



Sexual Harassment in Federal Workplaces: 2021 Update

June 2023

In Brief

Sexual harassment and other forms of gender-based discrimination continue despite the renewed attention given to the problem in recent years. As a violation of Title VII of the Civil Rights Act of 1964, sexual harassment is a legally prohibited form of discrimination based on sex. Within Federal workplaces, sexual harassment conflicts with the merit system principles (MSPs)¹ and represents a prohibited personnel practice (PPP).² To better prevent and remediate sexual harassment, agencies need to objectively assess the effectiveness of their current efforts regarding sexual harassment. For example, are employees well-educated on agency policies and practices that were created to deter sexual harassment? Are employees confident that the agency will properly address violations of these policies by holding everyone, at all levels of the organization, accountable for upholding these values? Only through consistent, long-term efforts can agencies make progress in eradicating the wide variety of sexual harassment behaviors that can poison the work environment, and this is essential to establishing and maintaining a fair and inclusive workplace.

The U.S. Merit Systems Protection Board (MSPB), as part of its role as the guardian of the Federal merit systems, has a lengthy history of studying sexual harassment in Federal workplaces. Since Congress first requested that MSPB study the issue in 1979, MSPB has conducted five Governmentwide surveys regarding the prevalence and impact of sexual harassment on Federal employees. As discussed in previous research, MSPB's surveys have been updated and expanded to stay current with the contemporary understanding of sexual harassment.³ Therefore, the 2016 Merit Principles Survey (MPS 2016) covered 12 sexual harassment behaviors, compared to seven on the 1980 survey.⁴ Between 2016 and 2021, the content of each item remained consistent, with only minor rewording for clarification purposes.

This research brief summarizes Federal employee perceptions⁵ of sexual harassment based on MSPB's 2021 Merit Principles Survey (MPS 2021), (which was administered between January and April 2021), with some comparisons to prior survey results. The survey instructions indicated that respondents should reflect on the prior two years when determining whether they experienced these sexual harassment behaviors. Consequently, the 2021 survey covered approximately one year of heightened telework during the SARS-CoV-2 pandemic, as well as the

¹ 5 U.S. Code §2301(b).

² 5 U.S. Code §2302(b).

³ For additional background information on MSPB's research into sexual harassment, please see the most recent report, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, which was released on December 19, 2022. https://www.mspb.gov/studies/studies/Sexual_Harassment_in_Federal_Workplaces_Understanding_and_Addressing_the_Problem_1987037.pdf.

⁴ Our report based on the 2016 Merit Principles Survey was published in December 2022. MSPB was unable to release that report during the time period that the agency lacked a quorum (January 7, 2017 through March 3, 2022). This current report now includes the relevant items included in the 2021 Merit Principles Survey (MPS 2021).

⁵ For brevity, we characterize employees who responded that they experienced any of the listed behaviors as having "experienced harassment." We note that survey data reflect employees' perceptions of their experiences, which may or may not meet the legal criteria for harassment. For more information, see the Method section on pages 2-4 of MSPB's 2022 report on sexual harassment. Detailed legal guidance regarding sexual harassment is included in 29 CFR §1604.11 and posted on the website of the U.S. Equal Employment Opportunity Commission (EEOC) at <https://eeoc.gov>.

preceding year of routine operations.⁶ This survey also captured the time following the 2017 #MeToo movement, which spurred increased scrutiny of sexual harassment in a wide variety of workplaces and the efforts made to rectify it.

In reviewing the overall results for sexual harassment prevalence as indicated on the MPS 2021 compared to 2016, there was a slight decline in the percentage of employees indicating that they experienced one or more of 12 types of sexual harassment in the prior two years: 12.6% in 2021 compared to 14.3% in 2016. Additionally, 17.5%⁷ of women and 7.8% of men said they experienced one or more types of sexual harassment on the 2021 survey, down from 20.9% for women and 8.7% for men on the 2016 survey. Despite this apparent improvement towards a workplace free of sexual harassment, progress was uneven and somewhat limited in many cases across gender and agencies. Therefore, agencies need to strengthen their efforts to ensure that all employees are aware of the prohibitions on sexual harassment and to promptly address any behavior that is contrary to these expectations.⁸

Prevalence of Sexual Harassment

The MPS 2021 provided an updated assessment regarding Federal employees' experiences with 12 behaviors that reflect three different categories of sexual harassment.⁹

| | |
|---------------------------|---|
| Gender Harassment | • Unwelcome behaviors that disparage or objectify others based on their sex or gender |
| Unwanted Sexual Attention | • Unwelcome behaviors of a sexual nature that are directed toward a person |
| Sexual Coercion | • Pressure or force to engage in sexual behavior |

A summary of the results overall and by individual behavior experienced by women and men is provided in **Table 1**. Women were more than twice as likely as men to experience sexual harassment overall, and more likely than men to experience each of the sexual harassment behaviors, except for unwanted exposure to sexually oriented material, which was the least

⁶ As discussed later in this brief, additional research will be needed to determine the impact of increased telework on the prevalence of sexual harassment. However, the two-year reporting window for the MPS 2021, with half of that time being under normal work conditions, likely allowed an adequate opportunity for respondents to experience sexual harassment in the physical and/or virtual workplace if it was present.

⁷ The number is 17.48%, so it appears as 17.5% when rounded to the tenths and 17% when expressed as a whole number.

⁸ For more detailed recommendations, refer to MSPB's 2022 report, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, including the "Conclusions and Recommendations" on pp. 41-46 and the "Supplement to the Recommendations: Implementing Practices and Issues" on pp. 47-62, as well as resources from the EEOC, such as Promising Practices for Preventing Harassment, EEOC-NVTA-2017-2, 11-21-2017, which can be found at <https://www.eeoc.gov/laws/guidance/promising-practices-preventing-harassment>.

⁹ As discussed in MSPB's 2022 report *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, these categories are consistent with those of other researchers in the field. See Gelfand, M.J., Fitzgerald, L.F., & Drasgow, F. (1995). The structure of sexual harassment: a confirmatory analysis across cultures and settings. *Journal of Vocational Behavior*, 47, 164-177. Fitzgerald, L.F., Gelfand, M.J., & Drasgow, F. (1995). Measuring sexual harassment: theoretical and psychometric advances. *Basic and Applied Social Psychology*, 17(4), 425-445.

common form of gender harassment.¹⁰ Women were particularly more at risk for sexual assault or attempted sexual assault, pressure for dates, and unwelcome sexually suggestive looks or gestures. The most common sexual harassment behavior experienced by both women and men was an unwelcome invasion of personal space, (e.g., touching or crowding or leaning over), which may reflect sexual undertones and/or physical intimidation.

Table 1. Types of Sexual Harassment Behaviors Experienced, by Gender, 2021

| Behavior | Total | Women | Men | Ratio Women:Men |
|--|-------|-------|------|-----------------|
| Any Type of Sexual Harassment Behavior (of 12) Experienced | 12.6% | 17.5% | 7.8% | 2.2:1 |

| Gender Harassment | Total | Women | Men | Ratio Women:Men |
|---|-------|-------|------|-----------------|
| Unwelcome exposure to sexually oriented conversations | 4.2% | 5.7% | 2.9% | 2.0:1 |
| Unwelcome sexual teasing, jokes, comments, or questions | 5.5% | 8.2% | 3.1% | 2.6:1 |
| Derogatory or unprofessional terms related to sex or gender | 5.3% | 7.0% | 3.6% | 1.9:1 |
| Unwelcome exposure to sexually oriented material | 1.4% | 1.3% | 1.4% | 0.9:1 |

| Unwanted Sexual Attention | Total | Women | Men | Ratio Women:Men |
|---|-------|-------|------|-----------------|
| Unwelcome invasion of personal space | 6.4% | 9.0% | 3.7% | 2.4:1 |
| Unwelcome sexually suggestive looks or gestures | 3.7% | 6.2% | 1.5% | 4.1:1 |
| Unwelcome communications of a sexual nature | 3.2% | 4.9% | 1.7% | 2.9:1 |

| Sexual Coercion | Total | Women | Men | Ratio Women:Men |
|--|-------|-------|-------|-----------------|
| Pressure for dates | 1.3% | 2.2% | 0.5% | 4:4:1 |
| Stalking (intrusion into your personal life) | 1.4% | 1.9% | 0.8% | 2:4:1 |
| Offer of preferential treatment for sexual favors (quid pro quo) | 0.5% | 0.6% | 0.4% | 1.5:1 |
| Pressure for sexual favors | 0.6% | 1.0% | 0.3% | 3.3:1 |
| Sexual assault or attempted sexual assault | <0.5% | 0.5% | <0.5% | 5.0:1 |

As noted earlier, compared to 2016, a slightly lower percentage of women and men across the entire Federal workforce indicated on the MPS 2021 that they had experienced one or more of the 12 sexual harassment behaviors in the prior two years, as shown in **Table 2**. Further, when

¹⁰ As stated in the guidance from the EEOC, Model EEO Programs Must Have An Effective Anti-Harassment Program, “It is important to note that “non-sexual” harassment may include “sex-based” harassment that is not of a sexual nature as well as race, color, religion, national origin, age, disability, or retaliation.” <https://www.eeoc.gov/federal-sector/model-eeo-programs-must-have-effective-anti-harassment-program#:~:text=EEOC%27s%20EEO%20Management%20Directive%20715%20%28MD%20715%29%20sets,must%20have%20in%20place%20an%20effective%20anti-harassment%20program.> These “sex-based harassment behaviors” frequently overlap with those labelled by researchers as “gender harassment.” However, for EEOC reporting, sex-based harassment behaviors are combined with harassment related to other legally protected bases or retaliation, rather than with the behaviors designated as “sexual harassment.”

examining the prevalence of each of the 12 sexual harassment behaviors experienced by women and men in 2016 and 2021, each of these behaviors appears to have decreased among women. However, a different pattern emerged for some of the behaviors among men. As indicated by shading in **Table 2**, there was an increase in the percentage of men who stated that they had experienced some of the sexual harassment behaviors, such as unwelcome invasion of personal space or derogatory, unprofessional terms related to sex or gender.

Table 2. Types of Sexual Harassment Behaviors Experienced, by Gender, 2016 and 2021¹¹

| Sexual Harassment Behavior | Women | | Men | |
|---------------------------------|-------|-------|------|------|
| | 2016 | 2021 | 2016 | 2021 |
| Experienced any of 12 behaviors | 20.9% | 17.5% | 8.7% | 7.8% |

| Gender Harassment | Women | | Men | |
|---|-------|------|------|------|
| | 2016 | 2021 | 2016 | 2021 |
| Unwelcome exposure to sexually oriented conversations | 9.5% | 5.7% | 5.4% | 2.9% |
| Unwelcome sexual teasing, jokes, comments, or questions | 9.4% | 8.2% | 2.9% | 3.1% |
| Derogatory or unprofessional terms related to sex or gender | 7.1% | 7.0% | 3.0% | 3.6% |
| Unwelcome exposure to sexually oriented material | 3.6% | 1.3% | 2.0% | 1.4% |

| Unwanted Sexual Attention | Women | | Men | |
|---|-------|------|------|------|
| | 2016 | 2021 | 2016 | 2021 |
| Unwelcome invasion of personal space | 12.3% | 9.0% | 2.9% | 3.7% |
| Unwelcome sexually suggestive looks or gestures | 8.5% | 6.2% | 1.4% | 1.5% |
| Unwelcome communications of a sexual nature | 5.4% | 4.9% | 1.5% | 1.7% |

| Sexual Coercion | Women | | Men | |
|--|-------|------|-------|-------|
| | 2016 | 2021 | 2016 | 2021 |
| Pressure for dates | 2.5% | 2.2% | 0.8% | 0.5% |
| Stalking (intrusion into your personal life) | 2.4% | 1.9% | 1.1% | 0.8% |
| Offer of preferential treatment for sexual favors (quid pro quo) | 1.5% | 0.6% | 0.7% | 0.4% |
| Pressure for sexual favors | 1.4% | 1.0% | 0.6% | 0.3% |
| Sexual assault or attempted sexual assault | <0.5% | 0.5% | <0.5% | <0.5% |

Numerous factors can drive the direction of changes in the prevalence of sexual harassment behaviors within organizations. Therefore, agencies should be cautious when interpreting year-to-year comparisons regarding the prevalence of sexual harassment and consider whether there might be contextual influences beyond the strategies that they have implemented. Further, multiple sources of input, such as employee feedback via surveys and various reporting mechanisms, should be considered to assess whether the trends are consistent.

Apparent decreases in sexual harassment could be attributed to success preventing sexual harassment as a result of agency efforts. However, a variety of other influences may also impact various measures of sexual harassment. For example, the increase in telework starting in March 2020 due to the pandemic may have impacted the frequency and types of sexual harassment behaviors that occurred, given that some behaviors can only occur (or are much more likely to

¹¹ Shading highlights behaviors that increased in prevalence on the 2021 survey results compared to 2016.

occur) when the harasser and target¹² share a working space. Additionally, remote work may reduce the likelihood that an employee who experiences sexual harassment will report it.

If agencies see increases in sexual harassment, they should explore potential drivers and consider a variety of possible explanations. While an increase in harassment behaviors would constitute an undesirable outcome, other possible explanations for increased reporting might be more benign or even positive. Increased use of reporting mechanisms might indicate greater confidence that these systems will work in a fair, effective, and efficient manner. Additionally, the more frequent and accurate labelling of sexual harassment behaviors could reflect an improvement in properly categorizing behaviors as sexual harassment.

Hence, while the increases on the MPS 2021 survey regarding sexual harassment behaviors experienced by men could be due to greater prevalence, they might also indicate greater awareness by men that these types of behaviors reflect sexual harassment and, therefore, are impermissible in the workplace.¹³ Historically, some men have been reluctant to view themselves as potential targets of sexual harassment due to perceived stigma or to report sexual harassment out of fear of not being believed.¹⁴ Therefore, another tenable explanation for more men stating that they experienced certain sexual harassment behaviors on the 2021 survey could be a more inclusive view of potential targets of sexual harassment.

These changes may further reflect improved knowledge and readiness to appropriately label sexual harassment, even if the target and the harasser are the same sex. Legal cases have noted that sexual harassment need not be based on sexual desire,¹⁵ in part because harassers may be motivated by other factors, such as hostility towards a person's gender or their perceived non-conformity to gender roles.¹⁶ Nevertheless, some organizations have retained permissive attitudes towards sexual harassment of men by viewing it as an acceptable part of the culture to support "male bonding"¹⁷ and enforce expectations for "gender-appropriate" behaviors.¹⁸

Risk Factors for Sexual Harassment

To prevent sexual harassment, agencies need to understand the wide variety of potential individual and organizational characteristics that can be associated with a higher risk for sexual harassment. Given that the data shows that harassers may be co-workers, other employees, and customers, agencies should not only focus prevention efforts on models involving hierarchical

¹² As noted in MSPB's 2022 report on sexual harassment, the term "target" is used rather than "victim" because the latter implies that the person has been harmed, while modern conceptualizations of sexual harassment do not require proof of physical or psychological harm to substantiate that harassment occurred.

¹³ U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, p. 11.

¹⁴ For example, see Madera, J.M., Podratz, K.E., King, E.B., and Hebl, M.R. (2007). Schematic responses to sexual harassment complainants: The influence of gender and physical attractiveness. *Sex Roles*, 56, 223-230 and McDonald, P. & Charlesworth, C. (2016). Workplace sexual harassment at the margins. *Work, Employment & Society*, 30(1), 118-134.

¹⁵ *Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998).

¹⁶ For examples, see *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989) and *Harris v. Forklift Systems, Inc.*, 510 U.S. 17 (1993).

¹⁷ The courts have explored whether "male-on-male horseplay" that is part of the organizational culture is actionable as sex discrimination. The Supreme Court's decision in *Oncale v. Sundowner Offshore Services, Inc.* (1998) held that same-sex harassment can be actionable under Title VII, but the social context must also be considered. Therefore, "teasing or rough housing" could be permissible if a "reasonable person" in that environment would not find such behaviors to be "severely hostile or abusive."

¹⁸ For example, see McDonald, P. and Charlesworth, S. (2016). Workplace sexual harassment at the margins. *Work, Employment & Society*, 30(1), pp. 118-134 and Spencer, L. and Barnett, J.T. (2011). When men are sexually harassed: a foundation for studying men's experiences as targets of sexual harassment. *Speaker and Gavel*, 48(2), 53-67.

relationships.¹⁹ Aspects of the workforce such as having a mix of employees, contractors, and interns or having “isolated or decentralized workplaces” can also increase the likelihood of sexual harassment.²⁰ Organizational characteristics may include the organizational culture, leadership, and level of effort devoted to eradicating sexual harassment.²¹

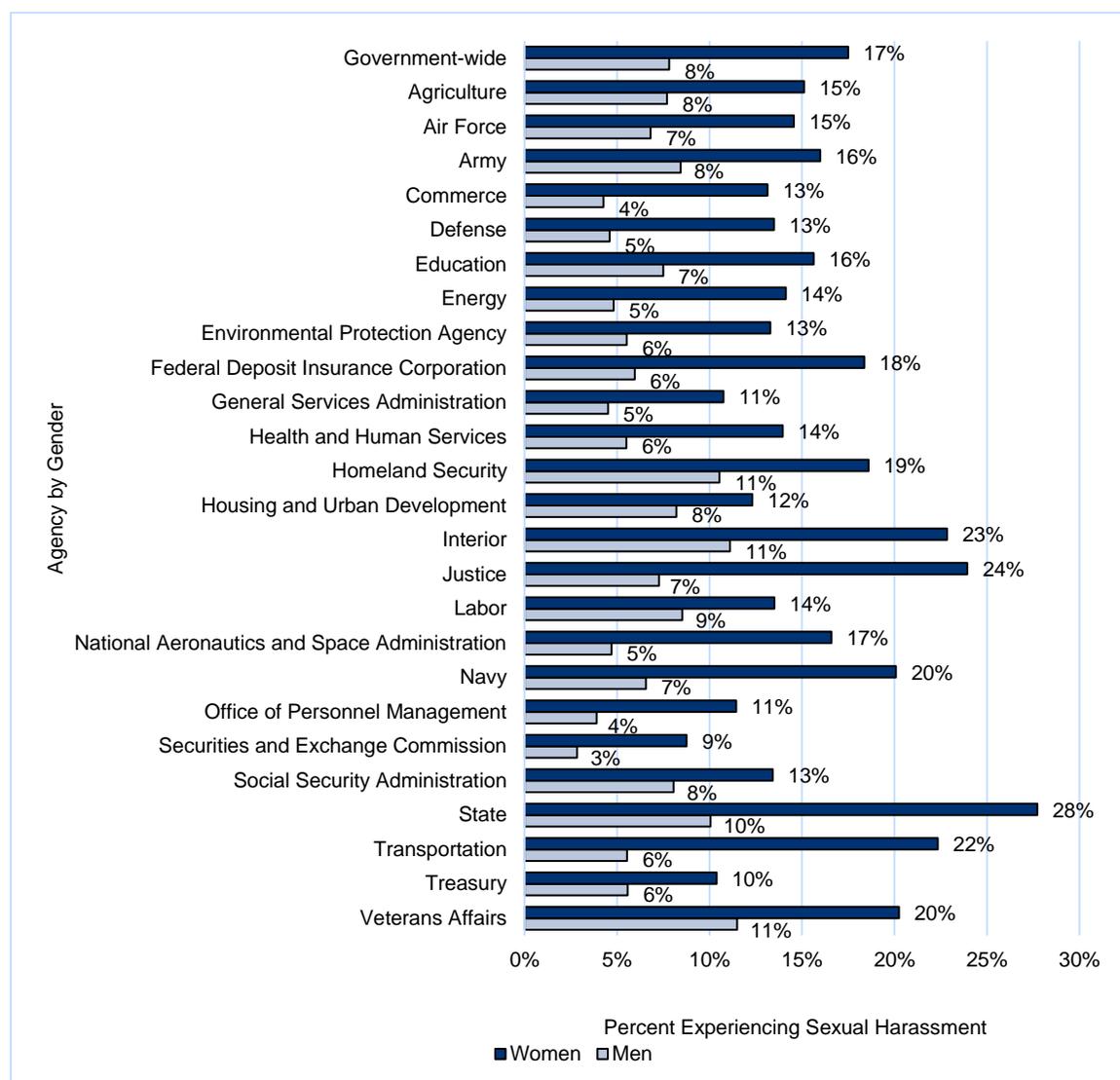
Nevertheless, since correlation between any of these factors does not necessarily equate to causation, these risk factors may not directly explain the differences between agencies in the prevalence of sexual harassment but may provide clues as to where to delve more deeply into potential influences on sexual harassment. Identifying these risk factors can help agencies decide where they need to concentrate additional efforts and which strategies are likely to have the greatest ability to mitigate the problem. As a first step, agency leaders need to understand the prevalence of sexual harassment in their own organizations and then identify and assess potential contributing factors. **Figure 1** shows that agencies vary in the prevalence of sexual harassment, but women are consistently more likely (and in some agencies, much more likely) than men to experience sexual harassment. Therefore, gender and employing agency represent two of the greatest risk factors for sexual harassment.

¹⁹ Although questions regarding the role of the harasser were not included on the MPS 2021, data from the MPS 2016 revealed that coworkers, other employees, and customers were most frequently identified as responsible for the harassment. Therefore, agencies should not focus their prevention efforts only on hierarchical relationships. See pp. 18-19 of *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, for more information regarding characteristics of harassers.

²⁰ U.S. Commission on Civil Rights, *Federal #MeToo: Examining Sexual Harassment in Federal Workplaces Briefing Report*, April 2020, p. 146.

²¹ Quick, J.C. and McFayden, M.A. (2017). Sexual harassment: have we made any progress? *Journal of Occupational Health Psychology*, 22(3), 286-298.

Figure 1. Percentage of Employees, by Agency and Gender, Experiencing Sexual Harassment, 2021



Although the MSPB survey data have consistently shown women to be at greater risk of sexual harassment, gender may become even more salient under other organizational conditions, such as in work groups that predominantly include men or women. For example, the MPS 2021 data show that women who indicated on the survey that there were substantially more men than women in their immediate work group were significantly more likely to have experienced sexual harassment (26.4% compared to 17.5%). Likewise, when women vastly outnumbered men in the work group, men were at greater risk of sexual harassment (13.7% compared to 7.8%).²²

Disproportionate gender composition of occupations²³ has also been found to be linked with an increased risk of harassment for those who are under-represented.²⁴ As an example of this from the MPS 2021 data, men accounted for less than one-third of Human Resources Management

²² Analyses of the MPS 2016 also found workforce composition to be correlated with greater prevalence of sexual harassment. U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, p. 16.

²³ Due to the large number of occupations, the number of survey respondents in many occupations was too small for further analysis. Each of the occupations discussed here had more than 80 female and/or male survey respondents.

²⁴ U.S. Government Accountability Office, *Workplace Sexual Harassment: Experts Suggest Expanding Data Collection to Improve Understanding of Prevalence and Costs*, September 2020, GAO-20-564, pp. 20-22. <https://www.gao.gov/products/gao-20-564>.

Specialists (GS-201) in 2022²⁵ but were more than twice as likely to experience sexual harassment compared to men overall (18.0% compared to 7.8%). However, the MPS 2021 data also suggested that gender imbalance of the workforce may be correlated with higher-than-average rates of sexual harassment, even for targets who are the same gender as the majority gender. As one example, over 30% of female nurses (GS-610) experienced sexual harassment, even though 81% of nurses are women.²⁶ (We note, however, that nurses are known to be at greater risk of experiencing sexual harassment due to occupational and organizational factors.²⁷) As another example, in the male-dominated²⁸ occupational series of Customs and Border Protection (GS-1895), Border Patrol Enforcement (GS-1896), and Transportation Specialist (GS-2101), the rate of men experiencing harassment was nearly double the average, at about 15%.²⁹

In addition to looking at gender alone and in conjunction with variables such as employing agency and occupation, looking at gender in combination with other personal characteristics may reveal effects related to intersectionality. Intersectionality refers to the fact that people simultaneously belong to multiple social groupings (e.g., ethnicity and race, sexual orientation, socio-economic status) which can impact their treatment.³⁰ Looking at the experience of sexual harassment within each demographic category in isolation can mask the ways that sexual harassment varies in prevalence, types of behaviors, and intensity for individuals with different constellations of personal characteristics.³¹ However, sample size, particularly within certain subgroupings, limited the ability to conduct extensive intersectional analyses of MPS 2021 data.

Based on the MPS 2021 data, of the personal characteristics that were examined, sexual orientation, age, ethnicity, and disability status all appear to be related statistically to a propensity to be harassed, but larger sample sizes would be required to explore these relationships more definitively. Therefore, it is important for agencies to consider the increased vulnerabilities of certain employees, based on a combination of factors, to increased risk of sexual harassment.

Possible Impacts of Pandemic-Related Increases in Telework

Since many employees shifted to working at home during early 2020 due to the pandemic, there has been much speculation about the potential impact on harassment. Although the research-based evidence so far has been scant, several published articles arrived at the same conclusion—while certain types of sexual harassment (e.g., unwanted touching) may decline when people are not physically together in the work environment, remote work does not stop other types of harassment behaviors (e.g., verbal harassment or sending sexually oriented material

²⁵ Occupational data was extracted from the U.S. Office of Personnel Management (OPM) FedScope Federal Workforce Status Data Employment Cubes as of September 2022. All occupational data was calculated based on full-time permanent (FTP) employees only. Data was pulled on February 3, 2023, from <https://www.fedscope.opm.gov/employment.asp>.

²⁶ Based on OPM's FedScope employment data as of September 2022 for FTP employees.

²⁷ Ross, S., Naumann, P., Hinds-Jackson, D.V., Stokes, L., (January 31, 2019) "Sexual Harassment in Nursing: Ethical Considerations and Recommendations" *OJIN: The Online Journal of Issues in Nursing* Vol. 24, No. 1, Manuscript 1.

²⁸ Per OPM's FedScope employment data from September 2022 for FTP employees, percentages of men in these occupations are: GS-1895, 80%; GS-1896, 94%; and GS-2101, 87%.

²⁹ There was an insufficient number of women survey respondents in these occupations to calculate reliable rates of sexual harassment.

³⁰ For examples, see Cole, E.R. (2009). Intersectionality and Research in Psychology, *American Psychologist*, 64(3), 170-180. <https://doi.org/10.1037/a0014564>. American Association of University Women, Limiting Our Livelihoods: The Cumulative Impact of Sexual Harassment on Women's Careers, November 2019, p. 14. <https://www.aauw.org/resources/research/limiting-our-livelihoods/>; Brassel, S. T., Davis, T. M., Jones, M. K., Miller-Tejada, S., Thorne, K. M., & Areguin, M. A. (2020). The importance of intersectionality for research on the sexual harassment of Black queer women at work. *Translational Issues in Psychological Science*, 6(4), 383–391. <https://doi.org/10.1037/tps0000261>.

³¹ *Ibid.*

electronically).³² In fact, some articles suggested that the informality of working from home may have blurred the lines between work life and social life for some employees, producing an increase in certain types of harassment.³³

Within the Federal workforce, some agencies such as the General Services Administration, the Department of Housing and Urban Development, the Environmental Protection Agency, and the Office of Personnel Management, switched more quickly and/or more widely to telework than others during the pandemic.³⁴ In contrast, agencies such as the Departments of State, Justice, Interior, Homeland Security, and Veterans Affairs tended to have lower rates of telework.³⁵ Notably, those agencies with a lower percentage of employees who teleworked during the peak of the pandemic generally had higher rates of sexual harassment. Therefore, it is possible that fewer in-person interactions decreased opportunities for certain types of harassment for agencies with higher rates of telework.

However, the ability to shift employees more easily to telework may also be driven by the nature of the work performed, the customers, agency technology resources, and leadership and the organizational culture. These factors may correlate with a predisposition to have different rates of sexual harassment, thereby making it challenging without collecting additional data to separate out the impact of increased telework from other potential influences on the prevalence of sexual harassment.

Further, as noted in the prior report, shifts in the prevalence of sexual harassment could also be related to prior actions that the agency has taken (or not taken) to prevent and address sexual harassment. The greatest opportunities for impact likely fall under the primary areas identified in the 2022 report on sexual harassment: policies and practices, education, and accountability.³⁶ With sustained attention and effort to remedy sexual harassment through these approaches simultaneously, agencies should begin to see improvements over time.

Actions Taken by Employees Following Sexual Harassment and Their Outcomes

Although agencies bear ultimate responsibility for rectifying sexual harassment,³⁷ employees who are directly or indirectly exposed to sexual harassment have options regarding the steps that they can take. These responses can be categorized as active, avoidance, or toleration. Active behaviors involve the target (or an observer) putting the harasser on notice that the behavior is unwelcome and/or involving others to assist in stopping the harassment. Avoidance serves to keep the target away from the harasser, but frequently does not alert the harasser or others that the behavior is

³² For example, see Fessler, L. (2021, June 8). Workplace harassment in the age of remote work. *The New York Times*, <https://www.nytimes.com/2021/06/08/us/workplace-harassment-remote-work.html>, retrieved on January 18, 2023 and Barcroft, K.L. ((2022, September 20). Blurred lines: the impact of remote working on sexual harassment. *New York Law Journal*, <https://www.bing.com/search?q=blurred+lines+the+impact+of+remote+work+on+sexual+harassment&cvid=433e775d2f73499a97b4bf86f853c34d&aqs=edge..69i57.10928j0j1&pglt=43&FORM=ANNTA1&PC=U531>, retrieved on January 18, 2023.

³³ *Ibid.*

³⁴ U.S. Government Accountability Office, *COVID-19: Federal Telework Increased During the Pandemic, but More Reliable Data Are Needed to Support Oversight*, GAO-22-104282, February 8, 2022.

³⁵ *Ibid.*, p. 9.

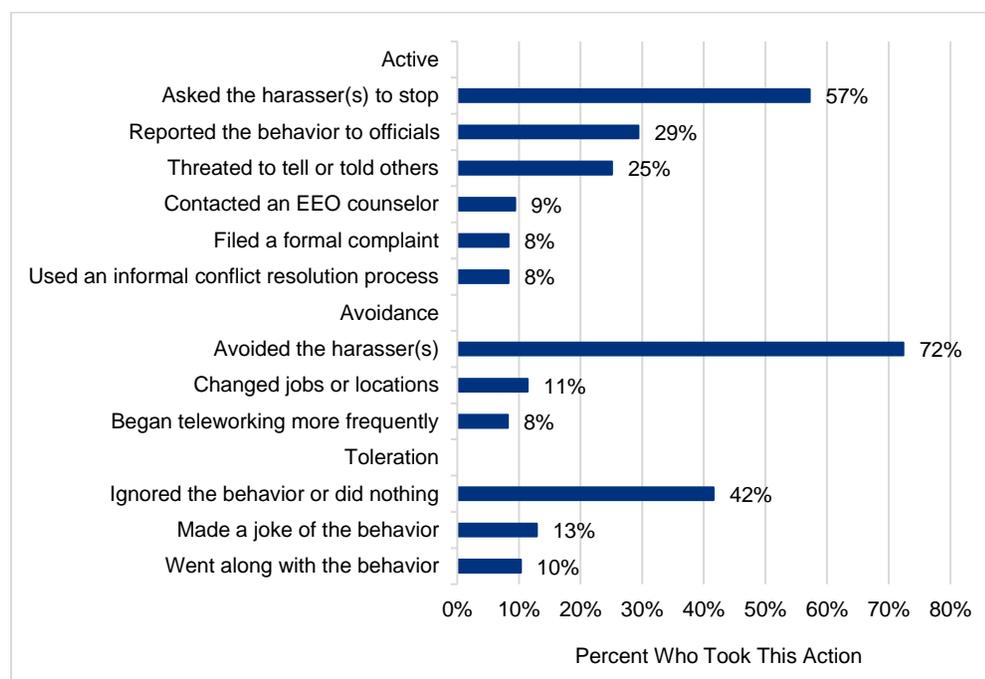
³⁶ As previously noted, MSPB's 2022 report, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, provides detailed recommendations in the "Conclusions and Recommendations" on pp. 41-46 and the "Supplement to the Recommendations: Implementing Practices and Issues" on pp. 47-62.

³⁷ Although *Meritor Savings Bank v. Vinson* (1986) established an employer's liability for sexual harassment committed by a supervisor, *Burlington Industries Inc., v. Ellerth* (1998) and *Faragher v. City of Boca Raton* (1998) further clarified the conditions under which an employer can be held accountable for sexual harassment by coworkers. The EEOC provides additional information on employer liability on its Harassment webpage, which can be found at <https://www.eeoc.gov/harassment>.

unwelcome. Similarly, toleration does not signal to the harasser or others that the behavior is viewed as inappropriate, and, consequently, may convey acceptance to the harasser and observers in the absence of negative feedback.

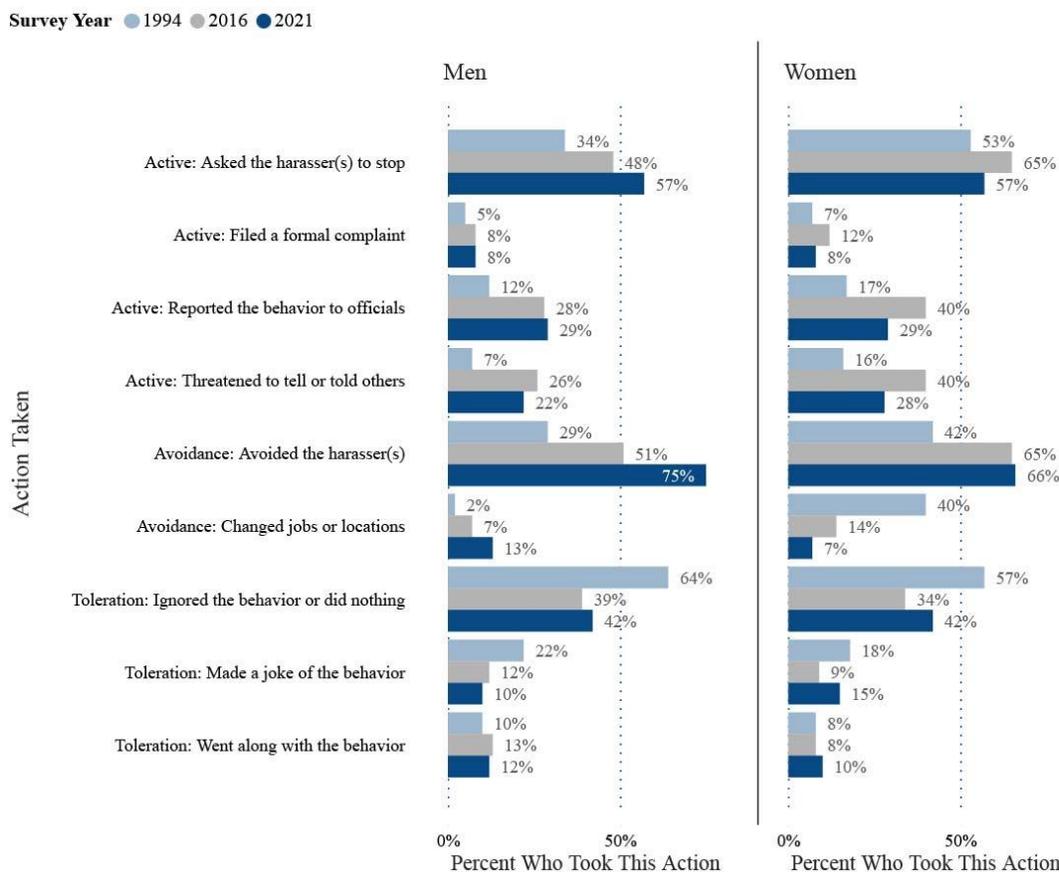
Figure 2 demonstrates that targets of sexual harassment employ a variety of methods in response to sexual harassment, either singly or in combination. Although 72% of targets used avoidance of the harasser and 42% ignored the behavior or did nothing, over half (57%) took the more direct and active approach of asking the harasser to stop. A substantial number of targets also actively reported the behavior to officials (29%) or threatened to tell or told others (25%). Since the survey allowed respondents to select more than one response, targets of harassment may have escalated (or possibly de-escalated) their reactions depending upon the reaction of the harasser. Regardless, employees should keep in mind the 45-day deadline (from the date the harassment occurred) for initiating contact with an agency equal employment opportunity (EEO) counselor, even if they believe their initial response has been effective in ending the harassment or if they decide to pursue alternative means for resolving the issue.³⁸

Figure 2. Actions Taken Following Sexual Harassment, 2021



Reviewing actions taken by employees in response to sexual harassment over time can provide some insights into how behavior has shifted. As shown in Figure 3, actions taken by women and men in response to sexual harassment generally converged by 2021 on the responses that they took. For example, compared to 1994, both women and men were more likely to take an active response in 2016 and 2021, and toleration behaviors have generally decreased. However, avoidance behaviors have generally increased since 1994, even though this seems to run counter to employees being willing to take a more active response.

³⁸ For more information on the Federal EEO Complaint Processing Procedures, please see guidance from the EEOC at <https://www.eeoc.gov/publications/federal-eeo-complaint-processing-procedures>.

Figure 3. Actions Taken by Employees in Response to Sexual Harassment, by Gender, 1994, 2016, and 2021

In contrast, when comparing just 2016 and 2021, several of the active responses decreased. Additionally, some avoidance and toleration behaviors increased. The shift to greatly increased telework could partly explain this, as the types of harassment behaviors in the virtual workplace shifted from physical to primarily verbal or visual in nature, and there may be fewer witnesses.³⁹ Therefore, targets may be less likely to take an active response, such as reporting the harassment.⁴⁰

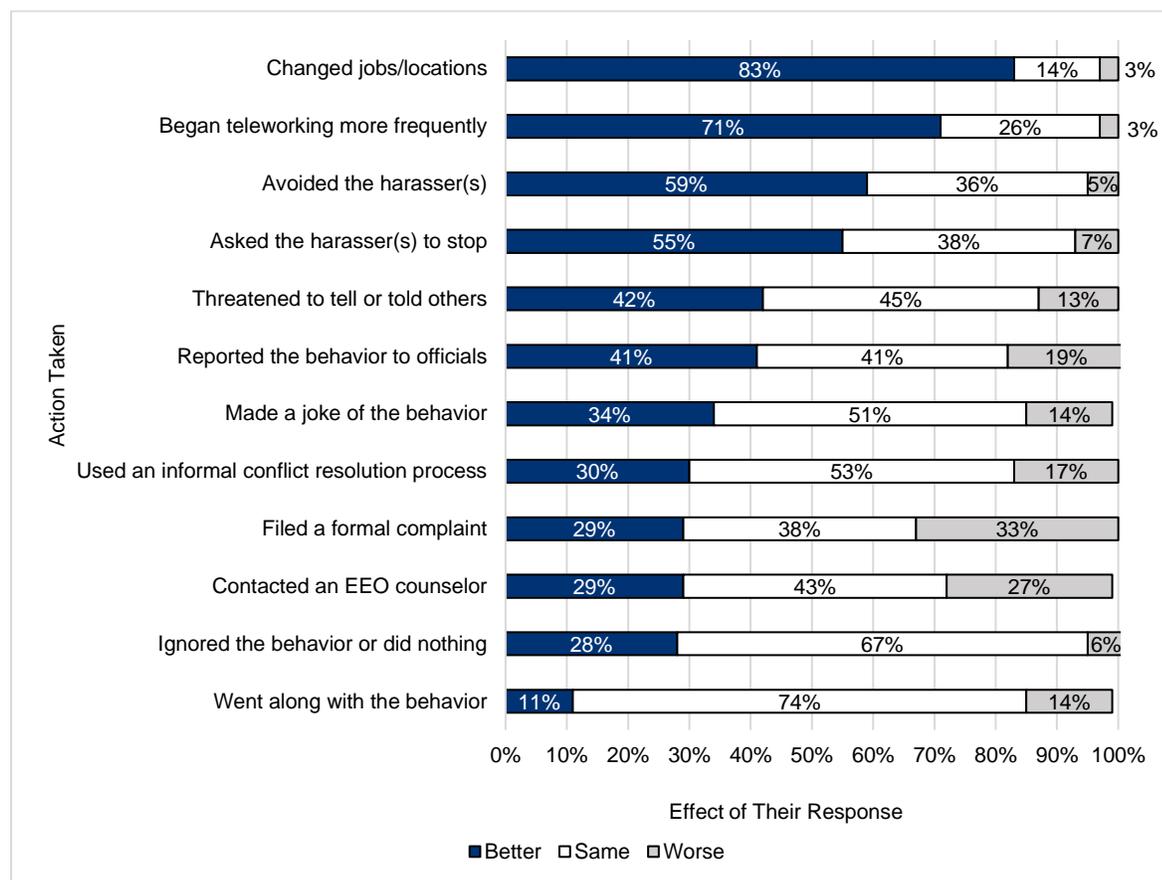
Following their response to sexual harassment, employees typically assess reactions of the harasser(s), coworkers, and those in the leadership chain. And while they may hope for improvement, experience has demonstrated that no changes or even a worsening of the situation may occur. Therefore, when asked about the result of their actions, employees noted varying outcomes, as shown in **Figure 4**. The most frequently chosen responses, avoiding the harasser, and asking the harasser to stop, were viewed as improving the situation for the majority of employees who tried these approaches. However, less commonly selected options, of changing jobs or locations, and teleworking more frequently, were even more likely to be viewed as producing a better outcome for the targets of harassment. In contrast, filing a formal EEO

³⁹ Nicholson, N. (2021, July 15). Remote Sexual Harassment. It's Happening. Are You Ready?, *HR Daily Advisor*, <https://hrdailyadvisor.blr.com/2021/07/15/remote-sexual-harassment-its-happening-are-you-ready/>.

⁴⁰ *Ibid.*

complaint or contacting an EEO counselor were viewed as less effective responses, as between one-quarter and one-third of those who tried these options perceived a negative outcome.⁴¹

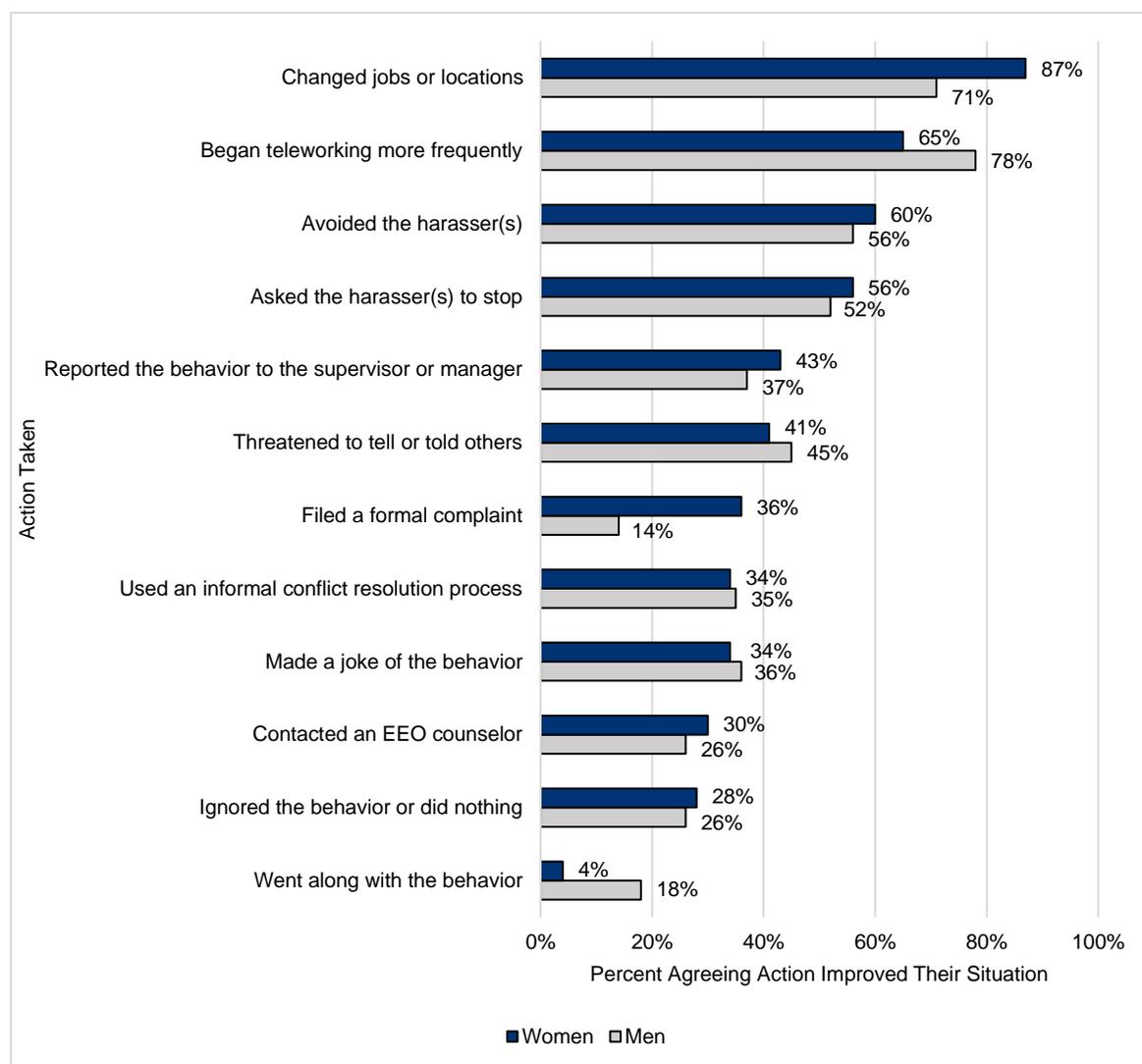
Figure 4. Employee Perceptions of the Effect of Their Responses to Sexual Harassment, 2021



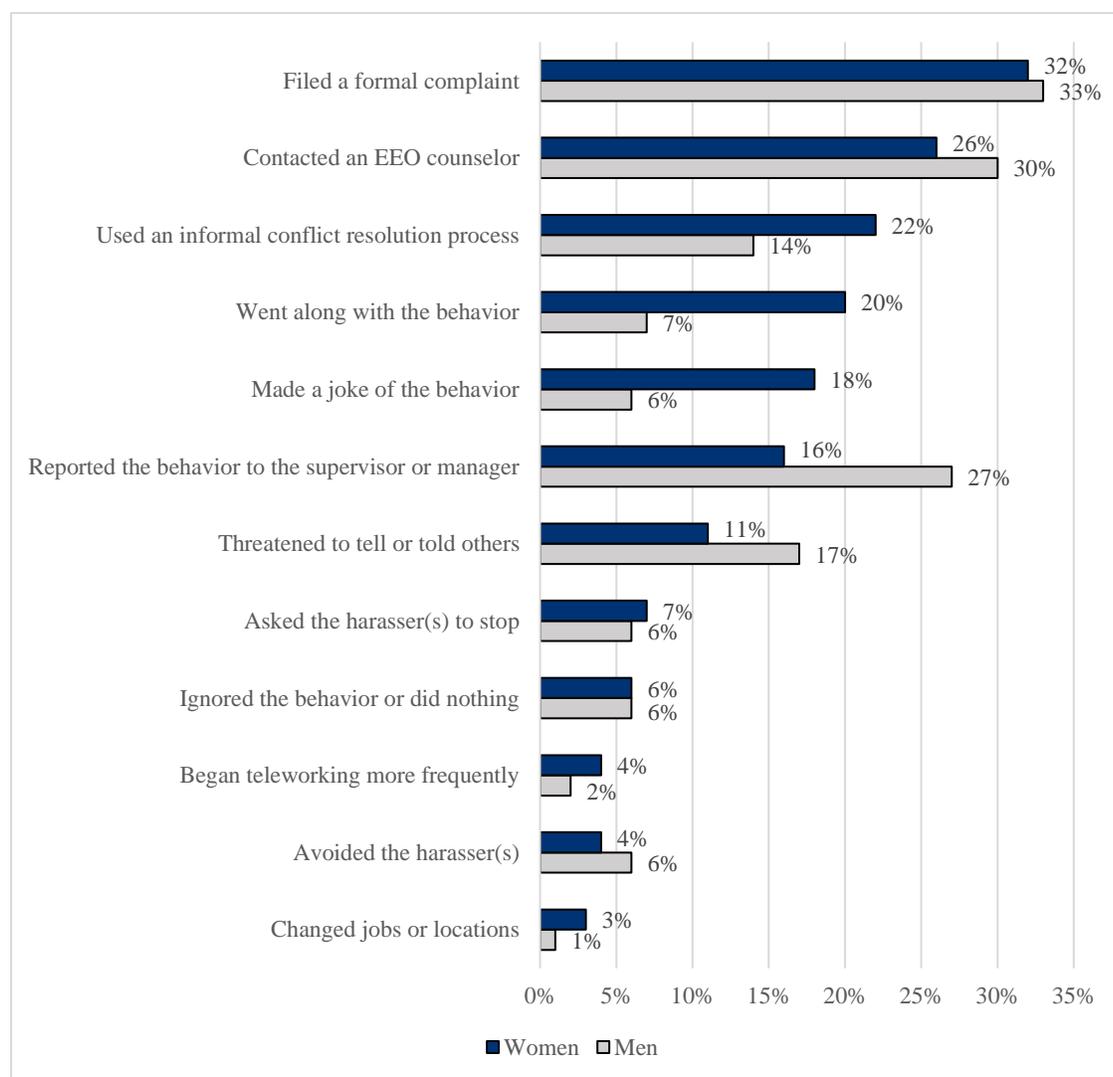
Although in 2021 women and men demonstrated more similar reactions to sexual harassment, they did not always view these actions as having the same outcomes, as previously seen with the MPS 2016 data.⁴² For actions viewed as improving the situation, **Figure 5** shows a continuing large gap for the most popular option of changing jobs or locations, as 87% of women who experienced sexual harassment and took this action thought it improved the situation, while only about 71% of the similarly situated men did. And while both women and men viewed increased telework as helpful, men were more likely to say this improved their situation. For the least popular option of going along with the behavior, there was also a large difference: only 4% of women thought this helped, while 18% of men who tried this response thought that it did. Nevertheless, the greatest discrepancy in outcomes related to filing a formal complaint: women were much more likely to find this to be effective (36%) compared to men (14%). Therefore, while women and men may hold comparable opinions regarding the effectiveness of some responses to sexual harassment, they still differ on others.

⁴¹ Given the similar concerns expressed on the MPS 2016, we included additional follow-up questions regarding the EEO complaint process on the MPS 2021. The responses to these questions will be discussed later in this research brief.

⁴² U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, pp. 29-30.

Figure 5. Actions Viewed as Improving the Situation after Sexual Harassment, by Gender, 2021

Similarly, there were differences among women's and men's opinions regarding actions that made their situation worse after sexual harassment, as seen in **Figure 6**. Women were much more likely than men to view going along with the behavior or making a joke of the behavior as having a negative impact, while men differed from women regarding reporting the behavior to a supervisor or manager, which they viewed as carrying more risk of worsening the situation. Therefore, several of the response behaviors were viewed very differently by women and men. Women viewed toleration responses as more likely to have unintended, negative consequences. In contrast, men more frequently viewed active responses as resulting in negative outcomes.

Figure 6. Actions Viewed as Worsening the Situation after Sexual Harassment, by Gender, 2021

One concerning finding that stands out from Figure 6 is the similarity between women and men in viewing the EEO process as risky, with about one-third of women and men viewing it as making their situation worse. This concern is supported by data from other sources, as those who have experienced and/or observed sexual harassment and taken an active response have noted that retaliation can be a negative consequence. For example, the EEOC’s Annual Reports reveal reprisal/retaliation⁴³ for participating in the EEO process to be the most frequently alleged basis for an EEO complaint filed by Federal employees for over 15 years.⁴⁴

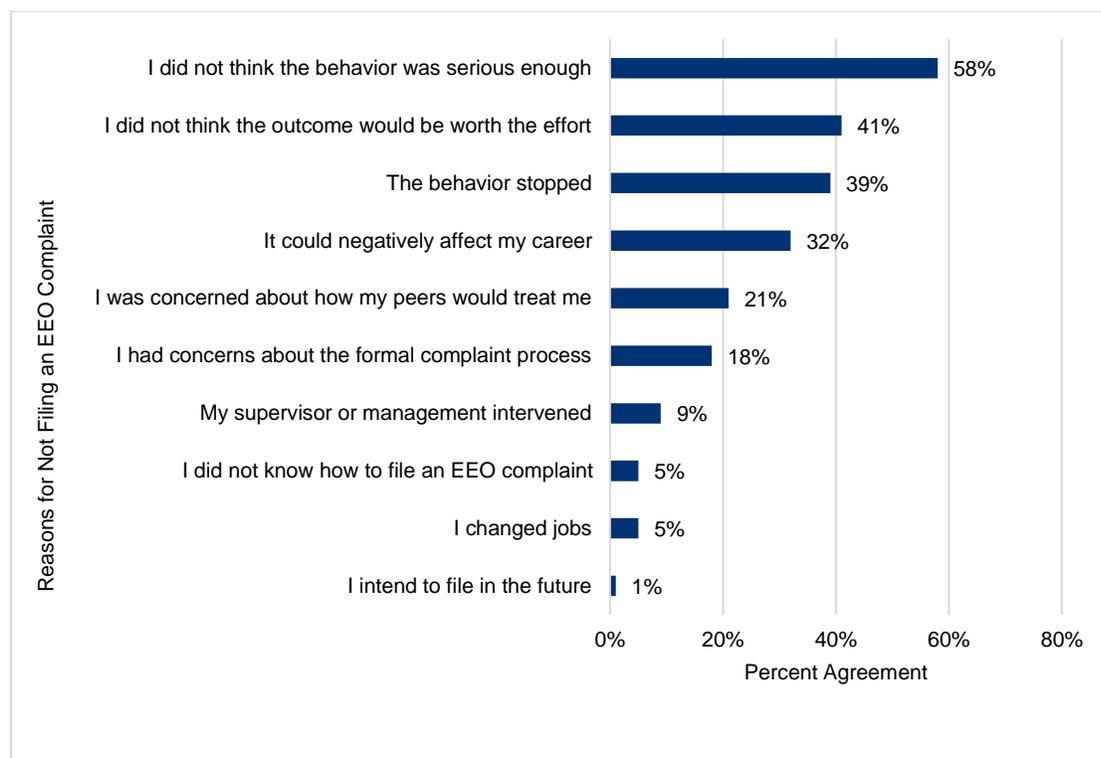
Similarly, even contacting an EEO counselor was seen as worsening the situation for 26% of women and 30% of men. With these results of perceptions of little gain for either women or men and greater risk of making the situation worse, it is unsurprising that fewer than 10% of targets of sexual harassment decided to contact an EEO counselor or file an EEO complaint. For those respondents who indicated that they had experienced sexual harassment but not filed an EEO complaint, the survey asked why they had not done so. The responses, as shown in **Figure 7**,

⁴³ The EEOC defines retaliation/reprisal as “treating employees badly because they complained about discrimination on the job, filed a discrimination charge or complaint, or participated in any manner in an employment discrimination proceeding” per the Retaliation/Reprisal brochure, which can be found at <https://www.eeoc.gov/laws/guidance/retaliationreprisal-brochure>.

⁴⁴ The EEOC’s *Annual Report on the Federal Workforce* is posted at <https://www.eeoc.gov/federal-sector/reports>. As of January 27, 2023, the most recent data available is the FY19 report.

frequently indicated concerns about future impacts, such as negative effects on their careers (32%) and peer relationships (21%), and a lack of benefit to be gained compared to these potential costs (41%).

Figure 7. Reasons Employees Provided for Not Filing EEO Complaints Following Sexual Harassment, 2021



Nevertheless, although fear of retaliation and other negative impacts were noted by some respondents, the most common reason expressed for not filing an EEO complaint was that the behavior lacked sufficient severity to be reported. Results on the MPS 2016 indicated that Federal employees are increasingly recognizing sexual harassment behaviors when they occur.⁴⁵ Yet, given the legal standard⁴⁶ required for substantiating an EEO complaint, these employees may also be correct that, although the behavior was inappropriate, it did not meet the threshold for an EEO complaint. On a more positive note, nearly 40% responded that they did not need to pursue the matter further because the behavior stopped,⁴⁷ which may have been due to other actions taken by the target to alert the harasser that their actions were unwelcome and inappropriate. Also, management, once aware of harassment, regardless of whether the target has elevated the issue, has an obligation to proceed with investigating and taking action to ensure that the behavior stops.⁴⁸ Therefore, in some cases, the situation may have been resolved by supervisors or others without requiring the employee to take further action.

⁴⁵ U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, pp. 10-11.

⁴⁶ At <https://www.eeoc.gov/sexual-harassment>, EEOC provides the following guidance: “Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).”

⁴⁷ Employees need to be aware of the requirement to contact EEO within 45 days of harassment or other forms of discrimination, to preserve their rights to file an EEO complaint, even if they believe that the behavior will stop.

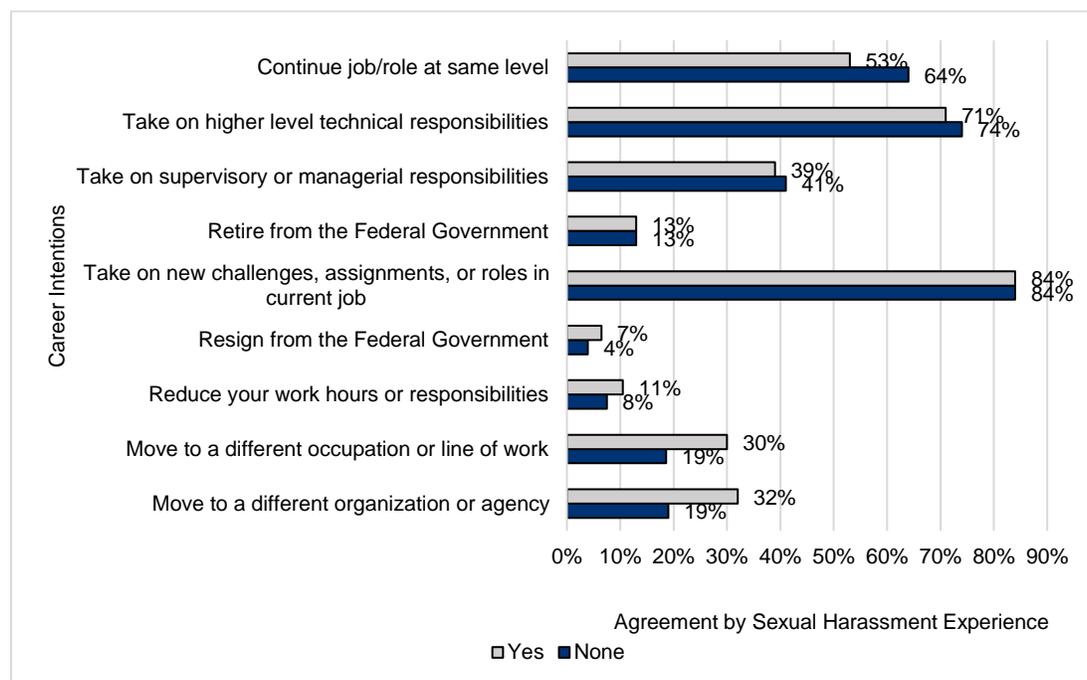
⁴⁸ EEOC’s Management Directive 715 (MD-715) states that a requirement of a model EEO program is to have an EEO policy that prohibits workplace harassment (sexual and nonsexual) and that the agency will correct “harassing conduct before it becomes severe or pervasive.” <https://www.eeoc.gov/federal-sector/management-directive/instructions-federal-agencies-md-715-section-i-model-eeo>

What are the Potential Impacts on the Organization?

In addition to negative outcomes for employees who experience sexual harassment, the presence of sexual harassment in the workplace can have deleterious impacts on the organization.⁴⁹ Therefore, beyond the need to adhere to applicable laws and regulations, it is in agencies' best interests to be vigilant in preventing and promptly addressing sexual harassment lest it undermine their mission. This can occur in numerous ways, such as jeopardizing the ability to recruit and retain the most capable and diverse workforce, and not fully utilizing all the talent that they have on board.⁵⁰ Further, the stress and dysfunction caused by sexual harassment can undermine the cohesion and productivity of work groups.⁵¹

As noted earlier, over 80% of those who changed jobs or locations after experiencing sexual harassment indicated that this improved their situation. Therefore, it should not be surprising that those who experienced sexual harassment were more likely than those who had not to express withdrawal behaviors such as moving to a different organization or occupation, as shown in **Figure 8**. Those who experienced sexual harassment were also less likely to pursue supervisory or managerial responsibilities or higher-level technical responsibilities. As a result, some targets of harassment were compelled to take actions that may have negatively impacted their career trajectory due to their efforts to physically withdraw or otherwise disengage from the situation where they were being subjected to harassment.

Figure 8. Career Intentions by Experience of Sexual Harassment, 2021



⁴⁹ For example, see U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, p. 23 and U.S. Government Accountability Office, *Workplace Sexual Harassment: Experts Suggest Expanding Data Collection to Improve Understanding of Prevalence and Costs*, September 2020, GAO-20-564, pp. 22-29. <https://www.gao.gov/products/gao-20-564>

⁵⁰ U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, pp. 21-23.

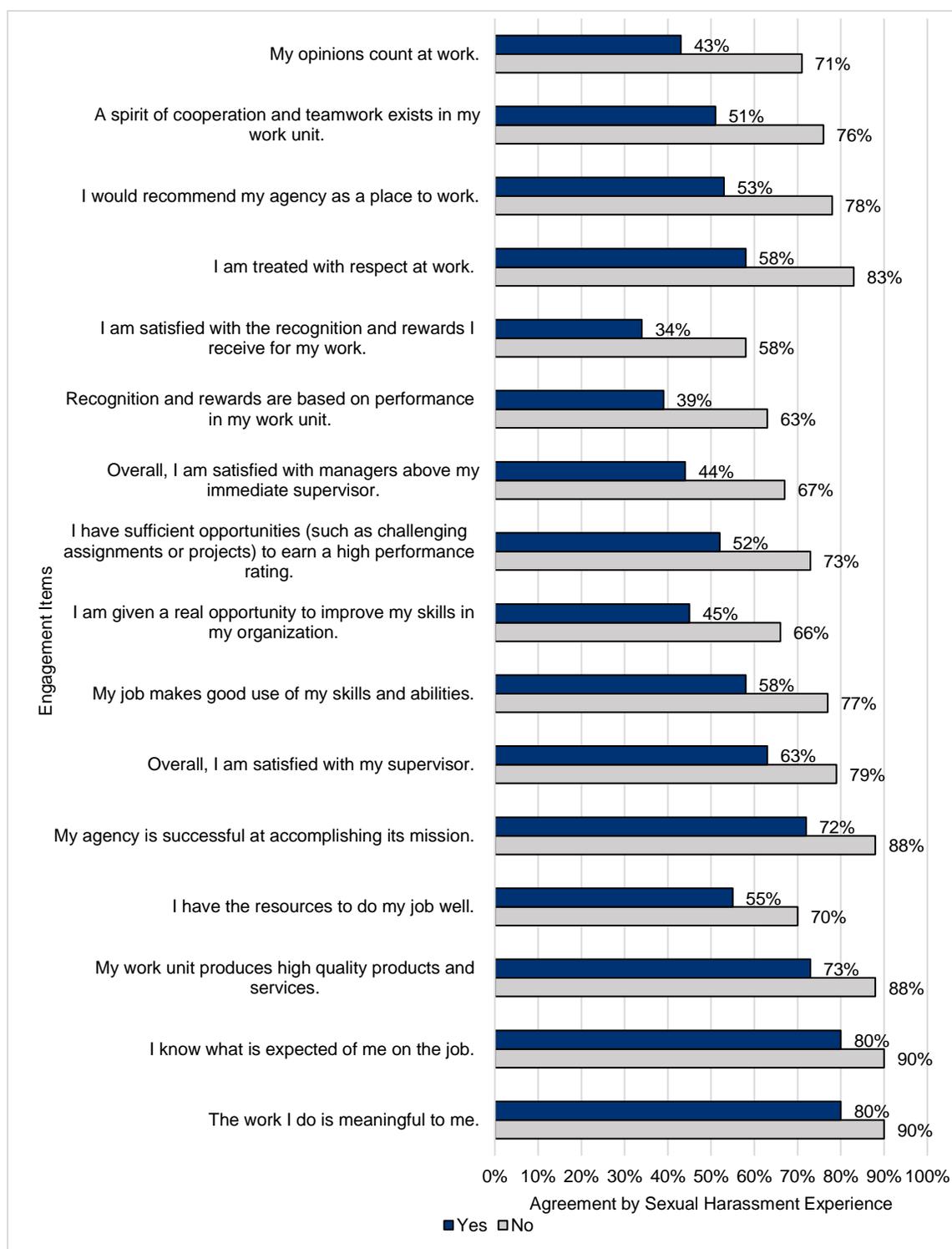
⁵¹ Raver, J.L. and Gelfand, M.J. (2005). Beyond the individual victim: linking sexual harassment, team processes, and team performance. *The Academy of Management Journal*, 48(3), 387-400.

Employees who had experienced sexual harassment were also less likely to provide a positive response on every item of the MPS 2021 engagement scale,⁵² as seen in **Figure 9**. Past MPSB research has found that “(e)ngaged employees find personal meaning in their work, take pride in what they do and where they do it, and believe that their organization values them” and that “Federal agencies with employees who are more engaged experience better outcomes than agencies with employees who are less engaged.”⁵³ Therefore, although we cannot determine causality from the measures obtained with this survey, the discrepancies on the engagement items reflect the expected trends of less satisfaction among those who have experienced sexual harassment one or more times in the past two years. The greatest differences related to employees’ feelings of being respected, as reflected through responses to questions that were either direct or indirect (e.g., asking whether they felt that their opinions counted at work). Employees who had experienced sexual harassment were less likely to be satisfied with upper management or to feel a sense of cooperation and teamwork in their work unit. Not surprisingly, those employees were also less likely to recommend their agency as a place to work—creating an impediment to both recruitment and retention.

⁵²The engagement scale measures the “connection between employees and their work, their organization, or the people they work for or with, and is discussed in the September 2008 U.S. Merit Systems Protection Board report, *The Power of Employee Engagement* starting on p. i.

⁵³ U.S. Merit Systems Protection Board, *The Power of Employee Engagement*, September 2008, p. i.

Figure 9. Employee Agreement with Engagement Items by Experience of Sexual Harassment, 2021



What Have Agencies Done to Address Sexual Harassment?

As discussed in the 2022 report, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, three broad strategies are needed to prevent sexual harassment and better respond to it when it occurs. These include:

1. **Policies and practices:** To document and communicate definitions, expectations for conduct, and procedures for seeking and obtaining redress;

2. **Education:** To inform employees, supervisors, and managers about agency policies and actions they can take to prevent or respond to harassment; and
3. **Accountability:** To reinforce agency policy and expectations, at both the organizational and individual level.

For these to be effective, they must work in concert. Employees must be aware of the existing policies, understand the expectations for behavior in the organization, and have confidence that management will enforce these policies, fairly and consistently.

As one sign that many agencies are achieving these goals, the majority of employees in 2021 expressed approval of their agency’s efforts to combat sexual harassment: approximately 80% of respondents agreed that their agency “takes sufficient steps to prevent sexual harassment.”⁵⁴ However, this global response can mask differences of opinion between those who experienced sexual harassment and those who did not,⁵⁵ and other potential areas of improvement within specific strategies for preventing and responding to sexual harassment.

Policy and Practice

Most fundamentally, all Federal agencies should have a policy in place regarding sexual harassment and ensure that all employees are aware of it. The MPS 2021 survey results indicated widespread agency success in notifying employees of their sexual harassment prevention policy: 96% of respondents agreed that their agency has a policy prohibiting sexual harassment, while just 3% did not know,⁵⁶ as shown in **Table 3**.⁵⁷ Similarly, the vast majority (95%) of employees were familiar with the contents of these policies, and nearly as many (94%) agreed that the policy clearly communicates expectations for employees’ behavior.

Table 3. Employee Agreement Regarding Agency Policies to Prevent Sexual Harassment, 2021

| Item | Agreement |
|---|------------------|
| My agency has a policy prohibiting sexual harassment. | 96% |
| I am familiar with the contents of my agency’s policy regarding sexual harassment. | 95% |
| My agency’s policy clearly communicates how employees should act to prevent and respond to sexual harassment. | 94% |
| This policy is effective in preventing and addressing sexual harassment. | 79% |

However, just under 80% of employees viewed the policy as effective in preventing sexual harassment. Policies represent only one tool agencies can and should use to prevent sexual harassment. These policies are meaningless without agency efforts to educate their employees, supervisors, managers, and executives about the contents of the policies and to hold them accountable for their behavior in accordance with these expectations.

⁵⁴ This response was comparable to the 2016 response of 79%.

⁵⁵ Of those who experienced sexual harassment, just under half agreed that their agency “takes sufficient steps to prevent sexual harassment,” compared to 86% of those who had not experienced sexual harassment.

⁵⁶ The response options for the item “My agency has a policy prohibiting...” were simplified to “Yes,” “No,” or “Don’t Know.” Although “Don’t Know” responses are typically excluded from analyses, for the items related to agency policies, “Don’t Know” responses were included because employee knowledge regarding the existence of agency policies is relevant.

⁵⁷ This result was identical to the response from 2016.

Education

As noted in MSPB’s 2022 report, educational programs designed to combat sexual harassment in Federal agencies frequently serve multiple purposes:⁵⁸

1. Compliance—meeting a requirement established in law, regulation, or agency policy;
2. Notice—establishing a record, for purposes of compliance or accountability, that an individual has been provided with certain materials or information;
3. Knowledge—conveying facts about a subject, such as agency policies related to harassment and nondiscrimination, the definition of sexual harassment, and behaviors that may constitute sexual harassment;
4. Culture—conveying information about the organization’s expectations and values, and its vision for employee conduct and the work environment; and
5. Behavior—guiding and influencing decisions and actions in the workplace, such as how to avoid sexual harassment and how to respond appropriately to sexual harassment.

At a minimum, agencies are required by the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) (5 C.F.R. §724.202 and §724.203) to educate employees regarding discrimination on all legally protected bases (including discrimination based on sex, which includes sexual harassment), and protection for whistleblowers. Therefore, agencies must:

1. Issue a notice to all employees regarding their rights and remedies under antidiscrimination laws and whistleblower protection laws within 90 days of entry on duty (EOD) and annually thereafter; and
2. Provide training on this topic to employees within 90 days of EOD and, at a minimum, every two years.

However, agencies (particularly those with a higher prevalence of sexual harassment) need to invest more time and effort into educating their employees after discerning the reasons behind the failure by employees (or others who are present in the workplace and/or interacting with employees) to meet the minimum standards for nondiscriminatory behavior. Beyond the basics of communicating that sexual harassment is illegal and that these behaviors will not be tolerated within the organization, agencies need to clarify what behaviors may constitute sexual harassment since employees may have different perspectives on this.⁵⁹ Further, agencies can provide employees with knowledge and tools to use when they encounter sexual harassment, whether as a target, an observer, or a supervisor or manager. Accomplishing these goals necessitates time and sustained effort devoted not only to providing employees with information but also to persuading them to modify their work behavior, even if they are not the perpetrators of sexual harassment.

Additionally, agencies should ensure they address behavior promptly even if it does not meet the legal threshold of harassment. For example, as seen previously in **Table 1**, some of the most

⁵⁸ U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, p. 55.

⁵⁹ U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, pp. 10-11.

prevalent sexual harassment behaviors relate to violation of workplace conversational norms. Although these sometimes subtle forms of harassment may be viewed as less severe, if left unaddressed, they can create a hostile work environment—a legally prohibited form of sexual harassment—and further undermine diversity and inclusion. EEOC guidance encourages agencies to address conduct before it rises to the level of legally prohibited harassment.⁶⁰

In response to the MPS 2021, 92% of employees indicated that, within the past two years, they had received training focused specifically on preventing sexual harassment, and a similar percentage (93%) agreed that this training clearly communicated how to prevent and respond to sexual harassment (**Table 4**). However, only about 77% viewed this training to be effective in preventing and addressing sexual harassment.

Table 4. Employee Agreement Regarding Agency Training to Prevent Sexual Harassment, 2021

| Item | Agreement |
|--|-----------|
| In the past 2 years, have you received training that is focused specifically on preventing and addressing sexual harassment? | 92% |
| This training clearly communicates how to prevent and respond to sexual harassment. | 93% |
| This training is effective in preventing and addressing sexual harassment. | 77% |

Beyond the value in the baseline requirement of educating employees regarding sexual harassment and their legal rights and remedies should it occur, the ability of training to achieve the goals of preventing sexual harassment has generated debate among researchers. In fact, some studies suggest that sexual harassment training may increase knowledge about sexual harassment and complaint procedures, but may not be effective in changing employee behavior.⁶¹ Further, training that is intended to prevent sexual harassment can backfire and have unintended consequences.⁶² Therefore, agencies need to carefully consider what goals they want to achieve with educational efforts designed to prevent sexual harassment, the training methods to best achieve these goals, and the limitations of such training to change attitudes and behavior.

As shown in **Table 5**, some of the challenges to the effectiveness of sexual harassment prevention training may be due to the relative brevity of the training for employees. Of those who received training focused specifically on sexual harassment prevention, the length of the training for most (58%) employees was less than one hour. Although factors such as the scope, audience, and format of the training may impact the optimal length of training, some researchers have expressed concern that training of an inadequate length may be more harmful than no training.⁶³

⁶⁰ U.S. Equal Employment Opportunity Commission, Promising Practices for Preventing Harassment, EEOC-NVTA-2017-2, 11-21-2017, which can be found at <https://www.eeoc.gov/laws/guidance/promising-practices-preventing-harassment>.

⁶¹ Roehling, M., Wu, D., Choi, M.G., and Dulebohn, J. (2022). The effects of sexual harassment training on proximal and transfer training outcomes: a meta-analytic investigation. *Personnel Psychology*, 75, pp. 3-31.

⁶² For examples, see Dobbin, F. and Kalev, A. The promise and peril of sexual harassment programs. *Proceedings of the National Academy of Sciences*, 116(25), pp. 12255-12260 and Bingham, S.G. and Scherer, L.L. (2001). The unexpected effects of a sexual harassment education program. *The Journal of Applied Behavioral Science*, 37(2), pp. 125-153.

⁶³ Bingham, S.G. and Scherer, L.L. (2001). The unexpected effects of a sexual harassment education program. *The Journal of Applied Behavioral Science*, 37(2), pp. 144-145.

Table 5. Length of Training Designed to Prevent Sexual Harassment, 2021

| Length of Training | Percentage |
|----------------------|------------|
| Less than 15 minutes | 2% |
| 15 to 59 minutes | 56% |
| 1 to 3 hours | 39% |
| 4 to 8 hours | 3% |
| More than 8 hours | <1% |

The method of delivery varied across respondents, but online delivery of recorded materials (85%) was noted as the most prevalent training format, followed by written materials (35%), in-person training (30%), and interactive webinars or video-teleconferences (23%). However, these choices may have been influenced by the pandemic, which caused dramatic shifts in how training could be delivered during part of the time covered by the MPS 2021. In the future, agencies should carefully evaluate the effectiveness and practicality of various instructional methods based on the specific needs of their workforce.

Accountability

Finally, agencies must create a culture in which employees have confidence that sexual harassment will not be tolerated by anyone at any level of organization. Deterring employees from engaging in sexual harassment will be more easily accomplished when employees: (1) have supervisors who will impose discipline on those who engage in sexual harassment, and (2) work among peers who visibly demonstrate that they will not tolerate sexual harassment. **Table 6** shows that employees expressed confidence in many aspects of accountability. Over 80% of respondents indicated that employees are held accountable according to their agencies' sexual harassment policies and that their coworkers would speak up to stop sexual harassment. Most employees (85%) also expressed a personal comfort level with calling out sexual harassment. Yet, 20% of employees responded that their agency tolerates sexually charged comments and behaviors that are inappropriate at work. This result indicates that some employees perceive their agencies as abdicating their responsibilities and unfairly burdening employees with either policing the behavior of others or having to endure a work environment where sexual harassment is condoned.

Table 6. Employee Perceptions of Organizational Culture Related to Sexual Harassment, 2021

| Item | Agreement |
|---|-----------|
| My agency holds employees accountable for the requirements of this policy. | 81% |
| My agency tolerates comments and actions of a sexual nature that I view as inappropriate for the workplace. | 20% |
| My work colleagues would stand up for someone who was experiencing sexual harassment. | 83% |
| I would feel comfortable speaking up if I observed sexual harassment. | 85% |

Trust in the organization to hold perpetrators of sexual harassment accountable is critical because if sexual harassment does occur, employees who experience or observe these behaviors will be more likely to pursue corrective action, including formal complaint channels, when they believe that this will stop the harassment without negative consequences for those involved in filing the

complaint or serving as witnesses. For the formal EEO complaint process to work effectively, employees must be aware of the procedural requirements so they can act in a timely manner (i.e., within 45 days of the harassment), and who to contact for assistance. They must also trust that the system will work as promised. Although **Table 7** demonstrates that employee responses regarding the formal complaint process were positive, there is still room for improvement, particularly regarding confidence in appropriate action being taken by management following sexual harassment and not being subjected to retaliation.

Table 7. Employee Perceptions of the Formal Complaint Process, 2021

| Item | Agreement |
|--|-----------|
| I am familiar with the formal complaint channels that are available to people who have experienced sexual harassment. | 86% |
| If I filed an action charging sexual harassment, I am confident that it would be resolved in a fair and just manner. | 69% |
| If a supervisor or manager in my organization was found to have committed sexual harassment, management would take appropriate action. | 73% |

Differences of Opinion Based on Experience with Sexual Harassment

As noted in our previous research,⁶⁴ employees who have experienced sexual harassment consistently expressed less confidence in actions taken by their agencies to prevent and address sexual harassment. On the MPS 2021, employees who experienced one or more forms of sexual harassment within the prior two years provided a more negative overall assessment related to the sufficiency of their agency's actions to prevent harassment: just 48% of those who experienced sexual harassment thought their agency took sufficient steps to prevent harassment, compared to 86% of employees who had not experienced harassment. Their responses also indicated more skepticism on every item that addressed actions taken by the agency. The largest differences related to accountability for sexual harassment claims being resolved in a fair and just manner, followed closely by skepticism regarding the effectiveness of agency policies and training to prevent and address sexual harassment. While these responses may reflect perceptual differences (e.g., those who have experienced sexual harassment may hold more negative views regardless of the actions taken by their agency), an alternative explanation is that these responses reflect actual differences between organizations, since those that invest more time and effort in improving their policies and practices, education, and accountability should have lower rates of sexual harassment.

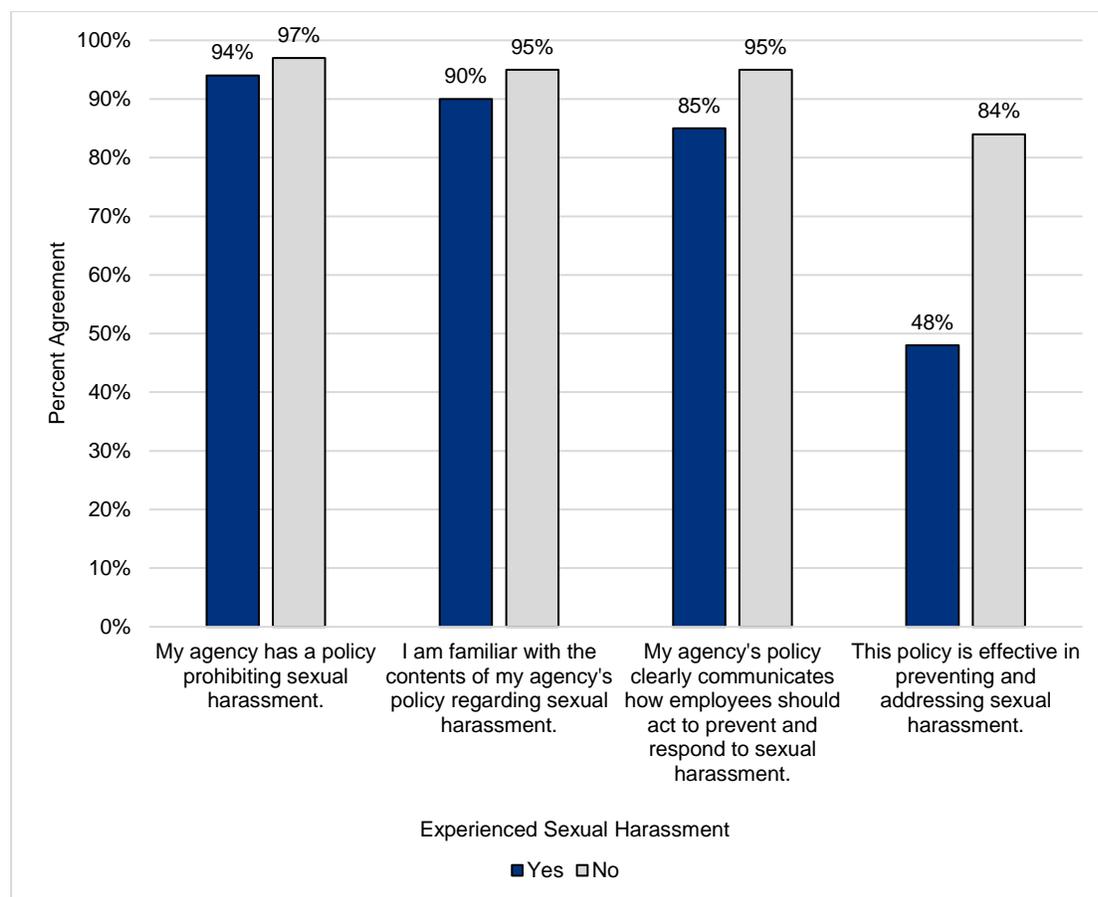
Having an agency policy regarding sexual harassment and notifying employees of its existence represents the most fundamental step that agencies must take.⁶⁵ As seen in **Figure 10**, regardless of whether they had experienced sexual harassment, employees generally agreed that their agency has a policy prohibiting sexual harassment and that they are familiar with its contents. However, employees' experiences of sexual harassment made them much less likely to see such a policy as

⁶⁴ U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, pp. 38.

⁶⁵ For example see U.S. Equal Employment Opportunity Commission, Question and Answers: No FEAR Act, <https://www.eeoc.gov/eeoc/statistics/nofear/qanda.cfm> and U.S. Equal Employment Opportunity Commission, Instructions to Federal Agencies for MD-715, <https://www.eeoc.gov/federal/directives/md715/section3.cfm> and U.S. Equal Employment Opportunity (EEOC), Model EEO Programs Must Have An Effective Anti-Harassment Program, <https://www.eeoc.gov/federal-sector/model-eeo-programs-must-have-effective-anti-harassment-program#:~:text=EEOC%27s%20EEO%20Management%20Directive%20715%20%28MD%20715%29%20sets,must%20have%20in%20place%20an%20effective%20anti-harassment%20program.>

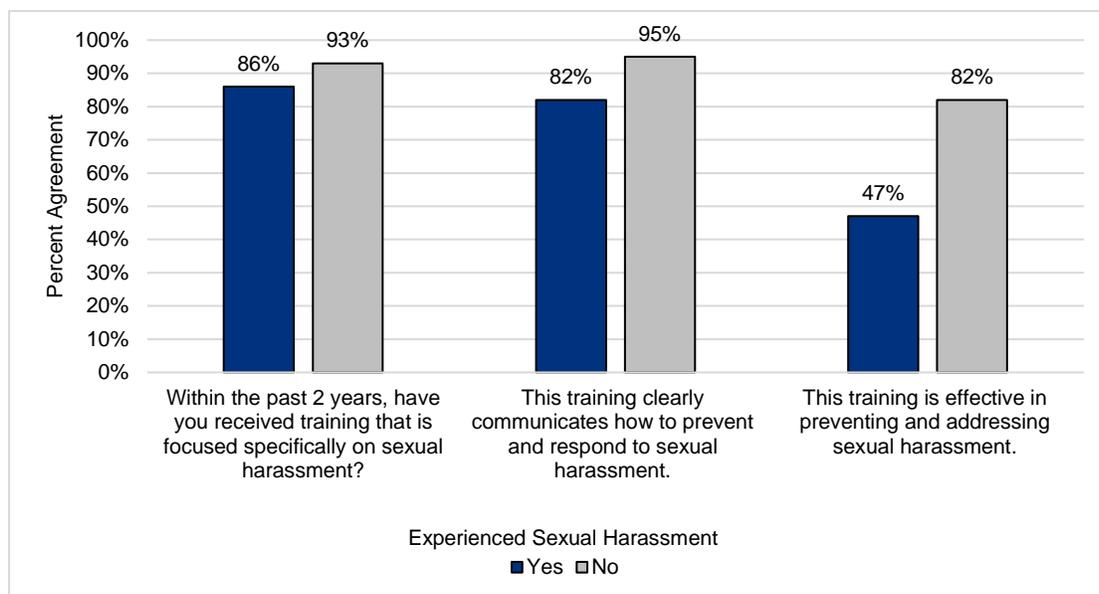
effective. Thus, agencies must further ensure that their policies not only clearly explain what employees should and should not do but also convince them to adhere to these expectations to help prevent and address sexual harassment.

Figure 10. Employee Agreement Regarding Agency Policies to Prevent Sexual Harassment, by Experience with Sexual Harassment, 2021



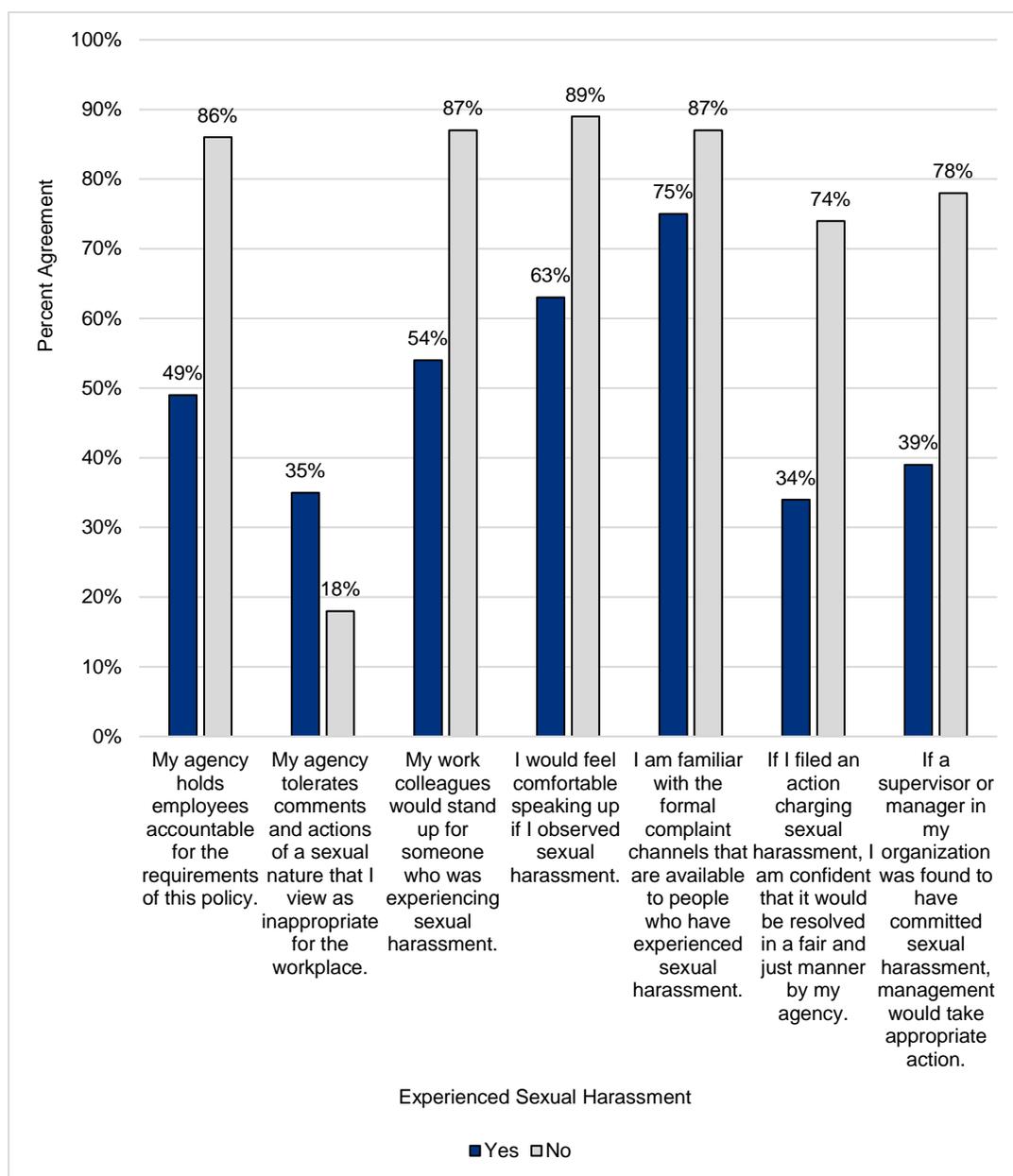
As seen with policy, employees who experienced sexual harassment and those who had not are less likely to have a shared perspective regarding the effectiveness of sexual harassment training, as seen in Figure 11. Both groups of employees agreed that their agency has a sexual harassment policy and that it clearly communicates how to prevent and respond to sexual harassment. Employees were more likely to agree regarding having sexual harassment prevention training, although the gap here in sexual harassment experiences could reflect different organizational experiences as those who work in organizations that did not offer training might have higher rates of harassment. Similarly, if training is not clearly communicating how to prevent and respond to sexual harassment, this could also lead to greater prevalence of sexual harassment.

Figure 11. Employee Agreement Regarding Agency Training to Prevent Sexual Harassment, by Experience with Sexual Harassment, 2021



As in previous items, **Figure 12** shows the smallest gap for the knowledge-based item—familiarity with the formal complaint process. In contrast, the greatest gaps reflect a difference of opinion between those who have experienced sexual harassment and those who have not regarding the agency’s commitment to hold perpetrators of sexual harassment accountable. When employees who have experienced sexual harassment are much less likely to believe that harassers will be held accountable, this suggests that they may have experienced a failure of the organization to act in accordance with its policies and anti-discrimination laws—or at least believe that they have.

Figure 12. Employee Agreement Regarding Agency Organizational Climate and Accountability to Prevent Sexual Harassment, by Experience with Sexual Harassment, 2021



These stark differences on many survey items suggest that those who have experienced sexual harassment in their workplaces have very different views of their agencies and other aspects of their work environment than those who have not. Understanding the reasons behind these gaps can help organizations in shoring up their policies and practices, educational initiatives, and systems for holding all employees accountable for upholding a work environment free of harassment. While these efforts require ongoing effort, the investment pays off for employees, the organization, and the public. Maintaining a harassment-free workplace provides a healthier work environment and supports critical organizational capabilities, such as employee recruitment, engagement, performance, and retention, while ensuring that the organization functions in a fair and effective manner that is in accord with the merit system principles.

Conclusions

As discussed in this brief, results from the MPS 2021 suggest a slight improvement regarding the prevalence of sexual harassment,—both Government-wide and when looking separately at women as a group and men as a group. However, more time will be needed to assess whether this shift represents a sustained improvement in the work environment due to changes in the behavior of management and employees—or whether it reflects the unique circumstances of the 2019-2021 time period, which included just over one year of greatly increased telework by many Federal employees due to the SARS-CoV-2 pandemic.

Importantly, although the overall prevalence of sexual harassment decreased slightly, sexual harassment did not decrease uniformly in all agencies; some agencies demonstrated increases for women or men—or both. Further, all agencies still have substantial room for improvement in their efforts to eliminate sexual harassment. Therefore, all agencies should continue to evaluate potential causes of sexual harassment and strive to eliminate it. Those with above-average rates of harassment for women and/or men should pay particular attention to opportunities to improve their policies and practices, educate their workforce and ensure accountability for violating their standards.⁶⁶

⁶⁶ For detailed recommendations regarding how to achieve this, see U.S. Merit Systems Protection Board, *Sexual Harassment in Federal Workplaces: Understanding and Addressing the Problem*, December 2022, pp. 43-62.