

LAMAR ALEXANDER, TENNESSEE, CHAIRMAN

MICHAEL B. ENZI, WYOMING
RICHARD BARR, 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 F. 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>

June 28, 2018

Stephen J. Ubl
President and Chief Executive Officer
Pharmaceutical Research and Manufacturers Association "PhRMA"
950 F Street, NW
Suite 300
Washington, DC 20004

Dear Mr. Ubl:

I write to you in your role as CEO of PhRMA with deep concern regarding harassment in the workplace. In recent months, stories of sexual harassment have dominated headlines and sparked a national conversation about power dynamics, equality, and change 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. In past months, we have seen headlines about leaders in the pharmaceutical sector who were called to account for their actions. I hope and expect that in your position as the leader of the industry's trade group, you are taking steps to address concerns about misconduct among member companies and to ensure that your members' workplaces are free from harassment.

According to a 2016 survey of 1,067 women in biomedical research positions, 30 percent of respondents reported experiencing sexual harassment in the workplace.¹ Among the women reporting harassment, 40 percent described more severe forms and 47 percent reported that these experiences negatively affected their career advancement. What's more, the fear of retaliation seems to be especially pervasive in the medical research community, due to the impact direct supervisors can have on a young researcher's career advancement, whether in academia or industry.²

While we have seen high profile cases of sexual harassment in several of your member companies (including Novartis, Pfizer, and Sanofi) these accounts likely underestimate the pervasiveness of sexual harassment in the pharmaceutical industry.³⁴ The EEOC estimates that

¹ Reshma Jagsi, Kent A. Griffith, Rochelle Jones, et al., *Sexual Harassment and Discrimination Experiences of Academic Medical Faculty*, JAMA (May 17, 2016).

² Leah Samuel, *In the wake of #MeToo, a new spotlight on harassment in biomedical science*, STAT News (Dec. 15, 2017).

³ Alex Keown, *Sexual Harassment Scandals hit Novartis and Pfizer's Korea Units*, BioSpace (Nov. 30, 2017).

⁴ Eric Palmer, *Sanofi in #MeToo fight with ex-executive who has dismissed for sexual harassment*, (Mar. 7, 2018).

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

We also cannot ignore the problematic public reports of gender discrimination and objectification propagated member companies. For example, earlier this month, Bayer, the Head of Pharmaceuticals & Member of Board of Management of which sits on your Board of Directors, sponsored a party at an industry conference that featured topless female dancers painted with the logos of other party sponsors.⁶ This Bayer-sponsored event has a highly concerning history of objectifying women and using culturally inappropriate themes. Though some party organizers defended the dancers as “artsy and edgy,”⁷ the bottom line is that objectifying women and exploiting cultural traditions for the purposes of entertaining fellow industry members is a deeply troubling indication of the way the industry leaders still devalue diversity and inclusion.⁸ More concerning, since the party, PhRMA has been silent regarding Bayer’s involvement, and has not taken any public steps to address the broader workplace cultural problems that clearly exist in the pharmaceutical industry.

As the Ranking Member of the U.S. Senate Committee with jurisdiction over issues of workplace harassment, I am deeply concerned about the striking lack of public initiative within the pharmaceutical industry, especially as many other sectors are beginning to make much-needed and overdue changes to protect workers. Actions taken with the goal of achieving greater gender balance in the pharmaceutical industry, from encouraging young girls to participate in STEM education to executive board-led efforts to increase diversity in the industry, will always be undercut by issues of harassment and culture. It has long been clear that the magnitude of the problem in your industry should not be ignored. I am hoping that the recent focus on this issue will provide the needed push to make real progress and writing to request insight into your efforts.

Specifically, I am interested in the ongoing discussions, plans, and actions within PhRMA aimed at protecting employees at member companies and ensuring that they are in equal and harassment-free workplaces. While we understand that PhRMA does not control its member companies, your trade organization represents member’s interests, and their actions impact your reputation. 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 among your member companies.

I also request the following information:

1. Any polling, surveys, or research PhRMA has conducted in order to understand the scope of the problem within the industry;

⁵ 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.

⁶ <https://www.bloomberg.com/news/articles/2018-06-13/after-biotech-party-features-topless-dancers-firms-pull-support>

⁷ <http://fortune.com/2018/06/14/biotech-conference-party-topless-dancers/>

⁸ <https://www.bloomberg.com/news/articles/2016-01-13/at-biotech-party-gender-diversity-means-cocktail-waitresses>

2. Any research or actions the PhRMA has undertaken to assess and address risk factors specific to the industry;
3. Any surveys the PhRMA 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 PhRMA 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 PhRMA 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. Employers and employees in your industry are undoubtedly looking to you for leadership in determining 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 Laura Aguilar 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

cc: Robert Bradway, CEO Amgen, Chairman of the Board