is the idea that when one person causes harm to another, justice should focus on repairing that harm, ideally through cooperative processes involving the person who was harmed, the person who caused the harm, and the community around them.<sup>a</sup> In the workplace harassment context, a restorative justice approach would allow the people most affected to decide on the appropriate corrective action and what they are willing to share publicly about the process and outcome. As Tarek Maassarani, practitioner and professor of restorative justice at Georgetown University Law Center explained at the Purple Campaign and Harvard Law School Executive Education workshop, the principles of restorative justice can also be applied effectively in a workplace harassment context for the following key reasons:

- Restorative justice addresses reluctance to report. People who have been harmed are often
  reluctant to report because they don't want to get other people in trouble. Rather than
  punishment, they often want the opportunity to talk to the person directly, understand their
  motivations, and explain their experience.
- It allows affected people to define justice. Using restorative justice processes relieves human resources departments from having to determine the most just outcome. Instead, the involved parties can determine for themselves what accountability and justice look like.
- It focuses on accountability over punishment. A key part of restorative justice is the idea of responsibility being *taken* rather than imposed. By collectively deciding what accountability means, the accused employee may be more motivated to take action, leading to the possibility of better outcomes.

**Source:** <sup>a</sup> "Tutorial: Introduction to Restorative Justice," Centre for Justice and Reconciliation, accessed June 17, 2021, http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/#sthash.4ExiW60T.dpbs.

## Rethink

Addressing workplace harassment is not only about investigating and responding to reported incidents—it's also about ensuring employers examine the issue comprehensively and promote inclusivity. The third component of the Purple Campaign's framework is **Rethink**, which consists of understanding the intersectional nature of workplace harassment (i.e., the fact that people with overlapping marginalized identities are uniquely affected by the problem), implementing uniform policies to address *intersectional forms* of harassment (e.g., those that occur on the basis of race and disability), and taking steps to increase *diversity, equity, and inclusion* in the workplace.

#### Intersectionality

Any comprehensive solution to workplace harassment must acknowledge and address the problem's *intersectionality*—a term coined by Professor Kimberlé Crenshaw to explain how people who share one identity characteristic, such as race, may experience discrimination and subordination differently based on divergent intersecting identity categories.<sup>42</sup> People often experience harassment on the basis of more than one identity group—for example, on the basis of race and gender, or ethnicity and religion. Of the nearly 73,000 charges filed with the EEOC in 2019, approximately 24,000 alleged racial discrimination, discrimination on the basis of disability status, and/or discrimination on the basis of sex.<sup>43</sup> This section describes the extent of intersectional forms of workplace harassment and steps organizations are taking to address the intersectional nature of harassment.

#### WHAT WE KNOW

Although workplace harassment is widespread, the following examples demonstrate how certain groups experience it in unique ways:

- During the pandemic, more than one in four people have experienced an increase in genderbased harassment at work. Ninety-eight percent of people who have experienced increased gender-based harassment are women and/or nonbinary people, and 94 percent are Multiracial, Latinx/Hispanic, Asian/Asian American, or Black/African/African American.<sup>44</sup>
- Women, genderqueer people, and nonbinary people have been 40 times as likely on average to have experienced an increase in gender-based harassment at work than white men during the pandemic. Transgender people have been 42 times as likely and transgender nonbinary men have been 50 times as likely.<sup>45</sup>

- LGBTQ+ women are almost four times more likely to say they have experienced jokes of a sexual nature during the pandemic, and five times more likely to have experienced belittling or disparaging comments about their gender than non-LGBTQ+ women.<sup>46</sup>
- One in 10 women of color say they have experienced comments about their race during the pandemic, and women of color who have chosen not to report noninclusive behaviors are also far more likely than white women to cite fear of career penalty as the reason.<sup>47</sup>
- Women are more likely to deal with harassment and instances of everyday discrimination (also known as microaggressions). Black women in particular deal with a greater variety of microaggressions and are more likely than other women to have their judgment questioned in their area of expertise and be asked to provide additional evidence of their competence. Moreover, 71 percent of lesbian women have experienced microaggressions. The nature of these encounters is often different for them: lesbian women are far more likely than other women to hear demeaning remarks in the workplace about themselves or other lesbian people. They are also far more likely to feel like they cannot talk about their personal lives at work.<sup>48</sup>
- Women of color are not only more likely to be subjected to harassment, but also less likely to be believed when they report.<sup>49</sup>
- Seven out of 10 LGBTQ+ people have been sexually harassed at work.<sup>50</sup>

#### WHERE WE'RE HEADING

Although there is a lot of work left to do, the following examples show how some organizations and legislators have taken steps to recognize the intersectional nature of workplace harassment:

- Increasing awareness and visibility. Many companies are taking steps to increase awareness of how workplace harassment and discrimination affect people of multiple identities. In 2020, Intuit hosted Silicon Valley's first "Trans Summit," where transgender, nonbinary, and gender nonconforming employees spoke with their coworkers—as well as Intuit's CEO— about their struggles and successes in the workplace.<sup>51</sup>
- Putting it on the books. Some lawmakers have codified intersectional antiharassment policies into law. California recently passed legislation requiring companies with at least 50 employees to provide mandatory sexual harassment training that must include information on how to prevent harassment on the basis of gender identity, transgender status, gender expression, and sexual orientation.<sup>52</sup> New York State passed legislation clarifying that touching hairstyles can be a form of both racial discrimination and sexual harassment under applicable law.<sup>53</sup>

 Giving equal weight. In recognizing that employees of multiple identities may face multiple types of workplace harassment, many companies explicitly do not prioritize investigations of sexual harassment over other forms of harassment.

#### BOX 7

#### Intersectional Harassment

During the Purple Campaign and Harvard Law School Executive Education's March 2021 workshop, Chief Justice Rebeca Martinez of the Texas Fourth Court of Appeals moderated a session discussing the intersectional nature of workplace harassment. Key takeaways included the following:

- Respect people's individual experiences. According to Angela Onwuachi-Willig, dean and professor of law at Boston University School of Law, it is important for employers to recognize that there is no single "essential experience" of harassment. Often when people think of harassment, they envision a particular type of person or scenario, but harassment is incredibly complex, influenced by many factors, and must be evaluated within its social and historical context. To effectively address harassment, company policies must be shaped by employees' lived experiences at work.
- Raise awareness of microaggressions. One of the common themes among the panelists was how commonly microaggressions come into play when dealing with harassment on the basis of intersecting identities. Rather than being overt, harassment often manifests as stereotypes or comments that some people don't realize are harmful. For example, Isra Bhatty, attorney and social intervention policy expert, noted how often people assume that a Muslim female identity is fundamentally incompatible with an "American" female identity. Raising awareness of these issues among employees is one step employers can take to begin addressing intersectionality in workplace harassment.
- Share the work. Workshop participants discussed how to create inclusive environments that center the voices of people with marginalized identities without burdening them with the responsibility of representing those identities in all cases. They also discussed the importance of involving nonmarginalized staff in taking on this work to ensure that staff with marginalized identities are not solely responsible for educating nonmarginalized staff.

Source: The New World of Work Anti-Harassment Policy Workshop, March 2021.

#### **Diversity, Equity, and Inclusion**

Though many organizations have been working to promote diversity and inclusion in the workplace, inequity remains pervasive, and hurdles remain around embracing diversity in all its forms. Efforts to

level the playing field won't succeed unless employers understand and address the unprecedented challenges employees are facing in the current climate. This section highlights existing successful *diversity, equity, and inclusion* (DEI) programs and efforts and how they can address workplace harassment. It also provides expert insight into how the current climate is affecting how people show up to work.

#### WHAT WE KNOW

The following examples demonstrate the continued pervasiveness of inequity in the workplace and how employers are still falling short of employees' expectations:

- According to the EEOC, sexual harassment is more likely to occur in workplaces with predominantly male employees—and homogenous workplaces are generally more vulnerable to all forms of harassment.<sup>54</sup>
- A recent survey of women in the workplace found that 77 percent of respondents say their job workload has increased as a result of the pandemic and 66 percent have the greatest responsibility for household tasks.<sup>55</sup>
- Caregiving responsibilities have created additional burdens during the pandemic: more than half of women with children say they handle the majority of child care, while nearly 80 percent of those who care for dependents other than children say they have the greatest responsibility for household tasks within their homes.<sup>56</sup>
- Since the beginning of the pandemic, 1 out of 10 people have experienced an increase in hostility based on race or ethnicity at work, 42 percent of transgender people have experienced an increase in gender-based harassment, and 23 percent of workers 50 and older have experienced an increase in age-based harassment and hostility.<sup>57</sup>
- Gender differences in rewards (i.e., promotion, salary, bonuses) were nearly 14 times larger than gender differences in performance.<sup>58</sup>
- Fifty-eight percent of Black people have experienced racial prejudice at work.<sup>59</sup>
- Among S&P 500 companies, women represent just 27 percent of executives and senior-level managers and just 5 percent of CEOs.<sup>60</sup>
- Based on data from April 2021 on over 8,000 workers, 33 percent report their company is doing "a lot" of work on DEI, 37 percent report "some," 14 percent report "just a little," and 12 percent report "none at all." Workers from the finance, technology, insurance, and advertising

and marketing sectors are particularly likely to report their company is doing "a lot" around DEI.<sup>61</sup>

- Twenty-four percent of workers say their company is not doing enough to address DEI issues, 55 percent say it is doing about the right amount, and 17 percent say it has gone too far. More Black and Hispanic workers report their companies are not doing enough, and both women and younger workers are more likely than men and older workers, respectively, to report the same. Nearly 40 percent of workers also report that their company's focus on DEI has grown in importance over the past year.<sup>62</sup>
- Efforts around DEI contribute to worker happiness and satisfaction. Most workers (78 percent) report that it is important to them to work at a company that has diversity and inclusion as a priority. And workers who report their company is "not doing enough" around DEI report lower workforce happiness than those who say their company is doing "about the right amount" or is "going too far" on these issues. Women are more likely than men and people who are Asian, Black, or Hispanic are more likely than white people to report it is important for them to work at a company that prioritizes DEI.<sup>63</sup>
- Most workers who think their company is doing "about the right amount" (80 percent) or is "going too far" (82 percent) on DEI issues say they are well paid for the work they do, but only 60 percent of workers who think their company isn't doing enough say this. Similarly, the majority of workers who think their company is doing "about the right amount" (65 percent) or is "going too far" (68 percent) on DEI issues say they have good or excellent opportunities to advance their career at the company, but only 42 percent of workers who think their company isn't doing enough say this.<sup>64</sup>

"At Salesforce we want to build a company that reflects society...we are increasingly sitting across the table from more diverse customers that have different needs, and our workforce has to reflect that."

-Molly Ford, vice president of global equality programs, Salesforce

#### WHERE WE'RE HEADING

The following examples describe some of the innovative ways organizations are promoting diversity in the workplace:

- Leveraging existing DEI initiatives to address gender equality in the workplace. In September 2018, California became the first state to mandate that publicly traded companies have at least one woman on their boards of directors by 2019.<sup>65</sup> Illinois, Maryland, and New York all likewise have enacted legislation geared toward improving gender diversity on boards of directors.<sup>66</sup> The private sector has followed suit: Goldman Sachs no longer takes companies public without at least one diverse board candidate.<sup>67</sup>
- Confronting bias and exclusionary behaviors. A year before #MeToo, Chevron launched its Men Advocating Real Change program, which engages men in being more active champions for inclusion. The program now has more than 3,000 participants in 17 locations across 12 countries, roughly 60 percent of whom identify as male and 40 percent of whom identify as female. As a company spokesperson explained, the program "provides structure to have meaningful conversations about a sensitive topic and is bringing awareness about unconscious biases and exclusive behaviors." <sup>68</sup>
- Being a platform for social change. In 2020, Salesforce created the Racial Justice and Equality Task Force to help drive racial equality in the workplace and in communities. The task force focuses on four pillars: People, Philanthropy, Purchasing, and Policy. This work includes expanding efforts to hire, support, and empower underrepresented groups, informing the company's philanthropic efforts with a racial equity lens, investing in businesses in the communities where the company works to create more opportunities for economic growth, and advocating for public policy reforms.<sup>69</sup>
- Tackling pay equity issues. In 2019, Starbucks announced it was teaming with more than 20 companies to bring its landmark Pay Equity Principles guide to other workplaces. The guide for employees and employers was the culmination of 10 years of work on gender and racial pay. As the company's COO Rosalind Brewer explained, it took Starbucks "more than 10 years of analysis, innovation and vigilance" to achieve "100 percent pay equity for men and women and people of all races performing similar work," and while "different industries [are] facing different challenges to achieving pay equity, we all agree that by working together we can accelerate the elimination of the national pay gap."<sup>70</sup>

- Defining inclusion. Amazon's daily employee polling program Connections revealed four aspects of inclusion that employees value. Employees want to feel (1) *informed*, so they can do their jobs, (2) *valued* for the contributions they make, (3) *trusted* that they will fulfill their job commitments, and (4) *connected* to their teammates and the company's culture.
- Building employee communities. Many larger companies have implemented affinity group programs, but it's important to put real resources behind these groups so they can do real work and contribute real programming around issues of interest. Companies have seen an increase in these affinity groups' memberships during the COVID-19 pandemic.
- Helping to navigate career challenges. Salesforce has implemented the "Warmline," an employee advocacy program that employees can go to as a trusted resource. The Warmline enables employees to have confidential conversations with advocates focused on belonging, equity, and career navigation. Warmline advocates connect employees with the resources they need to advance their careers and navigate potential challenges at work, while helping the company better understand the experiences and common themes that may lead to attrition. The program gives employees a place they can raise concerns and works to engage employees in "courageous conversations" to resolve these issues.<sup>71</sup>
- Meeting and supporting employees where they are and based on what they want. Working to build an inclusive environment means identifying the wants and needs of all employees across communities and working to address those needs. For example, raising current events that affect particular communities (e.g., the murder of George Floyd, the rise in hate crimes against Asian Americans) so people feel seen through intentional activities can help employees process these events, identify resources, and give allies specific actions they can take to learn more and/or lend support. Another example is having inclusive language trainings, where staff learn to use language intentionally such that it demonstrates inclusion. Further, it can help to provide space for staff from particular communities to choose how to celebrate important moments.
- Putting employees on equal footing in a hybrid work environment. To combat the potential inequities that might occur in a hybrid work environment, such as people working in person being more likely to be promoted than people working remotely, Restaurant Brands International has instituted policies that equalize opportunities across workers. For example, they make large meetings fully remote, so that everyone participates the same way.<sup>72</sup> Other companies, such as FabFitFun, have tried to adapt to different personalities and work styles—for example, employees are not required to have their camera on during video meetings and they often create smaller breakout rooms during large meetings to encourage participation.<sup>73</sup>

"FreeFrom is invested in the financial well-being and prosperity of all our staff because when you help people build financial security, you are helping them stay safe. You are keeping them safe."

-Amy Durrence, director of systems change initiatives, FreeFrom

#### BOX 8

#### Considering Survivors of Intimate Partner Violence as Part of DEI Efforts

During the March 2021 Purple Campaign and Harvard Law School Executive Education workshop, attendees learned from Amy Durrence, director of systems change initiatives at FreeFrom, about how intimate partner violence affects employees in the workplace and what companies can do to help survivors. Companies do not often consider the experiences of survivors among their employees, but survivors often face barriers to employment and interference in their careers from the people who cause them harm. Moreover, the pandemic has exacerbated existing intimate partner violence challenges, forcing some survivors to be home constantly with the people who cause them harm. Companies can be intentional about building supports for survivors as part of their DEI efforts to help them retain employment and advance their careers. Doing so can lead to increased productivity, increased job retention, decreased turnover, and cost savings related to training. In addition, general wealth-building supports also contribute to safety for women, though they are also beneficial for women generally.

Some ways companies can build a survivor-centered workplace include the following:

- **Create a safe work environment.** This will involve actual safety in the workplace if someone who is causing harm disrupts their partner's workplace setting.
- Implement a paid and protected leave policy for survivors. This allows survivors to take leave with pay to attend to issues related to their victimization experiences, such as legal issues and court appearances, medical treatment for injuries, activities related to relocation, or therapy for themselves or their children.
- Offer flexible schedules and work-from-home options (even after the pandemic). Allowing survivors to identify the best times and places for them to do their work will help them stay safe.
- Help survivors find and pay for child care. Identifying safe, convenient, and affordable child care can help increase women's participation in the workforce and help close the gender pay gap.

- Offer regular wellness and/or mental health checks. This could include asking employees what they need related to their wellness and helping identify resources.
- Invest in wealth-building supports. Wealth building is essential to survivors' financial security. Options to support wealth building include savings match programs, providing financial planning coaches, and wealth-building reimbursement programs. For example, FreeFrom offers employers reimbursement up to a certain amount when staff participate in wealth building investing, such as making a down payment on a home.
- Pay employees a living wage. Commit to a salary floor for all employees that is benchmarked to the local cost of living.
- Create internal working groups that include employees. Having employee representatives on internal working groups gives them a chance to review policy and provide input on improvements that can address their needs.
- Provide grants for employee emergencies. Emergency grants can be made available for survivors. These grants can alleviate the costs associated with things like relocation. FreeFrom, for instance, offers staff up to \$2,000 in emergency grants for survivor-related needs.

"Some employers might think, 'Ok, I understand this is an important issue, I care about this issue. But, what does this really have to do with us at our company; how does this impact us?' And the reality is that right now today one in four cisgender women and nearly one in two trans folks experience intimate partner violence...That means that every employer, whether they realize it or not, is employing survivors."

-Amy Durrence, director of systems change initiatives, FreeFrom

## Rebuild

Corporate certification programs have been effectively used to create shared norms and expectations where traditional regulatory systems have failed, and the Purple Campaign has developed such a program to address workplace harassment.

#### WHAT WE KNOW

The Purple Campaign corporate certification program builds on prior work to develop and implement corporate certification programs in other contexts and to measure and appropriately respond to sexual misconduct in the business setting. Examples of this work include the following:

- The Human Rights Campaign's Corporate Equality Index is an example of how corporate certification programs have been used to create more equality in the workplace setting. In 2002, the Human Rights Campaign formally launched the index, which benchmarks and assesses employment practices to protect LGBTQ+ rights and ensure inclusion in the workplace. In the 2020 Corporate Equality Index report, 686 major businesses spanning nearly every industry and geography earned a top score of 100 and the distinction of "Best Places to Work for LGBTQ Equality."<sup>74</sup> In 2002, only 13 companies earned a perfect score.<sup>75</sup>
- Uber Technologies worked with the National Sexual Violence Resource Center and the Urban Institute to develop the Sexual Misconduct and Violence Taxonomy, a classification system for the reports Uber receives from users of its platform (riders and drivers) related to sexual harassment, misconduct, and assault. Classifying such reports allows an organization to understand the nature and prevalence of these issues among its platform users, helping it better prevent and respond to such incidents.<sup>76</sup>
  - The utility of the taxonomy has been extended: Uber and Lyft joined forces to announce the Industry Sharing Safety Program in May 2021. Through the program, participating companies share information about the drivers and delivery people who have been deactivated from their platforms for the most serious safety incidents (which include sexual assault and physical assaults resulting in a fatality).<sup>77</sup> For companies to join this program and benefit from the shared information, they must agree to use the taxonomy to classify the information they share about sexual misconduct and assault so there is consistency to such classifications across the industry. This first-of-its kind effort to address safety demonstrates a desire among competitors to participate in shared programs and practices to address sexual safety and harassment issues.

#### WHERE WE'RE HEADING

The Purple Campaign plans to expand its corporate certification program with the following next steps:

 The Purple Campaign's corporate certification program is now open to additional employers and is expanding beyond the tech industry to reach workers across sectors. Companies interested in learning more about how to participate in the certification program can sign up for additional information at www.purplecampaign.org/corporate-certification.

- The Purple Campaign is continuing to conduct research and solicit input on how to refine the criteria for future iterations of the corporate certification program. A key goal for the next version of the program is to enhance the benchmarking survey of policies and practice with direct feedback from participating companies' employees through employee surveys and focus groups. Hearing directly from the stakeholders who are the subjects of company policy and practice—that is, employees—would be critical to understanding their experiences of harassment at their companies and of their companies' policies and practices for addressing harassment. Better understanding employees' experiences could provide companies actionable guidance for improving their practices and preventing harm. Employee surveys and focus groups would inform the Purple Campaign and the companies working with it about employees' knowledge of company policies and practices, their likelihood of reporting their experiences, and the nature and prevalence of their actual experiences.
- The Purple Campaign also intends to form employee advisory panels to center the voices of those most affected by company policies and practices by building a platform for employees to provide input into the certification processes and about what would be most helpful for addressing their needs.
- The certification program provides the Purple Campaign an opportunity to expand on the Sexual Misconduct and Violence Taxonomy by working with companies to implement it in the employment context with their workforce.

"What we're doing with the certification program is to...help make sure that people who want to know what companies are taking the right steps on the issue know that information and to level the information playing field for prospective employees and also for consumers." —Ally Coll, president and cofounder, the Purple Campaign

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