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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

February 7, 2018

Mr. Daniel V. Yager
President and Chief Executive Officer
The Association of Chief Human Resource Officers
1100 13th Street NW, Suite 850
Washington, DC 20005

Dear President Yager:

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.

Workplace sexual harassment is all too common, and human resource professionals have a responsibility to protect the employees they oversee. According to the Equal Employment Opportunity Commission (EEOC)'s Task Force on the Study of Harassment in the Workplace report, an estimated 60 percent of women across our nation's workforce experience unwanted sexual attention, sexual coercion, sexually crude conduct, or sexist comments in the workplace.¹ In fiscal year 2015, the EEOC received 28,000 charges from private sector employees or state and local government employees alleging harassment.² Forty-five percent of these alleged harassment complaints were on the basis of sex. Thirty-four percent were on the basis of race, 19 percent were on the basis of disability, 15 percent were on the basis of age; 13 percent were on the basis of national origin; and five percent were on the basis of religion.³

As shocking as these numbers are, they likely underestimate the rate of sexual harassment because employees often stay silent out of fear of retaliation. Unfortunately, these fears are not unfounded. One study found that 75 percent of employees who reported workplace misconduct did indeed face some form of professional retaliation.⁴ 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.⁵ It has long been clear that the magnitude of the problem in your industry should not be

¹ 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 9-10 (June 2016), https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

² Feldblum & Lipnic at 6.

³ Feldblum & Lipnic at 7.

⁴ Feldblum & Lipnic at 16.

⁵ Feldblum & Lipnic at 16.

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 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 Association of Chief Human Resource Officers (“Association”) 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 Association has conducted in order to understand the scope of the problem within the industry;
2. Any surveys the Association has conducted to solicit feedback from employees about how to best address harassment in the industry and the results of the surveys;
3. Any steps the Association has taken to ensure its associated employers are fully and properly educating their employees about workplace harassment policies and rights;
4. Any best practices the Association has identified among its associated employers to accurately assess and address workplace harassment; and
5. 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.⁶ Employers and employees in your industry are undoubtedly looking to you for leadership in how to tackle this persistent problem with the 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,



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

⁶ Feldblum & Lipnic at 32.