



Sexual Harassment in Utah: A 2024 Update

Setting the Stage

The term *sexual harassment* was introduced in April 1975 by Lin Farley; the phrase was revolutionary because in two words it gave a name to the experience women had been facing in the workplace when they endured the unwanted sexual advances of male coworkers.¹ The term helped usher in a new era in which women could resist such behaviors.² Sexual harassment has been illegal in the US for decades,³ and although there has been increased attention to the problem since 1970, including moments surrounding the Anita Hill hearing in 1991 and the #MeToo movement of 2017,⁴ the problem continues. All too often it exists in organizations as an issue many do not want to think or talk about. However, it is critical that Utahns work to understand and reduce instances of sexual harassment for the benefit of individuals, institutions, and the entire state.

This research snapshot focuses on four areas:

- 1) Provides comprehensive definitions of sexual harassment and data regarding its prevalence in both the US and Utah,
- 2) Analyzes specific factors surrounding sexual harassment, including situations in which harassment is more likely to occur,
- 3) Summarizes the costs of sexual harassment, and
- 4) Lists resources and recommendations to combat workplace sexual harassment.

Sexual Harassment Defined and Quantified

According to the Equal Employment Opportunity Commission (EEOC): “Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when this conduct explicitly or implicitly affects an individual’s employment unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive work environment.”⁵ It can range from sexually explicit actions intended to start a sexual relationship to sexist comments intended to reify traditional gender roles.⁶ High-profile cases of harassment often describe violent acts of sexual assault. However, any unwelcome, sexually based behavior can be considered sexual harassment, including (but not limited to) the following examples:

- Displaying calendars, cartoons, pictures, posters, or computer screens with sexually suggestive material.
- Expressing graphic commentaries about a body.
- Making sexual gestures.
- Making verbal sexual advances or propositions.
- Showing sexually suggestive objects.
- Using derogatory comments, slurs, epithets, or jokes of a sexual nature.
- Using sexually degrading words to describe an individual.
- Verbally abusing with words of a sexual nature.
- Writing suggestive or obscene letters, notes, electronic messages, or invitations.⁷

The EEOC further clarifies that both the harasser and the victim can be of either sex, and the victim can be the same sex as the harasser (regardless of the sexual orientation of either party). Additionally, the harasser does not need to be in an authority position over the victim or even necessarily an employee of the company (can be a vendor or customer). And a claimant in a sexual harassment case can be a witness rather than the actual target of the abuse. Further, the victim need not suffer economic or career harm for an illegal offense to be present.⁸

Clear and comprehensive definitions of sexual harassment, including examples, are a vital part of efforts to reduce harassment in the workplace. Recent surveys by the EEOC showed that when women were asked if they had experienced “sexual harassment” (without defining the term), 25.0% of women indicated that they had. However, when the term was clearly defined and examples were given, the percentage of women responding affirmatively rose to 60.0%.⁹

Just as it can be challenging to understand what exactly constitutes sexual harassment, quantifying the frequency of harassment is also complex and elusive. A 2018 national study discovered that 81.0% of women and 43.0% of men have reported being sexually harassed in their lifetime.¹⁰ However, as is the case with other crimes that can be personal and perceived as taboo, sexual harassment often goes unreported; in fact, approximately 87–95.0% of those who experience sexual harassment do not file a formal legal complaint, and studies show that around 70.0% do not even report the incidents within their own organ-

izations.¹¹ Another contributing factor to low reporting rates is fear of repercussions; of the sexual harassment charges reported to the EEOC, 43.5% were accompanied by retaliation charges.¹²

Although there is much focus on women being sexually harassed, anyone can be victimized, and it is important to note that men experience sexual harassment as well; between 2018 and 2021, 27.7% of such charges to the EEOC were filed by men.¹³ Furthermore, at least three in four women (77.0%) and one in three men (34.0%) report having experienced verbal harassment in the workplace, and over half of women (51.0%) and one in six men (17.0%) report being touched in an unwelcome way at work.¹⁴ Unfortunately, estimates of sexual harassment rates for men are difficult to determine because much of the research focuses on female victims and male perpetrators, and public perceptions may imply it is less socially acceptable for men to report sexual harassment.¹⁵ Although little data are available concerning instances of false sexual harassment allegations, experts generally assert that deliberate false accusations are rare.¹⁶

In Utah, the number of sexual harassment charges has dropped in the last two years, with only 0.6% of the population reporting to the EEOC. The rate of formal charges regarding sexual harassment is roughly in line with national averages: both Utah and the US averaged 3–4 charges of sexual harassment per 100,000 population for the last four years, and only 16 states had fewer per capita charges than Utah in 2017.¹⁷ This is a decrease from past years, when Utah’s charges per 100,000 were higher than the national average (1997: Utah 8.68 vs. US 5.96; 2007: Utah 5.31 vs. US 4.17), which can either indicate a reduction in occurrence of harassment, or reflect Utahns’ hesitance to report. However, Utah’s sex-based discrimination charges (including sexual harassment and other sex-based discrimination) make up a larger share of total complaints filed with the EEOC than the national average: 38.3% of total charges filed in Utah are sex-based versus 30.4% total for the US. In fact, sex-based charges make up a higher percentage of Utah’s total filed complaints than all but two other states: New Hampshire (49.2%) and Wyoming (43.3%).¹⁸ However, all data regarding formal charges must be framed in the context that only a small fraction of harassment experiences are ever officially reported.¹⁹

Results from a 2023 study add context to EEOC prevalence data. Researchers explored Utahns’ perceptions of challenges women and girls face,²⁰ including sexual harassment and gender-based discrimination. Of the 3,176 respondents, 83.5% agreed at some level with the statement, “Sexual harassment and gender-based discrimination are problems in the state of Utah.” Furthermore, 82.3% disagreed that

“People make a bigger deal out of sexual harassment and gender-based discrimination than is warranted.” These sentiments are positive in that they serve as an indication that Utahns are aware the problems exist—and that they are, in fact, serious problems. However, two additional questions highlighted critical challenges: nearly half of respondents (44.5%) disagreed or were unsure that they “know what steps to take or what resources are available if I or a friend experienced sexual harassment.” And, most concerning, 59.8% of respondents indicated some level of disagreement with the statement, “I trust that most organizations in Utah would appropriately handle a sexual harassment report.” Regarding trust, female respondents had significantly lower levels of confidence in Utah organizations.²¹

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Harassment Targets and Hotspots

While sexual harassment can happen anywhere and to anyone, certain populations and environments experience elevated risk. Over the past 30 years, white women have been the subject of most research concerning sexual harassment,²² despite women of color being more likely targets. For instance, African American women and Hispanics are most likely to be among the working poor and employed in low-paying, service occupations²³—which is where sexual harassment is most frequently reported.²⁴ Furthermore, women of color are also susceptible to intersectional harassment, wherein they are abused for both their gender and their race/ethnicity.²⁵ Women in the US who are undocumented immigrants also face heightened risk, given that potential harassers may assume that these women would avoid reporting harassment due to fear of deportation or other legal repercussions.²⁶

In addition to race, age is another risk factor. Teenagers are vulnerable to sexual harassment for a variety of reasons, including working in unstructured and unsupervised environments (e.g., washing windows, babysitting), lacking understanding of human resources policies and reporting processes, and working within pronounced power imbalances that exist between them and adult supervisors and employers.²⁷ Furthermore, some research suggests that teenagers’ use of social media and online chats may put them at additional risk, given the potential for creating a sexually hostile work environment.²⁸ Finally, teenagers differ from adults in education, experience, and cognitive ability—all of which make them more vulnerable.²⁹

Like teenagers, young adult women are also at risk. According to a Harvard survey, younger women were more likely to say they had experienced sexual harassment than older women. This may be due to their youth or because their professional inexperience may make them seem like easier targets, but it may also be due to generational differ-

ences in defining and discussing these issues.³⁰ In Utah, college and university campuses are of particular concern.

Additionally, surveys gathered by an EEOC task force have shown that members of the LGBTQ+ community (both women and men) are likely to experience sexual orientation/sexual identity harassment. In one study, 35.0% said they had been harassed, and in another survey, 58.0% said they had heard derogatory comments about sexual orientation/identity at work. A third survey of transgender individuals showed they were also very likely to experience harassment (50.0%).³¹

At its core, harassment of any kind thrives in situations where there is an imbalance of power; hence, a specific population that is disempowered—because of gender, race, economic or educational inequality, age, orientation, or other factors—is more likely to experience harassment in the workplace. Such individuals may also lack the knowledge or ability to seek recourse, which can enable the abuse to continue unchecked.³² The EEOC recognizes that not enough is known about sexual harassment rates of different populations and has called on researchers to explore these factors more thoroughly.³³

Though sexual harassment may occur in any organization, it frequently occurs in industries with low pay and little prestige—jobs often held by women. Of the sexual harassment charges filed with the EEOC between 2005 and 2015 that listed specific industries, slightly over half of them came from four industries: accommodation and food services, retail trade, manufacturing, and healthcare and social assistance.³⁴ These industries represent two extremes, where women make up most of the workers, or where women are a minority. In both extremes, sexual harassment is common. For example, research has shown harassment to be widespread among food service workers in tipped positions whose wages are below minimum wage and who rely heavily on tips to support themselves. Women in these circumstances may feel they must endure sexual harassment from customers to earn needed tips.³⁵ The same pressures may be felt by any woman who has few employment options and is economically vulnerable.

Although specific Utah data are unavailable for comparison to national averages, both for frequently targeted populations and industries incurring high levels of harassment, the fact that Utah’s overall sexual harassment numbers are congruent with the nation makes it reasonable to assume that we align here as well. Utah women are more likely to work part time than women in any other state,³⁶ and we have the highest gender wage gap in the nation.³⁷ Combine these facts with our low female political representation³⁸ (which inherently affects policy), and the result is that many Utah

women are more economically vulnerable and therefore less equipped to confront harassment.

The Costs of Harassment

Sexual harassment—whether it is recognized, reported, or labeled as such—has serious negative implications for those who experience it. Effects include physical, mental, and emotional challenges, including anxiety, depression, loss of sleep, weight loss or gain, etc. Women who have been harassed may suffer financial hardship, both short-term losses from taking sick days or unpaid leave to avoid the harasser and longer-term financial harm that can stem from loss of productivity, being denied promotions or raises, or quitting their jobs.³⁹ These negative impacts may be even greater if women report the harassment at work; research shows that up to 75.0% of those who make such reports experience some form of workplace retaliation (even though retaliation against one who files a claim is an additional illegal violation).⁴⁰ Furthermore, even though relatively few women ever file a charge outside their companies, the legal bar to prove harassment can be high, with great variance among judges on how to determine whether

an offense is indeed present and then if it is sufficiently “severe” or “pervasive.”⁴¹ Only 3–6.0% of cases filed make it to trial, and one study noted that only 2.0% of plaintiffs win their cases.⁴² Instead of reporting sexual harassment either at work or externally, many women seek social support from friends and family, try to avoid the harasser when possible, and endure harassment when they feel

they have no other choice.⁴³

The costs of sexual harassment are not limited to those who experience it; companies in which harassment occurs may also pay a heavy price. Even though most women do not file charges, EEOC estimates show that the costs to settle or award damages for sexual harassment cases are in the hundreds of millions every year. But this is only a part of the total costs to companies. Loss of productivity from employees being harassed or witnessing harassment, absenteeism, the need to replace employees who quit, low morale among workers, and a damaged reputation within industries can all affect the bottom line for companies when sexual harassment occurs.⁴⁴ In addition to the obvious ethical and moral considerations, these high costs demonstrate there is also a clear business case for companies to combat sexual harassment.

What Utahns Can Do

Preventing sexual harassment requires a multifaceted approach that extends beyond traditional training and anti-harassment policies delivered annually or during employee onboarding. Standardized training (the dreaded click-

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through online training) treats participants as potential suspects, which may create defensive attitudes that can lead to “retaliation” and “backlash”⁴⁵ and may even embolden perpetrators.⁴⁶ Rather than focusing efforts on describing unacceptable behaviors to avoid litigation, which has shown to be almost entirely ineffective in terms of prevention,⁴⁷ organizations should place more emphasis on ethical leadership development,⁴⁸ bystander intervention training,⁴⁹ workplace civility training,⁵⁰ and developing programs that focus on creating healthy workplace cultures.⁵¹ The EEOC’s Select Task Force on the Study of Harassment in the Workplace has identified five research-supported areas of focus that companies may use as a guideline for preventing and addressing sexual harassment.⁵²

- Committed and engaged leadership.
- Consistent and demonstrated accountability.
- Strong and comprehensive harassment policies.
- Trusted and accessible complaint procedures.
- Regular and interactive training tailored to the audience and the organization.

In addition to using the EEOC as a source, further guidance and information may be accessed through national organizations such as the Society for Human Resource Management (SHRM) and the Society of Industrial Organizational Psychology (SIOP). Each contains a wealth of information, including guidelines and best practices, to prevent and address sexual harassment in the workplace.

Moreover, many organizations do not measure the effectiveness of training, so commitment to increasing evaluation can help leaders understand the impact of training and identify adjustments that may be needed.⁵³ Fitzgerald and

colleagues’ Sexual Experiences Questionnaire can be used to firmly establish where an organization stands in terms of sexual harassment and can be administered over time to assess whether progress has occurred post-training.⁵⁴

Of course, individuals and other stakeholders must also do their part. Encouraging coworkers to intervene is an effective measure. Parents and teachers can instruct and model respectful behaviors and attitudes for young people as they prepare to enter public life, including the workplace. Open discussions of harassment in media can reduce stigma and empower those who may have feared to come forward with their experiences. In fact, in the two years after the #MeToo movement, reports increased by 13.6%, indicating that increased attention to the issue also increases reporting.⁵⁵ Finally, organizations can recognize the value that diverse perspectives can make in informing future policies and culture, and in championing diverse leadership in intentional and positive ways.

Conclusion

Utah is known not only for its robust business climate but also for its commitment to promoting ethical behavior and doing right by individuals and families. Workplace sexual harassment is a serious issue, and the costs to women, families, and corporations are real and extensive. Further research exploring sexual harassment in Utah, especially among vulnerable populations and industries where women are in the minority, is needed. As we work to understand and combat sexual harassment more effectively, we will strengthen the impact of Utah women, as well as our companies, institutions, and communities.

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