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#NowWhat: The Sexual Harassment Solutions Toolkit

Taking action to prevent and end sexual harassment in workplaces, informed by research and practice

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About New America

We are dedicated to renewing America by continuing the quest to realize our nation's highest ideals, honestly confronting the challenges caused by rapid technological and social change, and seizing the opportunities those changes create.

About Better Life Lab

The Better Life Lab aims to find and highlight solutions to a better way of working, to better define gender equity to include both the advancement of women and the changing role of men, and to pursue policy solutions that better fit the way people and families work and live to enable all people to thrive. The Lab builds on the foundation of the Breadwinning & Caregiving Program launched in 2013.

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Introduction

After the wave of #MeToo stories focused attention on the prevalence and pain of sexual harassment in the workplace, the question now is, #NowWhat? What do we actually *do* to prevent and end sexual harassment? We know that what most organizations do now doesn't work: ignore the problem, fire the harasser, or offer training that is largely designed to protect organizations from legal liability.

We know that ultimately, what we need to do is create civil and respectful work environments free of sexual harassment and other discriminatory, bullying, and toxic behaviors, where all workers can thrive. We need to design accountability, performance management, reporting, and response systems that protect workers, not just help organizations avoid risk.

So how do we get there?

That's what this toolkit is designed to do. Research on **effective solutions** is limited, and so few people actually report sexual harassment that we have a limited understanding of the scope of the problem. While there are no one-size-fits-all solutions or quick fixes, we've built on our analysis of the **factors that drive sexual harassment in industry sectors** and have surfaced a host of promising solutions that can be adapted across all sectors.

Given the structural nature of sexual harassment—rooted in power and wage-related gender disparities—we begin this toolkit by highlighting promising changes at the **legal and policy level** that would help establish a broad legal right to not be harassed. Beyond that, there are ways in which **organizations, leaders, managers, influencers, or industry-wide groups** could take a top-down approach to ensuring civil and respectful work environments free of harassment.

We then explore how workers can band together and **organize from the bottom-up** to put pressure on employers to change toxic work cultures. Finally, we discuss **individual actions**, including behavioral science-informed mindset shifts and bystander intervention training, to help workers better recognize, understand, and respond to everyday experiences with gender-based harassment.

Who is This Toolkit For?

Whether you're an individual struggling with how to respond to sexual harassment at work, a manager responsible for creating a culture of civility, an advocate seeking ways to promote effective change, or a policy expert analyzing approaches to tailor and scale solutions, this toolkit provides promising ideas and

the current state of best practices to prevent and end sexual harassment in the workplace.

Legal Reforms

Policymakers and advocates can work to extend worker rights and simplify reporting

- Make civil rights law inclusive, particularly of workers at small employers, contract workers, agricultural workers, and domestic workers
- Lengthen time limits to file a claim
- Create user-friendly reporting processes and data collection
- Stop silencing harassment experiences through non-disclosure agreements and mandatory arbitration clauses
- Provide access to representation
- Promote preventative public education about consent and harassment

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Laws are an important way to create a baseline set of expectations for appropriate behavior, and offer specific remedies in the event sexual harassment occurs. Currently, many people—such as domestic workers, farm workers, contract workers, and some public employees—are left out of important legal protections, such as the National Labor Relations Act, Civil Rights Act, Americans with Disabilities Act, and Social Security Act, and have fewer options to address incidents. Expanding the coverage of the laws to include all workers would extend people's rights and also encourage preventative training and engaged management more broadly.

Promising Solution 1: Extend Worker Rights

The Seattle Domestic Worker Bill of Rights: Domestic workers—people who work within their employer's household as gardeners, housekeepers, caretakers, and so on—have historically been excluded from major legal workplace protections such as the **National Labor Relations Act** and **Title VII of the Civil Rights Act**. As a result of fewer workplace protections and decentralized or non-existent paths for reporting harassment, domestic workers face rampant sexual harassment on the job. In response, Seattle passed a **Domestic Workers**

Bill of Rights to protect domestic workers' rights to a minimum wage, rights to breaks, and rights to protect their private property while on the job, regardless of contract type or employment status.

This bill is also the first to mandate the creation of an **independent standards review board** that brings together workers and employers to determine how to enforce the legislation and establish a central place for workers to report sexual harassment. Enacting more laws like these could be helpful in expanding rights—including legal recourse to address sexual harassment—to classes of workers excluded from civil and labor protections such as workers at small employers, contractors, and agricultural workers.

Laws are an important way to create a baseline set of expectations for appropriate behavior, and offer specific remedies in the event sexual harassment occurs.

Extend Time Limits to File a Claim: Even *if* you are protected by Title VII of the Civil Rights Act, people who have experienced sexual harassment must **file a claim** within 180 days with the Equal Employment Opportunity Commission (EEOC) at the federal level, extended to 300 days if the state where you are employed has its own law that extends the timeframe for claims.

Beyond the EEOC regulations, states often set their own, slightly longer timeframes, often one year from the last incident of harassment. Given that many people must overcome social stigma to speak of their experiences and report them, expanding the window of opportunity to file a claim could allow more survivors to come forward.

Create User-Friendly Reporting Processes for Sexual Harassment: One of the difficulties in understanding the scope of sexual harassment is that very few people report their experience or are able to file a claim. Clarifying and streamlining reporting processes in a user-friendly way could make it easier for people who would like to report, and for the EEOC, researchers, policymakers, and others to measure and address those experiences of harassment.

A recent report by the **National Women's Law Center** recommended changes to the data entry system such as updating industry codes and creating "intake and charge forms that reflect America's demographic shifts," by allowing filers to

select multiple, and mixed race ethnic and racial categories (moving beyond asking for a single country of origin or race). Giving more fine-grained detail about the scope of the problem could improve the design of better solutions to workplace sexual harassment.

States like **New York**, **Pennsylvania**, and **California** are currently attempting to eliminate non-disclosure agreements (NDAs), arbitration clauses, and other practices that silence victims of harassment. Making it easier to publicly discuss and adjudicate experiences of harassment may lessen the challenge of coming forward for those that are able to do so.

Promising Solution 2: Provide Access to Representation

After many in Hollywood revealed that prominent film producer Harvey Weinstein consistently sexually abused women, more than 300 **powerful women** banded together to found **Time's Up** and create a legal defense fund to represent women and other targets of sexual harassment, including disabled, LGBTQ+ persons, and workers of color. The legal defense fund, based at the National Women's Law Center, also works for systemic change through legislation that **penalizes sexual misconduct**. Since sexual harassment is a civil, not criminal, complaint, people who experience sexual harassment do not automatically have a right to representation as they would in the criminal justice system, so finding and affording legal support can be a challenge for many.

Promising Solution 3: Encourage Preventative Education around Sexual Education and Sexual Harassment

Gendered power dynamics and social norms develop early, and education about harassment and assault should be deployed to target these formative years. A 2011 **American Association of University Women** study found that nearly half of students from 7th–12th grade had experienced some kind of gender-based harassment. In 2015, California state policymakers passed a new law mandating **sexual harassment and assault education** for 7th–12th graders. Under California's law, which went into effect in 2016, schools provide students with information about harassment and assault, and models for healthy relationships.

Another California law mandates **teaching about consent** when high school students are required to take a health class. Beyond legally mandated trainings at the state or local level, the White House Task Force to Protect Students from Sexual Assault commissioned the **National Center on Safe Supportive Learning Environments** to put together a package of materials (including a guide, training modules, and videos) to guide educators who are teaching young students about harassment and assault, and help K–12 schools prevent peer-to-peer sexual harassment among students.

California law mandates teaching about consent when high school students are required to take a health class.

Promising Solution 4: Educate and Train Workers about Sexual Harassment and Their Rights

In 2016, after months of fasting and protests by janitorial workers, California passed **AB 1978**, which will require businesses to **register with the state** and provide a **pamphlet and in-person training** on a variety of topics to their staff, as a way of holding businesses with outstanding wage theft or sexual harassment claims accountable. A new, culturally-relevant curriculum—being developed by janitorial workers in tandem with unions, academics, and state regulators— covers a range of topics from gender, consent, and the damaging effects of gender stereotypes to typical harassment scenarios and resources. A new bill, **AB 2079**, seeks to allow janitors who have been through two years of training to provide that training to their peers.

One component of the curriculum, a training video, is used as a discussion tool during in-person trainings, and models three harassment situations: One is a quid pro quo (i.e. giving better hours or shifts for sex); one is hostile work environment (a man makes homophobic comments towards another man in the break room); and a third alludes to a workplace assault. Written by and starring janitors, the videos are both based on real experiences and model what workers can do to address harassment, such as providing supportive language to someone who has been harassed, accompanying them to human resources, and speaking up as a bystander to criticize homophobic and sexist behavior. The difference in this training is that it starts early and in person, and highlights the efficacy of co-created, grassroots education products that are relevant to the workers they are designed for in an attempt to encourage prevention and make state laws more effective.

Top-Down, Industry-Level or Organizational Change

Leaders, managers, and influencers can create civil and respectful workplace cultures

- Make clear there is no organizational tolerance for harassing behaviors by:
    - Employing a third party service to serve as neutral reporting site, creating reporting, and monitoring mechanisms that foster cultures of trust
    - Modeling in word and deed, the lack of tolerance for harassment
- Counter the sexual harassment prevalent in male-dominated organizations by:
    - Employing more women, and working to elevate them or hiring them into leadership positions
    - Embedding behavioral expectations into performance evaluations
    - Reframing the idea of power to include social responsibility and accountability
- Manage the large power imbalances in hierarchical organizations by:
    - Connecting civil and respectful workplace cultures to the organization's mission and bottom line
    - Training middle managers to encourage and respond to feedback from employees
    - Offering robust in-person training to set behavior expectations in civil and respectful workplaces

Middle managers and corporate leaders play a critical role in designing civil organizational structures and cultures, modeling civil behavior, and setting clear expectations for civil behavior. Whether you're an employee looking for suggestions to bring to the head of your organization, a manager who can powerfully shape day-to-day worker experience and culture, or a human resource department manager looking to improve policy and training, this section

provides strategies for maximizing the effectiveness of prevention and response efforts.

Even organizations with established independent reporting structures and sexual harassment training could improve their response by better understanding and mitigating the behavioral and social forces that allow sexual harassment to persist. In this section, we've distilled the top behavioral science research findings, along with ideas on how they could be applied to organizational anti-sexual harassment strategies.

Promising Solution 1: Create Civil and Respectful Workplace Cultures

The most powerful predictors of workplace harassment include organizations that are a) male-dominated b) hierarchical, with large power imbalances between leaders and subordinates and c) have unresponsive organizational climates where leaders and peers are willing to tolerate sexual harassment, and fail to take action to either prevent or respond to it.

One such intervention that can send a signal that harassment will not be tolerated is to employ a neutral **third-party service, such as an ombuds,** who is accessible, and can listen to, intervene, and advocate on behalf of employees. Examples of such a service are **tEQuitable**, a startup aiming to be a third-party resource and sounding board for employees seeking help or advice in the face of harassment, discrimination or bias, and **All Voices**, an online third party reporting tool that aggregates and anonymizes complaints for companies.

Embedding **civil behavior into performance reviews** and workplace expectations can also unwind the cultures that protect the superstar, high performer, or the mediocre employee with strong ties to leadership who acts abusively to others. **Research has found that avoiding toxic workers can save a company more than twice as much as what a top performer can produce.**

Embedding civil behavior into performance reviews can unwind the cultures that protect the superstar who acts abusively to others.

Civil cultures are crucial in service and hospitality settings, where harassment can come not only from supervisors or peers, but from clients as well. "Every worker in the service and hospitality industry must be told by management that their health and safety is more important than a sale or a customer," Fran Sepler, who for 30 years has worked as a consultant, trainer, and investigator on workplace harassment prevention, told the **New York Times**. "Every worker in service and hospitality must know that they are empowered to say: 'I'm sorry, but it's unacceptable to treat me this way. I am happy to have my manager come and talk to you about that if you like.'"

It's also important to make sure that **organizational leaders** know that they can impact **climate and culture** by leading by example—making sure that harassers **are not going unpunished**, that they are monitoring their own behavior, and that those around them have the power to hold them accountable.

Since leaders are often limited in their ability to discuss individual incidents, it's essential that leaders send the broad message that sexual harassment runs counter to organizational values. They can do so, for example, in statements at team meetings, in the language of Employee Handbooks, and in how they announce and communicate sexual harassment training. Because leaders often have distinct communication challenges (and, like their employees, likely haven't learned how to model inclusive behavior), experts suggest leadership-specific sexual harassment training sessions.

Beyond C-Suite leaders, **middle managers** also hold a tremendous amount of power to influence organizational culture, and to make sure sexual harassment policies are implemented effectively. In her **testimony before the EEOC**, Sepler suggests training middle managers to respond to complaints and issues in an emotionally intelligent way, creating "feedback rich" environments where people feel comfortable speaking up and listening, using metrics for monitoring and complaint handling, and understanding how these strategies can result in increased productivity, morale, teamwork, cooperation, and attendance, and help meet the organization's bottom line goals.

Reporting technology, though untested, is emerging as a potential solution to facilitate confidential reporting, to give targets voice without fear of retaliation, and to help managers better address annoying and disrespectful behaviors before they spiral into harassment or assault. Though new and small, the nonprofit organization, **Callisto**, is providing a secure platform for those who've experienced sexual assault and harassment on select college campuses to make a complaint. The group has venture capital funding to expand to workplace settings. Though these solutions are responses to harassment, they reinforce the perception that organizations do not tolerate sexual harassment and will deal with it effectively, which can reduce future harassment.

Every worker in service and hospitality must know that they are empowered to say: 'I'm sorry, but it's unacceptable to treat me this way.'

Promising Solution 2: Retaliate Against Retaliation

An intervention focused on encouraging victims to come forward to report harassment is not enough. Some workers face retaliation at work months after an incident, in the form of missed promotions, blocked career paths, lack of positive references, and workplace gossip.

Once other employees catch wind of the negative repercussions a victim of sexual harassment experienced in their organization, the cycle continues with fewer workers willing to report their experience, which gives rise to a toxic culture of distrust.

Some organizations have successfully addressed the issue of retaliation through compliance hotlines, skilled Employee Assistance Programs, or ombuds, which allow workers to raise issues privately and advocate for themselves without increased attention. As discussed earlier, systems and policies that allow employees to raise awareness of an issue quietly and privately can protect workers from retaliation.

Promising Solution 3: Change the Narrative about Power—Who Has It, and How We Harness It

Power can decrease someone's ability to understand another person's perspective, and make individuals overestimate how much others like them. This effect can also make them more likely to think others will be **romantically interested**, resulting in a bias where they will perceive romantic interest where it doesn't exist, known as the overperception bias. At the same time, research suggests that romantic suitors of all genders tend to underestimate how uncomfortable the recipients of their **unwanted overtures** might feel, thinking that it will be easier for them to say "no" to a request than it really is.

Power is not simply something that CEOs or C-Suite individuals have, but a dynamic that we can experience in any number of interpersonal relationships—between coworkers, customers, or clients.

Power can also be harnessed for good. Promoting the idea that being a leader requires social responsibility and accountability can lead to greater perspective taking and more prosocial, civil, and respectful environments. Miami University Psychology Professor **Jonathan Kunstman** suggests the following:

- Frame high-powered positions in terms of responsibility and duties to others (versus personal opportunity) in governance documents, bylaws, job ads, and other internal documents.
- Clarify that promotions and advancement is contingent on group, rather than individual success, motivating people to invest in their teams.
- Reward prosocial behaviors, like mentoring or training colleagues.
- Ask managers to publicly report how they've practiced prosocial leadership over the past month—or to pledge that they will commit to certain behaviors. Because no one wants to be a hypocrite, over time, people come to convince themselves that they were in favor of the pledge all along.

Power can also be harnessed for good.

Promising Solution 4: Promote More Women to Leadership and Management Positions

Simply having a woman or two at the top won't necessarily change a culture. Any shift towards greater parity must be accompanied by holistic structural and policy changes. Still, cultural change can happen when organizations significantly increase the number of **women in leadership** and "core" jobs (jobs with high levels of seniority, authority, and influence) in part because women are less likely to harass, and less likely to be as hierarchical in how they wield power.

In her book *Broad Influence*, journalist Jay Newton-Small examined the **theory of critical mass** and found that when groups reach between 20-30 percent women, they are freed from their "token" role which can constrain their ability to be authentic and share divergent perspectives. This more equal gender ratio can also reduce the pressure that men may feel to act in accordance to their gender expectations.

Promising Solution 5: Write Policies that Make Sense to the People They Affect

People tend to not read or understand legalese, but that's the language that most harassment policies are written in. Don't assume that everyone is interpreting the language in the same way; ensure that the policy is written in plain, clear language. Equally important, leadership must set an example for how to interpret a particular policy—without that role modeling, even the most comprehensive and clear policy will be ineffective.

Promising Solution 6: Skip Canned and Digital for Interactive, In-person Training

While many organizations run online training, research on **college campuses** has found that **in-person training** is more effective to truly change cultural norms and shift behavior, sparking discussions that can normalize prosocial behavior and make it clear that peers won't tolerate violators. Without this kind of conversation, speaking up against harassment can carry a powerful social stigma and consequences like ostracism or retaliation. Also critical is teaching actual *skills* to intervene before, during, and after an incident, such as bystander intervention strategies.

Because statistically, men are overwhelmingly the perpetrators of sexual harassment, male employees participating in legal compliance workplace trainings that focus on "perpetrators" and "victims," may fear being categorized themselves as one of the "bad guys." Feeling threatened in this way may trigger a **backlash response**.

"For men, it's high stakes: they don't want to be perceived as having harassed, and they're worried about the cost of saying 'the wrong thing' on their relationships with colleagues who they'll see in tomorrow's team meeting," says Rory Gerberg, an anti-sexual harassment trainer and consultant with the firm **Readyset**. "It's personal. It's hard to recognize that you may have been part of the problem. It's critical that [anti-harassment training] facilitators are able to avoid the fear and shame that so often characterizes these conversations. It's physiologically impossible for us to learn under that state of threat."

Narrowly focused sexual harassment training can also backfire. Sociologist **Justine Tinkler** has found that legal sexual harassment training can also reinforce gender stereotypes and promote backlash against women. Other research suggests that men may be less able to identify **sexually coercive behavior** after a training, and may be more likely to blame the victim. Tinkler suggests that trainings "should be assessed for their effects on attitudes about

gender stereotypes and other issues before they're implemented." The EEOC's new **harassment prevention and respectful workplace training**, authored by Fran Sepler, includes legal compliance, bystander intervention, and workplace civility.

In-person training is more effective to truly change cultural norms and shift behavior.

Promising Solution 7: Devote Resources to Changing Systems and Cultural Norms

Attitude change isn't a necessary precursor to behavior change. In her work in Rwanda, MacArthur Genius grantee **Betsy Levy Paluck** has found that behavior change can come not from changing attitudes, but from changing perceptions of social norms around particular behaviors. Sexual harassers, in other words, may not suddenly become social justice warriors, but they may curtail behavior based on the perception that it's not tolerated in their workplace, and no one else is doing it. Organizational leaders can play a powerful norm-shifting role by making it clear that certain behavior won't be tolerated, as can the creation of new, accessible workplace policies.

In other research, **Levy Paluck** found that the Supreme Court's gay marriage ruling was enough to shift social norms around same-sex marriage. Also crucial is to counter the perception that everyone is doing a certain behavior—like harassing and assaulting women in the workplace. **Promundo**, a non-governmental organization, as well as other researchers have found a significant gap between men's perceptions of how many of their peers are engaging in harmful harassing behavior and the reality, which is much smaller. Because this misperception may prevent men from intervening to stop behavior or even make them more likely to engage in the behavior themselves, communicating that *these men are in the minority and this behavior is unacceptable* can be an important message for shifting overall perceptions.

Tweaking systems and processes can be a powerful behavioral lever.
Harvard Behavioral Economist **Iris Bohnet** has found that changing systems and processes—like structured interviews in hiring and mission-related metrics to determine promotion practices and performance evaluations—has led to a more sustainable form of behavior change when it comes to cultivating more inclusive, equal workplaces. For instance, using structured interview questions and

evaluating them blind, without identifying details, can lead to choosing the best candidate, regardless of race or gender, whereas the typical interview process is often subjective and, because humans tend to prefer others like them, can lead to biased decisions.

Take climate surveys and use them. Organizations may be reluctant to use climate surveys for fear that finding out about a problem may create legal liability. But without effective surveys, organizations aren't able to identify, understand, and address problems, or see whether interventions are having the intended effect. At a very minimum, organizations can include questions in their usual engagement surveys. A "How To" guide to designing such workplace questions put together by **Futures without Violence** suggests asking questions about specific behaviors with examples, such as, "In the past 12 months, how often did someone repeatedly tell sexual stories or jokes that were offensive to you?"

Create tiered responses to the spectrum of harassing behavior, rather than a one-size-fits-all zero-tolerance policy. Some psychologists say **zero tolerance policies** can actually lead to *less* reporting because victims are deterred by the significant and sometimes disproportionate consequences of reporting harassing behavior: Targets may simply want the behavior to stop, not get the perpetrator fired. Zero tolerance policies can increase the likelihood of retaliation, and leave very little room to address the "gray area" of harassment. Creating tiered responses can help workers feel their needs are addressed, and company policy is proportional to the experience of harassment.

Bottom-Up, Worker-Led Solutions

→ TAKE ACTION

Workers, advocates, and others can come together to press for change

- Reduce isolation through the use of panic buttons and working in pairs
- Improve the quality and pay of work
- Engage the power of consumers/customers to improve working conditions
- Create or engage independent groups to verify and enforce norms and practices
- Lobby for or create independent third party entities to capture, investigate, and process complaints and reports
- Promote progressive levels of discipline for infractions of varying severity
- Develop programs and teach about gender, consent, and sexual harassment
- Develop community-based solutions to reintegrate mild offenders

Long before #MeToo picked up steam in 2017, workers had been organizing at the grassroots level to address issues of gender, consent, sexual harassment, wages, and working conditions. Sexual harassment has costs to individuals and communities—personally, professionally, and emotionally—a burden that's intensified if you have no job security or ability to save wages. So pairing better work policies with education on sexual health and harassment at work, and collectively advocating to improve workplace standards, helps make workers less vulnerable.

Successful efforts have taken a multi-pronged approach: making sure workers have sufficient wages and space to process and respond to experiences of harassment, minimizing isolation at work, and improving worker capabilities to affect workplace culture through leadership training. Ultimately, making all work good work and creating learning tools so workers—collectively—can push for change at work and in their communities, can effect change when it has otherwise stalled.

Promising Solution 1: Find Creative Responses to Isolation in Workplaces

These plain-language initiatives range from public postings about unacceptable groping, nudity, and definitions of what a civil and acceptable workplace looks like, to approaches like the video and in-person training documented above in the legal change section. Workers have sought to introduce panic buttons for janitors, casino workers, and maids (particularly in **Seattle**, **Las Vegas**, and **California**), normalize the practice of working in pairs, and encourage self-defense classes to address harassment or assault when it happens. These initiatives were designed by and for workers in specific industries, inspired by farm-working women, and in particular by two groups—the Alianza Nacional de Campesinas and the Coalition of Immokalee workers, **among others**.

Promising Solution 2: Make All Work Good Work

Creating minimum wage laws, addressing unpaid overtime hours, ensuring benefits, and organizing unions strengthens the economic conditions of low-wage workers and redefines power structures. Grassroots activists have worked to help workers know they have a right to a living wage, civil work environment, and a right to contest discriminatory behavior. Recent examples include ROC United's push to eliminate the tipped minimum wage, as well as efforts by **Unite Here! Local 8** to ensure hotel maids have health insurance.

Certain industries, such as the hospitality industry, have sought to limit worker workloads (for example, the number of hotel rooms cleaned per hour) and to raise wages in the hope that if workers are paid a higher hourly rate and given a more manageable workload, they're both less likely to be overworked and injured, and also more able to contest sexual harassment experiences.

Making all work good work and creating learning tools can effect change when it has otherwise stalled.

Promising Solution 3: Incorporate Trauma-Informed Responses

Many organizations are considering how **transformative justice** can feature in preventing and addressing sexual violence in communities that are under- or poorly served by law enforcement, (as in, for example, migrant communities who aren't protected by and also fear law enforcement).

In a population that has both faced disproportionately high rates of sexual harassment and challenges around policing, communities recognize that creating community responses to harassment and violence, and educating and re-integrating perpetrators of lower-level harassment into a workplace through a graduated approach is vital to mitigating harassment and violence.

Ana Romero of the Chicago Workers Collaborative and **Incite!** suggests transformative strategies can include:

- Affirming community values and practices (such as freedom from harassment)
- Providing supportive services, physical space, or other resources to ensure the "safety and support to community members who are violently targeted that respects their self-determination."
- Developing strategies to address behavior such as sexual harassment and violence that don't involve imprisonment "such as creating a community accountability team to educate on and enforce standards of respect"
- Developing the wellbeing and capability of community members and the community

Leadership training for and with workers is one of the developing strategies to define and address gender-based violence, as well as develop the capability of community members, as these practices more quickly return someone who has graduated from a leadership program to work within their community. Among workers who have participated in **Healing to Action's** training, for example, workers have pushed to campaign for how to improve communications skills when talking about gender-based violence, better sex education in schools, and community agreement around standards of behavior that could prevent and address sexual harassment.

Leadership training for and with workers is one of the developing strategies to define and address gender-based violence.

Promising Solution 4: Apply Pressure through Supply Chain Reform

The Coalition of Immokalee Workers Fair Food Program serves as a model for how to apply pressure through the supply chain, conduct worker-to-worker education, and develop third party reporting tools to combat sexual harassment in the farming industry.

In an industry where 80 percent of women report experiencing sexual harassment, and rape is common, the efforts of the Coalition of Immokalee Workers (CIW) represent a model initiative for creating change within low-wage work. The program currently covers seven states, three crops, and 35,000 workers, and has the capacity to be expanded to low-wage industries and supply chains all over the world.

Because so many farmworkers are undocumented, and often excluded from U.S. labor laws even if documented, the CIW has experimented with ways to empower a population which effectively has no rights in the U.S. legal system.

First, CIW farm workers have lobbied consumers to put pressure on the largest sellers of produce—such as Walmart, Trader Joe's, and Whole Foods—to sign legally-binding agreements promising to only source tomatoes from Fair Food Farms with no outstanding wage theft, trafficking, sexual harassment, or other issues. This puts pressure on growers to become Fair Food Farms, which requires farms to be transparent with third party investigators and auditors who ensure farm workers have the right to work without violence and the opportunity to create a workplace of respect and dignity.

Second, each year workers with CIW educate thousands of their peers employed by a Fair Food Farm. They're provided booklets and videos about their rights under the Fair Food Program, and discuss gender, consent, and harassment.

In the event that sexual harassment occurs, workers can file a claim in multiple languages and have the complaint investigated by a rigorous third party, 24-hours a day. Complaints are processed rapidly—80 percent are resolved within the month. In the case of sexual harassment, say a female farm worker is followed by a coworker who asks her out and makes vulgar jokes, the harassment can be reported to the Fair Food Program. An investigator would take down the confidential statement, speak with witnesses, and notify the company within 48 hours.

Workers can file a claim in multiple languages and have the complaint investigated by a rigorous third party, 24-hours a day.

If the individual or crew is found in violation of the code, depending on the severity of situation, there's progressive discipline and retraining. The goal is to change minds and help perpetrators of harassment—mostly men—think through their actions and change, though persons found guilty of sexual assault are fired instantly. The CIW also suggests that quickly, fairly, and transparently addressing individual experiences of gender-based harassment and violence are important in demonstrating what behavior won't be tolerated in a respectful work environment.

By protecting workers' voices and promising real and meaningful consequences, this initiative changes the balance of power, the dynamic between workers and their bosses, and between men and women: no grower would keep employing one lecherous supervisor if the entire farm could lose the business of 14 of the world's largest retailers. It also introduces the incentive of money: It's no longer in the company's or individual's interest to turn a blind eye to abuse. According to CIW organizer Marley Moynahan, sexual harassment still happens, but targets have recourse, which makes it less likely that harassment will lead to assault.

How Individuals Can Take Action

There's always something individuals can do

- Create environments that encourage honest feedback and talk openly with coworkers about what constitutes acceptable behavior
- Encourage bystander intervention. Disrupt. Defuse. Deflect. Delegate. Show support. Verbally or nonverbally, in the moment or later
- Shift mindsets. Understand how predictable human biases shape our attitudes and behaviors and use perspective-taking to better respond to sexual harassment
- For targets, the onus is not on you. Sexual harassment is not your fault. Stop the self blame and shame. Start small. Draft a letter. And realize sometimes the best thing to do is walk away.

Sexual harassment is, at heart, about power imbalance and gendered cultural expectations. Changing legal structures, cultural norms, and workplace policies, practices, and expectations are key to preventing and ending it. However, change on that scale and to that degree takes time. So it is critical that individuals have tools to engage in making change around sexual harassment right here and right now.

This can take a variety of forms—in helping a target as a bystander, in finding the **right words** or actions in the moment to respond to a harasser, in working informally toward creating more respectful and civil work environments, and in learning about how to shift mindsets to recognize and disrupt biased thinking and unhelpful behaviors.

Promising Solution 1: Understanding Human Behavior and Shifting Mindsets

Understanding the way the brain works and how that leads to predictable human error can make sexual harassment trainings more effective, as well as give individuals tools to prevent or respond to sexual harassment. For instance,

humans aren't good at predicting how we will feel in the future or react to future events. It's a cognitive bias called **affective forecasting error**. It can mean that we struggle to predict how we will actually respond to a high-stress situation, such as sexual harassment. Often, we may think we will respond in a certain— such as reporting the incident immediately to human resources, or talking back to an aggressor—but in reality, we do not.

This bias also means we may expect other victims to have a more assertive response, too, and may **judge them** more harshly if they react passively. This can be particularly salient for more ambiguous, "gray area" harassment like sexist comments or showing crude photos. Because of the murky nature of these instances, they can also be difficult to respond to, and tend to prompt an adaptive coping mechanism in which the victim acts like it doesn't bother him or her, or laughs it off.

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Imagine that the target tolerates the behavior for months until it becomes unbearable, and *then* reports to a supervisor. Many targets wait an average of 16 months before **reporting an incident**. As a result, they may experience more social consequences and increased victim-blaming, including questions like "why didn't they speak up earlier?"

A big part of the solution is to **teach people to reflect on their own thinking**. Sexual harassment trainings should include a module about how the way we think and our own cognitive biases can impede our understandings of others' experiences and alter the steps that we take on behalf of our own health and safety. In other words, we need to be aware of things like overperception bias and affective forecasting error if we're going to be able to understand our own reactions, and the reactions of others. It's critical to include examples about the sexual harassment gray zone, and the behaviors that comprise it—such as showing crude photos, telling sexist jokes, or making obscene gestures.

Another part of the solution is to **take another person's perspective, and discuss it with peers.** Some research suggests that *perspective-taking* could be an effective way for individuals to better understand how uncomfortable and challenging it can be to respond to an incident of sexual or gender harassment. Instead of simply giving employees a list of forbidden behaviors, get employees

to discuss what it might feel like to experience some of those behaviors, the impact they have on other people, and the roles they play in others' lives. This also reinforces a crucial concept: harassment is not some abstract idea, but something that colleagues grapple with daily—something that will likely come up in an interactive discussion.

As Stanford Psychology Professors **Jamil Zaki and Carol Dweck** note, empathy is a choice and can be **developed**. In practical terms, peers and supervisors could not only learn to recognize their built-in human biases, but also, suspend judgment, listen, offer support, and respond appropriately to complaints.

Moral Licensing: Most of us like to think of ourselves as good, moral people. When our behavior doesn't match up with this perception, we experience cognitive dissonance until we can justify or rationalize the behavior. One way that we do this is called *moral licensing*, when we use a virtuous act—like eating a salad for lunch—to offset our decision to eat an extra brownie for dessert.

In a workplace context, an individual may choose to license or excuse bad behavior (sexual harassment, bullying, or assault) by recalling previous good behavior (promoting a woman or someone from a minority group on their team). Given this tendency to consistently **judge our actions** in a broader context of behaviors, someone may see themselves as a champion of women's or minority rights, even while harassing those same groups.

Research suggests we can also apply **this same behavior to others**, licensing their transgressions (like sexually harassing an employee) when we've seen them previously perform good deeds (such as mentoring a group of inner city youth). Part of the solution, as the **EEOC** recommends, is to both promote a broad culture of respect, as well as take a holistic view when evaluating performance, taking civility as well as productivity into account.

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Promising Solution 2: Bystander Intervention

According to the **EEOC** and **other researchers**, training bystanders to recognize sexual harassment and learn skills to intervene could have the potential to change workplace cultures. When everyone is silent, offensive and harassing behavior can become normalized. So giving people tools and strategies to have regular conversations about defining appropriate behavior, to recognize and call out interruptions that tend to **silence women and minority groups**, to speak out or to take action to show which behaviors are out of bounds–either directly or indirectly, verbally or nonverbally, in the moment, or at a later time– can be a powerful way to change culture.

To date, most bystander intervention research and training centers on preventing sexual harassment and assault on college campuses and in the military. Some studies have found the **training increased awareness** and knowledge, improved attitudes and encouraged positive bystander behavior. It's clear that these interventions have promise when done right, but that more research is needed to determine overall effectiveness.

In the wake of the #MeToo movement, researchers like those at the **Prevention Innovations Research Center** at the University of New Hampshire and others are seeking to translate the bystander approach to prevent sexual harassment at work. "Bystander intervention is not about approaching women as victims or potential victims, or men as perpetrators, or potential perpetrators, rather, it's leveraging the people in the environment to set the tone for what's acceptable and what's not acceptable behavior," said Jane Stapleton, co-director of the Prevention Innovations Research Center.

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Bystanders at work need to ask themselves key questions, Fran Sepler suggests: "Can I have an impact? Is it safe? What is the best strategy given the culture of the organization and my level of influence?" Bystanders can defuse harassing or offensive language or situations with humor, or verbal or nonverbal expressions of disapproval. They can interrupt a situation by changing the subject, or

inserting themselves into the situation. They can also seek out a supervisor or influencer, make a report, or help a target make a report and, if a witness, back them up.

For a harassing boss or someone who holds power over your career or livelihood, where direct confrontation could be riskier, defusion, distraction, or interruption are still possible tools for bystanders in the moment. At a minimum, bystanders can always show support to targets. "Going to someone and saying, 'I saw how they were treating you. I didn't like it. Is there anything I can do to help?' Or, 'It's not your fault, let's go talk with human resources.' That might be all you can do," Sepler said. "That's not nothing."

"It's often difficult for the target of harassment to point out that something makes them uncomfortable for fear of repercussions and for concerns about appearing overly sensitive or uptight," explains UCSD associate professor Pamela Smith. "I've found that third parties are ... more likely to recognize how a behavior might make someone feel uncomfortable. They also bear less of the burden if they were to say something."

When talking to a survivor, using helpful language reduces additional trauma: Futures Without Violence, Healing to Action, the Chicago Workers Collaborative, and other organizations that help survivors of sexual harassment and sexual assault, incorporate an understanding of healing in spite of social stigma into the advice and guidance they give to bystanders, witnesses, family and friends of survivors, and policy makers.

The Rape, Abuse & Incest National Network, **RAINN**, recommends actions like using supportive statements like: "I believe you," "It's not your fault," and "You're not alone," checking in periodically, offering to be present if someone makes a report, and avoiding judgement. Research on **victim disclosure and response** illustrates that this type of empathic response, sensitive to the trauma of targets of sexual harassment and assault, has positive implications for how victims move forward.

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Long before an incident of harassment, in informal, unstressed moments, workplace culture experts suggest that workers have discussions about how to treat each other, how they can help each other or make their days better, and practice giving positive feedback. Normalizing talking about behavior and

defining respectful behaviors everyone agrees on may make it easier for coworkers to see and give negative feedback if a worker crosses a line.

Promising Solution 3: Taking Individual Action

The fight, flight, or freeze response can kick in when someone is being sexually harassed or assaulted. When we feel like we're under threat, our bodies' natural defense mechanisms and our brain circuitry can lead us to being unable to think, act, learn, or respond quickly or clearly. As a result, many targets tend to wrongly **blame themselves** or feel shame for not doing more to prevent the harassment or assault or not deflecting it in the moment. Research shows that's particularly true for women with more **traditional gender role** beliefs.

When you are the target of sexual harassment, experts say there are no magic words to say or scripts to follow. There are certainly anecdotes of targets who've responded with a clever or cutting remark to successfully defuse a harassing situation. But not everyone can be clever in the moment. And targets and victims should not be expected to be responsible for managing sexually offensive behavior. "You do not have to do or say anything. It's not your fault," Sepler said. **"When you're frozen, sometimes the only thing you can do is physically remove yourself. Just walk away. It's a way to say, without a word being said, 'This is not safe, and it's unacceptable.'"**

Considering any response will depend on several factors—the organizational culture, the safety of responding and the power dynamic between the harasser and target. If a target decides to confront a harasser, either verbally in the moment, or later, verbally or in writing, when tension may have eased, Sepler suggests being very specific: "Here's what you're doing. Here's the effect it's having. If it stops, we're fine. If it doesn't stop, it's going to be a problem."

Another strategy, experts said, is to **start small**—don't wait until annoying or nuisance behavior spirals into chronic or repetitive sexually harassing behavior if at all possible. Give clear feedback to an offender or their supervisor. Seek support. Make a report. Longtime MIT Ombuds, Mary Rowe, initiated a response for targets of bullying, workplace aggression, or sexual harassment she called **Drafting a Letter**. Targets wrote private letters to offenders or their supervisors clearly and factually laying out the behavior, how it affected the target and their work, and a proposed remedy. The initiative, she said, was successful in **stopping harassing behavior** at MIT.

Conclusion

So, #NowWhat?

From top-down to bottom-up to individual level solutions to legal reforms, everyone has a role to play in dismantling the structures and systems—cultural, institutional, individual—that enable sexual harassment to persist. Whether you're an employer or an employee, a policymaker, an advocate, or a citizen, any meaningful solution will require multiple stakeholders at all levels of an organization or community to collaborate and learn from each other to prevent and end sexual harassment.

As we've shown in this toolkit, here are some top strategies:

- **Create a culture of civility and respect**. Openly discuss acceptable norms of behavior, make it safe to provide feedback, and hold each other accountable.
- **Design clear and trauma-informed reporting and support structures**. Make policies easy to understand, reporting easy to do, resources and support easy to get, and action and accountability transparent.
- **Consider using a neutral third party** or ombuds structure to manage sexual harassment claims and listen to, intervene, and advocate on behalf of workers.
- **Revamp anti-sexual harassment training** so that it is in-person and interactive and includes not only legal compliance, but civility and bystander interventions.
- **Use the supply chain, consumer buying power, and social pressure** to reward respectful, anti-harassing companies and climates.
- **Extend legal protections to workers**, like contract workers, farm workers, and domestic workers, and **open access to resources, support, and legal recourse** to all workers.
- **Educate, educate, educate**. Start early, in schools, talking about consent and appropriate behavior.
- **Change the narrative around power and superstars**. Frame leadership through the lens of responsibility and duty to others. Look at the whole picture—a high performer with abusive, toxic behavior is more costly than valuable to an organization.
- **Promote more women and marginalized groups into core leadership positions.** Changing gender ratios at the leadership level can change power and gender dynamics throughout an organization.
- **Shift mindsets**. Develop a better understanding of human behavior and practice perspective taking, your own, and others'.

- **Take action.** There's always something you can do. Walk away. Express verbal or nonverbal disapproval. Disrupt, deflect, defuse. Offer support. Make a report. Confront an offender or talk to their supervisor. Draft a letter. Talk openly with coworkers about acceptable behavior. Think: Can I have an impact? Is it safe? What is the best strategy given the culture of the organization and my level of influence?

Additional Resources

Legal Reforms

AAUW's Know Your Rights at Work

American Bar Association's Sexual Harassment and Discrimination Resources

RAINN's (Rape, Abuse & Incest Nationa

Restaurant Opportunities Centers' Know Your Rights pamphlet

Time's Up Legal Defense Fund Sexual Harassment Resources

Top-down Industry-level or Organizational Change

All Voices

Callisto

Equal Employment Opportunity Commission Harassment Resources

LeanIn's Dealing with Sexual Harassment

Make Civility the Norm on Your Team, HBR article by Christine Porath, professor of management at Georgetown University

National Center on Safe Supportive Learning Environments

Press Forward

SHRM (Society of Human Resource Management) Workplace Sexual Harassment Resources

The Prevention Institute

tEQuitable

Want to fix sexual harassment? Don't hire jerks, CNN article by Robert Sutton, professor of organizational psychology at Stanford University

Workplaces Respond to Domestic and Sexual Violence

Bottom-Up, Worker-Led Solutions

Alianza Nacional de Campesinas and **Lideres Campesinas**

Chicago Workers Collaborative

Coalition of Immokalee Workers' Fair Food Program

Futures Without Violence

Healing to Action

Labor Occupational Health Program, University of California, Berkeley

National Domestic Workers Alliance

Restaurant Opportunities Center (ROC) United

SEIU-USWW

Unite Here!

Pacific Northwest Agricultural Safety and Health Center and the Washington Coalition to Eliminate Farmworker Sexual Harassment

Ya Basta! Coalition and the **California Coalition Against Sexual Assault** (CALCASA)

Individual Action

Better Brave

National Sexual Violence Resource Center

Prevention Innovations Research Center

Notes

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