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Why sexual harassment training doesn't stop harassment

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Curt Merlo for The Washington Post



By [Jena McGregor](#)

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Shannon Rawski first got the idea for her dissertation after listening to her former colleagues — business school professors who study human resources and recognize sexual harassment as a problem — complain about having to attend, well, sexual harassment training.

“My university announced they needed to have it because they hadn’t in three years, and the buzz in the hallway was ‘Why do I have to go to this? This is a waste of my time,’ ” says Rawski, now an assistant professor at the University of Wisconsin at Oshkosh. “Yet these are the very faculty who are promoting that people should go to this kind of training.”

That response got Rawski thinking about why such programs are often met with disdain — even by those who help develop them — and wondering whether they work. She set out to study it. What she found surprised her: Only a handful of scientific studies have tested the effectiveness of sexual harassment training, which is nearly ubiquitous in American workplaces and intended to help protect workers as well as minimize an employer’s own legal and financial risks.

“We don’t really have a whole body of work,” Rawski said.

That may seem unsettling as a staggering wave of women and men divulge unwanted advances and illegal behavior in what seems like an epidemic of sexual harassment allegations. From Hollywood to the halls of Congress, suddenly no American workplace seems safe. And the topic of harassment training has taken center stage.

Speaker Paul D. Ryan (R-Wis.) [said](#) Tuesday that the House would make training mandatory for members and staffers after female lawmakers described pervasive, unwanted sexual comments or advances. It’s been the subject of late-night comedy, too, with Cecily Strong on “Saturday Night Live” playing an exasperated, Purell-slurping “[Claire from HR](#)” who quizzes Colin Jost about appropriate workplace behavior. (“Remember, there’s no wrong answers here. Just super-wrong answers.”)

[\[Nearly 80 percent of board members haven’t discussed recent sexual harassment news, survey says\]](#)

And employment lawyers say they’re hearing from clients who want to make sure their training and coaching is up to speed.

“We’ve definitely had an uptick in requests for this kind of work in the last couple of months,” said Kevin O’Neill, a principal at the employment law firm Littler Mendelson who leads sexual harassment training. “It’s been this slow buildup — each example builds off the next — until you have this explosion.”

Yet as Rawski found, researchers don’t have much evidence that sexual harassment training is effective at certain key goals: reducing the number of incidents in a workplace; or helping to shift its culture toward one that takes the issue seriously.

Last year, the Equal Employment Opportunity Commission published a [report](#) that found only two research papers based on large-scale studies of anti-harassment training in workplaces (rather than in lab settings).

The research showed that the training does have benefits — particularly in increasing awareness of what constitutes sexual harassment and how it should be reported. But it also showed that some efforts had a negative effect, such as a [study](#) where male participants were more likely to blame the victim and less likely to report harassment.

[The TED talks empire has been grappling with sexual harassment]

“In most cases, employers are creating these policies more to protect themselves than to protect employees,” said Lauren Edelman, a professor at the law school of the University of California at Berkeley. “We don’t know when harassment training is effective, and we have reason to believe that maybe it’s counterproductive in some cases.”

Experts say the training has traditionally been done more as a legal defense.

In 1998, following two Supreme Court cases, more companies began adopting sexual harassment policies and training as an “affirmative defense.” It has several parts. To help minimize their liability for hostile work environments, employers must prove that they offered policies, training and complaint procedures. And then, that they responded to complaints promptly and thoroughly.

“It was sort of a get-out-of-jail-free card to companies,” said Debra Katz, a Washington lawyer who represents plaintiffs in sexual harassment cases. After the 1998 decisions, she said, “there was like a cottage industry of trainers who went in and provided training. Most of those efforts were geared toward trying to protect themselves from liability as opposed to creating a sea change in the culture.”

As a result, the training became something of an imposition to employers. Some companies willing to spend millions of dollars on talent development will balk at spending tens of thousands on harassment training, Littler’s O’Neill said.

Today, five states have a mandate for harassment training for private and public employees (another 22 require it for some or all public-sector workers), according to the National Women’s Law Center.

The Society for Human Resources Management found in a 2010 survey that 20 percent of employers said they offered no sexual harassment training, and 59 percent said they offered it every year or every other year. The survey has not been updated since.

[This tech entrepreneur has a novel policy to deter sexual harassment]

That check-the-box mentality can show up in the quality.

Eden King, an associate professor at Rice University, has [testified](#) before the EEOC that face-to-face training that lasts more than four hours and includes active participation with a supervisor is more likely to be effective.

Still “much of it is rather cartoonish in character,” Berkeley’s Edelman said. “They have unrealistic scenarios — some of it suggests that the woman is complicit, encouraging the man to harass.”

Many companies today use online tutorials, thanks to the cost and logistical complications of in-person training, even though some are skeptical. “I think people are just racing through it,” said Henry Perlowski, an employment lawyer based in Atlanta.

As a result, training that University of Georgia sociologist Justine Tinkler calls a “bureaucratic necessity” can actually serve to reinforce gender biases. In her [research](#), after going through training in a lab setting, students tended to more strongly associate men with higher power and status, and women with lower power and less competence.

After being asked to read the university’s sexual harassment policy, students also more strongly associated men with careers and women with family in an implicit bias test.

“Nothing about my research makes me think we shouldn’t have [policy] training,” Tinkler said. “But we should think carefully about the type of it we do.”

Rawski’s dissertation, which has been peer-reviewed but has not yet been published, looked at the reactions of employees to harassment training. Immediately afterward, she asked participants whether it made them feel valued or devalued. Those who felt devalued, or experienced what psychologists call “identity threat,” were more likely — not less — to say they would do things like tell sexual jokes.

“Since the training is threatening who you are, a defense mechanism is to say this is illegitimate,” she said.

Rawski believes one answer may be more “bystander training.” The EEOC [suggested](#) the same. Valerie Hoffman, a lawyer with Seyfarth Shaw in Chicago, said she sees few companies trying this approach.

“Most organizations put little pressure on others to intervene or report harassment,” she said. Training is effective for people who are open to modifying their conduct, but not to those who “don’t want to get it.”

Lisa Scherer, a professor at the University of Nebraska at Omaha whose 2001 [research](#) found that male participants were more likely to blame the victim, argues that “training can only do so much” — it’s not clear how well it can change basic values in adults.

[\[A field guide to jerks at work\]](#)

Elizabeth Owens Bille, general counsel for the Society for Human Resource Management, said companies are realizing that training should be part of a more holistic approach: “The understanding that simply having a policy and doing training on the basics of sexual harassment was not enough really began about two years ago — and really in the past year.”

Others say that promoting more women into leadership roles could help. In a recent Harvard Business Review [article](#), professors Frank Dobbin and Alexandra Kalev write that harassment is more common in workplaces where men hold most managerial roles or “core” jobs. “We already know how to reduce sexual harassment at work, and the answer is actually pretty simple: Hire and promote more women,” they write.

Perhaps most promising, O’Neill said, is that top executives have grown more receptive to one-on-one coaching. The #MeToo social media campaign, in which women shared their stories of harassment, as well as the high-profile allegations that have ensnared industry titans, has more executives open to it.

That may be in part because the recent headlines have been a reminder of the financial risks at stake. Advertisers [fled](#) Fox News host Bill O’Reilly’s show after harassment allegations, and the Weinstein Co. has [sold distribution rights](#) to “Paddington 2” in the aftermath of high-profile accusations against producer Harvey Weinstein.

The EEOC’s report [noted](#) that since 2010, employers have paid a total of \$699 million to employees alleging harassment via its pre-litigation process, and cited an estimate of settlements and court judgments in 2012 that racked up more than \$356 million in costs. These don’t include indirect costs such lower productivity or higher turnover.

“The economic reality of this is hitting home more than it ever has,” O’Neill said. “It’s like the blind spot has been removed about the hazards posed to their internal culture. Their eyes are opened much wider than I’ve seen before.”

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