

MICHAEL B. ENZI, WYOMING  
RICHARD BURR, NORTH CAROLINA  
JOHNNY ISAKSON, GEORGIA  
RAND PAUL, KENTUCKY  
SUSAN M. COLLINS, MAINE  
BILL CASSIDY, M.D., LOUISIANA  
TODD YOUNG, INDIANA  
ORRIN HATCH, UTAH  
PAT ROBERTS, KANSAS  
LISA MURKOWSKI, ALASKA  
TIM SCOTT, SOUTH CAROLINA

PATTY MURRAY, WASHINGTON  
BERNARD SANDERS (I), VERMONT  
ROBERT P. CASEY, JR., PENNSYLVANIA  
MICHAEL F. BENNET, COLORADO  
TAMMY BALDWIN, WISCONSIN  
CHRISTOPHER S. MURPHY, CONNECTICUT  
ELIZABETH WARREN, MASSACHUSETTS  
TIM Kaine, VIRGINIA  
MARGARET WOOD HASSAN, NEW HAMPSHIRE  
TINA SMITH, MINNESOTA  
DOUG JONES, ALABAMA

## United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

DAVID P. CLEARY, STAFF DIRECTOR  
EVAN SCHATZ, DEMOCRATIC STAFF DIRECTOR

<http://help.senate.gov>

February 7, 2018

Mr. William A. Dombi  
President  
National Association for Home Care and Hospice  
228 7<sup>th</sup> Street SE  
Washington, DC 20003

Dear President Dombi:

I write to your association with deep concern regarding harassment in the workplace. In recent months, stories of sexual harassment have dominated the headlines and sparked a national conversation about change, power dynamics, and equality in the workplace and beyond. Workers across the country are speaking out about their experiences, and their stories have made clear that we all have a great deal of work to do to address this pervasive, systemic, and longstanding issue. Although we are seeing headlines about powerful and famous people being called to account for their actions, we are seeing far less action in industries outside of the spotlight. Therefore, I hope and expect that you are taking steps to address concerns about misconduct in your industry and to ensure your members' workplaces are free from harassment.

The health care and social assistance industry in particular employs over 20 million workers and has some of the highest rates of reported sexual harassment in the country.<sup>1</sup> According to data collected by the Equal Employment Opportunity Commission ("EEOC") from 2005 to 2015, the health care and social assistance industry accounted for over one in ten sexual harassment claims filed.<sup>2</sup> Sexual harassment is pervasive throughout all sectors and levels of the health care industry. In the past 12 years, more than 3,000 hospital employees filed sexual harassment charges with the EEOC.<sup>3</sup> Additionally, 2,000 sexual harassment claims were filed in ambulatory healthcare services, 1,500 sexual harassment claims were filed in nursing care facilities, and more than 380 claims were filed in physicians' offices.<sup>4</sup> A recent study found that over 80 percent of nearly 900 physical therapists surveyed had encountered some form of sexual harassment in the workplace.<sup>5</sup>

---

<sup>1</sup> *Labor Force Statistics from the Current Population Survey*, Bureau of Labor Statistics (January 2018), <https://www.bls.gov/cps/cpsaat18.htm>.

<sup>2</sup> Jocelyn Frye, *Not Just the Rich and Famous: The Pervasiveness of Sexual Harassment across Industries Affects All Workers*, Center for American Progress (November 2017), <https://www.americanprogress.org/issues/women/news/2017/11/20/443139/not-just-rich-famous/>.

<sup>3</sup> Lam Thuy Vo, *We Got Government Data on 20 Years of Workplace Sexual Harassment Claims. These Charts Break It Down*, BuzzFeed (December 2017) [https://www.buzzfeed.com/lamvo/eeoc-sexual-harassment-data?utm\\_term=.omZE1jMbw#.utye9ENL](https://www.buzzfeed.com/lamvo/eeoc-sexual-harassment-data?utm_term=.omZE1jMbw#.utye9ENL).

<sup>4</sup> Les Masterson, *Data shows breadth of sexual harassment in healthcare*, Healthcare Dive (December 2017), <https://www.healthcaredive.com/news/data-shows-breadth-of-sexual-harassment-in-healthcare/512434/>.

<sup>5</sup> Jill S. Boissonnault, Ziadee Cambier, Scott J. Hetzel & Margaret M. Plack, *Prevalence and Risk of Inappropriate Sexual Behavior of Patients Toward Physical Therapist Clinicians and Students in the United States*, *Physical Therapy*, Volume 98, Issue 11, 1 (November 2017), <https://academic.oup.com/ptj/article-abstract/97/11/1084/4085780?redirectedFrom=fulltext>.

Home care aides are particularly vulnerable because they often work in isolated environments. A limited study conducted in Oregon found that 41% of home care workers surveyed reported incidents of sexual harassment and 14% reported incidents of sexual violence.<sup>6</sup> As shocking as these numbers are, they likely underestimate the rate of sexual harassment. The EEOC estimates that 85 percent of all workers who are subjected to harassment never file a formal legal charge, and 70 percent of all workers never file a complaint internally.<sup>7</sup> The same Oregon study found that three barriers to reporting existed for home care workers including perceived barriers to reporting and limited training in how to prevent violence.<sup>8</sup> It has long been clear that the magnitude of the problem in your industry should not be ignored, and I am hoping that the recent focus on this issue will provide the needed push to make real progress.

As the Ranking Member of the U.S. Senate Committee with jurisdiction over issues of workplace harassment, I am extremely concerned about this issue and am seeking an update on about efforts to prevent and address harassment in workplaces across the country.

As part of that effort, I am interested in the ongoing discussions, plans, and actions within the National Association for Homecare and Hospice (“NAHC”) aimed at protecting employees and establishing an equal and harassment-free workplace. I request a briefing with my staff within the next three weeks to discuss any recent efforts you have undertaken to assess and address workplace harassment in your industry.

I also request the following information:

1. Any polling, surveys, or research the NAHC has conducted in order to understand the scope of the problem within the industry;
2. Any research or actions the NAHC has undertaken to assess and address risk factors specific to the industry;
3. Any surveys the NAHC has conducted to solicit feedback from employees about how to best address harassment in the industry and the results of the surveys;
4. Any steps the NAHC has taken to ensure its associated employers are fully and properly educating their employees about workplace harassment policies and rights;
5. Any best practices the NAHC has identified among its associated employers to accurately assess and address workplace harassment; and
6. Any suggestions you may have about how to strengthen and improve legal protections and processes in the workplace.

Studies have shown that workplaces that tolerate harassment have more of it, while workplaces that intentionally act to address issues of harassment have less of it.<sup>9</sup> Employers and employees in your industry are undoubtedly looking to you for leadership in how to tackle this persistent problem with the

---

<sup>6</sup> Lindsay Nakaishi et al., *Exploring Workplace Violence among Home Care Workers in a Consumer-Driven Home Health Care Program*, *Workplace Health & Safety Journal*, Vol. 61, No. 10, 441 (October 2013).

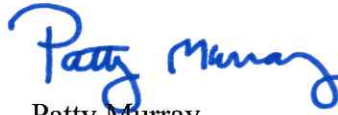
<sup>7</sup> Chai R. Feldblum & Victoria A. Lipnic, *Select Task Force on the Study of Harassment in the Workplace: Report of the Co-Chairs*, U.S. Equal Employment Opportunity Commission 16 (June 2016), [https://www.eeoc.gov/eeoc/task\\_force/harassment/upload/report.pdf](https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf).

<sup>8</sup> Lindsay Nakaishi et al. at 446.

<sup>9</sup> Feldblum & Lipnic at 32.

urgency it requires. I appreciate you taking this matter seriously, and I look forward to our continued discussions. If you have any questions regarding this letter please contact Carly Rush or Joe Shantz at 202-224-0767 with my Health, Education, Labor, and Pensions Committee Staff.

Sincerely,

A handwritten signature in blue ink that reads "Patty Murray". The signature is written in a cursive, flowing style.

Patty Murray  
United States Senator  
Ranking Member, Senate Committee on  
Health, Education, Labor, and Pensions

cc: Lamar Alexander, United States Senator,  
Chairman, Senate Committee on Health, Education, Labor, and Pensions