

Corporations Still Don't Believe You: A #MeToo Progress Report

the
we
believe
you
fund

Acknowledgements

This report was written by the Public Accountability Initiative. We received significant guidance from Gender Justice, Healing to Action, Organizations United for Respect (OUR), Action Center on Race and the Economy, ReThink and Strong for All. We also relied on the foundational work around shifting workplace culture and developing a harassment-free workplace from the National Women's Law Center and the U.S. Equal Employment Opportunity Commission Sexual Harassment Taskforce.

We would also like to thank Tarana Burke for having the vision to spark the #MeToo movement more than a decade ago and for her emphasis on healing and ending sexual violence for communities of color. We hope this work builds on her vision.

Our deepest gratitude goes to survivors. Survivors who are surviving, healing, building, organizing, striving to find connection, listening, seeking and being. We believe you. We are grateful to you and invite you to help us build transformational accountability in our communities and workplaces.

*Sixty percent of women experience unwanted sexual attention, sexual coercion, sexually crude conduct or sexist comments in the workplace.*¹

Introduction

Over the course of the past year, the #MeToo movement founded by Tarana Burke more than a decade ago has transformed how the world views sexual harassment and assault. Millions of individuals have disclosed sexual violence perpetrated against them, forcing the world to reckon with the conditions that allow it to flourish. To mark the one-year anniversary of the public allegations against Harvey Weinstein, the We Believe You Fund set out to examine the workplace policies and practices that allow this devastating behavior to run rampant across sectors and industries.

The We Believe You Fund analyzed 13 corporations to examine the ways their workplace policies address the conditions that allow sexual harassment and assault to continue. These corporations come from the retail, finance, media and technology sectors. We selected these sectors because they have high instances of reported sexual assault and harassment,² employ millions of people, play important roles in the economy and play outsized roles

in perpetuating rape culture. In each sector, we evaluated companies that had recent sexual harassment/assault scandals and/or are leaders in their respective industries.

The We Believe You Fund first invited the corporations to self-disclose what actions they have taken to address the issues by completing a [questionnaire](#).

The questionnaire focused on specific best practices for corporate sexual harassment and assault policies, as well as structural benchmarks to promote a more equitable workplace. The 13 corporations were Amazon, Blackstone, CBS, Fidelity Investments, Fox News (and its parent corporation, 21st Century Fox), Lyft, NBC (and its parent corporation, Comcast), Netflix, Starbucks, Target, Uber, Walmart and Wells Fargo.

Unfortunately, not a single corporation was willing to respond.³ As a result, the We Believe You Fund relied on publicly available information. We encourage the 13 companies profiled in this report to respond to the workplace questionnaire to provide a fuller, more accurate picture of how they are addressing sexual assault and harassment.

¹ "Select Task Force on the Study of Harassment in the Workplace," https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm.

² "Not Just the Rich and Famous" <https://www.americanprogress.org/issues/women/news/2017/11/20/443139/not-just-rich-famous>.

³ The questionnaire was sent via email to the companies' CEOs, human resources executives and press/communication executives. The We Believe You Fund also reached out to the companies over the phone and offered to meet to discuss the questionnaire. Representatives from Netflix, Target and Walmart acknowledged that they received the questionnaire but chose not to participate.

Key Findings

Based on our investigation, we developed a report card, grading corporations on a scale of “A” to “F” based on the actions they have taken to address the imbalance of power that allows sexual assault and harassment to flourish.

Key findings include:

Ten of the 13 companies we surveyed received an “F” grade. The only companies that did not receive an “F” are Lyft, Amazon and Target, which received grades of “C,” “D” and “D,” respectively.

Five of the 13 companies we surveyed – Blackstone, Fidelity, Fox, NBC and Netflix – did not successfully meet a single benchmark that our survey measured.

Only one company we surveyed, CBS, has a board of directors made up of at least 50 percent women. Notably, the CBS board recently added six new members, including three women, in response to public pressure around former Chairman Les Moonves’ sexual misconduct.

No company we surveyed has executive leadership that is at least 50 percent women.

All three media companies we surveyed – CBS, Fox and NBC – scored in the bottom half of companies.

Blackstone and Fidelity, both giants in the financial industry, tied for the lowest score of all the companies we surveyed.

The companies we surveyed have been particularly opaque about their use of forced arbitration and class/collective action waivers to silence employees attempting to hold employers accountable for sexual harassment, sexual assault and other disputes about issues such as gender or racial discrimination. We could not confirm that any of the companies we surveyed have ended their use of forced arbitration or class/collective action waivers for employees.

Of all the benchmarks we reviewed, most companies have successfully met two: making their gender, race and ethnicity demographics publicly available through filing EEO-1 reports and conducting a publicized pay equity audit. Five companies⁴ have publicly released their workforce demographic data, and five companies⁵ have conducted pay equity audits. This suggests that companies have been much more willing to take steps that increase transparency of their practices than to address structural power imbalances in the workplace.

Methodology and Limitations

Nine questions from the [We Believe You Fund Workplace Questionnaire](#) measured companies' commitments to addressing the underlying power imbalance that allows sexual harassment and sexual assault to flourish.

⁴ Amazon, Lyft, Target, Uber and Walmart

⁵ Amazon, Lyft, Starbucks, Target and Wells Fargo

Questions

Does the company:

1. Require employees to sign **nondisclosure agreements** related to sexual harassment or assault?
2. Require employees to settle disputes (including but not limited to disputes related to sexual assault, sexual harassment, pregnancy discrimination, wage disputes, gender discrimination and sexual orientation discrimination) through **forced arbitration**?
3. Require employees to sign **class and/or collective actions waivers** related to issues including but not limited to sexual assault, sexual harassment, pregnancy discrimination, wage disputes, gender discrimination and sexual orientation discrimination?
4. Make **EEO-1 reports detailing gender, race and ethnicity workforce demographics publicly available**?
5. Have women in **at least 50 percent of executive leadership positions**?
6. Have women in **at least 50 percent of board of director seats**?
7. **Have a formal and binding policy to ensure gender, race and ethnicity diversity on the board of directors**?
8. Conduct **pay equity audits**?
9. Commit to not asking employees for their **salary history**?

For every question, we assigned each company a score of 1-3, with a "3" being the highest score, indicating that the company has completely met the benchmark.⁶ Adding up the results across the nine categories, final scores for each company were compared against the maximum score of 27.

⁶ See here for a more complete breakdown of what the 1-3 point scale means for each question.

Note that not all questions from the We Believe You Fund Questionnaire were included in the report card. The metrics chosen for this analysis were selected based on information that is typically available to the public. For example, companies generally do not disclose details of their internal sexual harassment policies, therefore we did not include Question 12 from the We Believe You Fund Questionnaire ("Please check all that apply as they pertain to your sexual harassment policies ...") in our report card. In some instances, we could not confirm a company's official policy regarding some of the benchmarks in the report card.

SCORECARD OVERVIEW	Lyft	74%	C
	Amazon	67%	D
	Target	63%	D
	Uber	59%	F
	Wells Fargo	59%	F
	Starbucks	56%	F
	Walmart	52%	F
	CBS	48%	F
	Netflix	44%	F
	NBC	41%	F
	Fox	41%	F
	Fidelity	37%	F
	Blackstone	37%	F

See [here](#) for a more detailed explanation of each company's score.

Industry overview



Finance

From the financial services industry, the report card evaluated Blackstone, Fidelity Investments and Wells Fargo. Last year, a number of high-level financial managers were forced to step down amid harassment allegations.⁷ The financial services sector – including banks and credit institutions, funds and trusts, securities firms, insurance companies and monetary authorities – employs more than 6 million people.⁸ According to Equal Employment Opportunity Commission data, the "finance and insurance" sector generated the ninth-largest number of sexual harassment claims filed with the agency from 2005 to 2015.⁹ And while the financial sector has had fewer public revelations of sexual harassment than other industries,¹⁰ female employees have maintained that this does not mean that sexual harassment and sexual assault do not occur.

⁷ "Fidelity Chairman Deals With Fallout From Sexual Harassment Claims,"

<https://www.reuters.com/article/us-fidelity-conduct/fidelity-chairman-deals-with-fallout-from-sexual-harassment-claims-idUSKBN1CROPW>.

⁸ U.S. Department of Labor, Bureau of Labor Statistics, "Industries at a Glance: Finance and Insurance: NAICS 52," www.bls.gov/iag/tgs/iag52.htm.

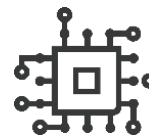
⁹ "These Are the Industries With the Most Reported Sexual Harassment Claims," <https://www.vox.com/identities/2017/11/21/16685942/sexual-harassment-industry-service-retail>.

Indeed, women in finance have reported being "grabbed, kissed out of the blue, humiliated and propositioned by colleagues and bosses" at work.¹¹



Retail

From the retail industry, the report card evaluated Starbucks, Target and Walmart. The retail industry employs a staggering 17 million workers and has some of the highest rates of reported sexual harassment in the country.¹² According to data collected by the EEOC from 2005 to 2015, the retail trade industry accounted for the second-largest share of sexual harassment claims filed.¹³



Tech

From the tech industry, the report card evaluated Amazon, Lyft, Netflix and Uber. Last year, numerous leaders in the technology sector made headlines for sexual harassment, assault and

¹⁰ "Women Say a Rigged System Allows Wall Street to Hide Its Sexual Harassment Problem," <https://www.newyorker.com/news/news-desk/women-say-rigged-system-allows-wall-street-to-hide-sexual-harassment-problem>.

¹¹ "Why Wall Street Hasn't Had Its #MeToo Moment Yet," <https://www.bloomberg.com/news/articles/2018-01-11/why-wall-street-hasn-t-had-its-metoo-moment-yet>.

¹² <http://www.bls.gov/cps/cpsaat18.htm>.

¹³ "Not Just the Rich and Famous," <https://www.americanprogress.org/issues/women/news/2017/11/20/443139/not-just-rich-famous/>.

discrimination against women.¹⁴ According to the 2015 survey of 200 senior-level women in the technology sector, “The Elephant in the Valley,” 60 percent of respondents reported receiving unwanted sexual advances while at work.¹⁵ Another survey found that employees in the tech industry reported unwanted sexual attention at rates nearly two times greater than tech employees in other industries.¹⁶



Media

From the media industry, the report card evaluated CBS Corporation, Fox News (and its parent company, 21st Century Fox) and NBC (and its parent corporation, Comcast). Approximately 41 percent of women in media and entertainment say they've been sexually harassed by a colleague or boss at some point in their careers, according to a new report – the highest rate among white-collar industries.¹⁷

¹⁴“Silicon Valley Gets Swept Up in the Unfolding Sexual Harassment Crisis,”
<https://www.mercurynews.com/2017/12/06/silicon-valley-figures-get-swept-up-in-the-unfolding-sexual-harassment-crisis/>.

¹⁵ “Senator Murray Letter to TechNet,”
<https://www.help.senate.gov/imo/media/doc/052518%20-%20TechNet%20-%20Harassment%20Letter.pdf>.

¹⁶ “Tech Leavers Study,”
<https://www.kaporcenter.org/wp-content/uploads/2017/08/TechLeavers2017.pdf>.

¹⁷ “Media Industry Has Highest Incidence of Sexual Harassment Among White-Collar Workers, Survey Finds,”
<https://variety.com/2018/biz/news/media-industry-sexual-harassment-survey-1202884052/>.

Conclusion

Our analysis shows that corporations still have a very long way to go to end sexual harassment and assault in their workplaces. These corporations – which we believe to be representative of corporate America as a whole – have taken very few substantive steps to transform their culture and structures to ensure safe and equitable workplaces free of sexual harassment and assault.

Employers are uniquely positioned to make the wide-sweeping changes necessary to end the sexual harassment and sexual assault that affect millions of people while they work. However, it is almost impossible to determine how many corporations are increasing their efforts to do so. A handful of companies have made public commitments. For example, in December, Microsoft announced plans to eliminate forced confidential arbitration for employees who make sexual harassment claims,¹⁸

and some companies have reported reviewing their sexual harassment policies.¹⁹ But despite a couple of high-profile announcements and nods to the importance of gender diversity,²⁰ corporations have been overwhelmingly silent about any substantive steps they are taking to eradicate sexual harassment and assault.

At every turn, survivors of sexual assault and harassment face systems that fail them – weak laws that do not protect them, corporate policies that are ineffectual and secret settlements that silence them. Corporations are increasingly willing to fire high-profile perpetrators of sexual harassment and assault. They are beginning to disclose more information about gendered imbalances of power and pay.²¹ But firings and transparency without commitment to long-term structural changes are not sufficient.

¹⁸ “Microsoft Moves to End Secrecy in Sexual Harassment Claims,” <https://www.nytimes.com/2017/12/19/technology/microsoft-sexual-harassment-arbitration.html>.

¹⁹ “In the Wake of #MeToo, More U.S. Companies Reviewed Their Sexual Harassment Policies,” <https://www.marketwatch.com/story/in-the-wake-of-metoo-more-than-half-of-companies-have-reviewed-their-sexual-harassment-policies-2018-07-10>.

²⁰ “Schwarzman and Gray Speak Out and Up on Gender Diversity,” <https://www.blackstone.com/media/press-releases/article/schwarzman-and-gray-speak-out-and-up-on-gender-diversity>.

²¹ For example, Amazon, Lyft, Starbucks, Target and Wells Fargo have conducted pay equity audits.

Recommendations

The We Believe You Fund calls on corporations including Amazon, Blackstone, CBS, Fidelity Investments, Fox News, Lyft, NBC, Netflix, Starbucks, Target, Uber, Walmart and Wells Fargo to commit to long-term structural change that ensures safe and equitable workplaces free of sexual harassment and sexual assault. As next steps, we urge these companies to:

As a starting point, participate in the We Believe You Fund Workplace Questionnaire to provide transparency to employees, customers, investors and policymakers about corporate policies and practices.

Meet with the We Believe You Fund Survivors Committee with the goal of agreeing to concrete actions to make workplaces – and our society – safer, more equitable places.

Contribute significant resources to the We Believe You Fund, a sustainable and proactive fund dedicated to dismantling rape culture, ending sexual violence and implementing systemic change.

Commit to transformational accountability. There is no one-size-fits-all accountability process. However, its foundation is to ensure that every voice is heard and that responsible individuals and institutions:

1. Recognize the harm done to survivors.
2. Begin to repair the harm done to survivors.
3. Recognize the harm done to the community.
4. Begin to repair the harm done to the community.

Commit to change at the top. The senior leadership must be clear that sexual harassment will not be tolerated in or outside of the workplace. One of the clearest ways to convey this commitment to employees is by moving significant resources toward improving companies' prevention policies and practices that are truly responsive.

Engage an independent organization or consultant with expertise in sexual violence to conduct a comprehensive internal audit, be transparent about the findings and recommendations and implement the consultant's recommendations

Terminate the use of non-disclosure agreements and mandatory pre-dispute arbitration clauses to resolve issues including pregnancy discrimination, sexual harassment, sexual assault, wage disputes and discrimination on the basis of gender, sexual orientation, race or other protected status.

Develop a sexual harassment *prevention* program that includes as a baseline:

- An annual report on the total number of complaints and how the complaints are resolved.
- An empowered, independent body whose mandate is to enforce sexual harassment policies and aid victims of harassment.

Develop and implement a baseline sexual harassment policy that includes:

- Providing anonymous reporting channels for employees to raise concerns about misconduct.
- Implementing protections against retaliation for victims and observers.
- Linking enforcement of your company's sexual harassment policy to managers' performance evaluations.
- Imposing discipline, up to and including dismissal, for those who commit harassment.

- Imposing discipline, up to and including dismissal, for managers/supervisors who fail to enforce the policies.
- Developing and using effective surveys, orientations and in-person recurring training (including bystander training) to identify and prevent harassment issues.

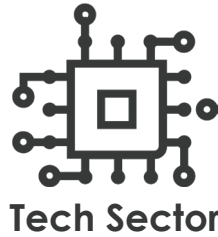
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SCORECARD OVERVIEW

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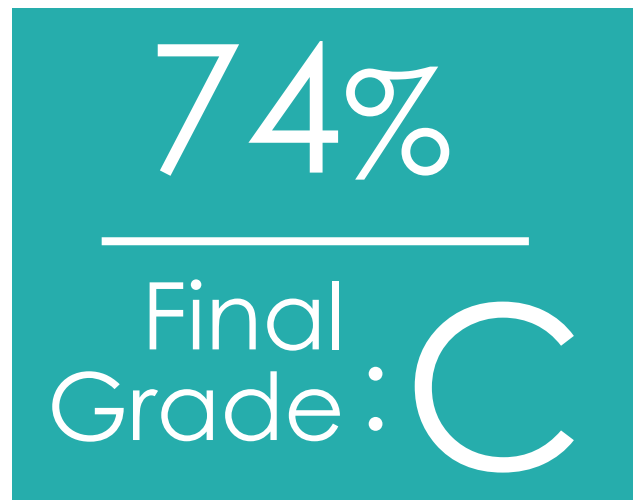
*More detailed data available upon request.



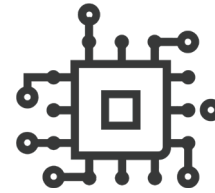
YES NO

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- * Does not require employees to settle disputes (including but not limited to disputes related to sexual assault, sexual harassment, pregnancy discrimination, wage disputes, gender discrimination and sexual orientation discrimination) through forced arbitration?
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- Makes EEO-1 reports detailing gender, race, and ethnicity workforce demographics publicly available?
- At least 50% of executive leadership are women?
- At least 50% of the board of directors are women?
- Has a formal and binding policy to ensure gender, race, and ethnicity diversity on the Board of Directors?
- Has conducted a pay equity audit?
- Has committed to not ask employees for their salary history?

* The company has eliminated forced arbitration for sexual harassment claims, but appears to have kept the mechanism in place for other types of disputes



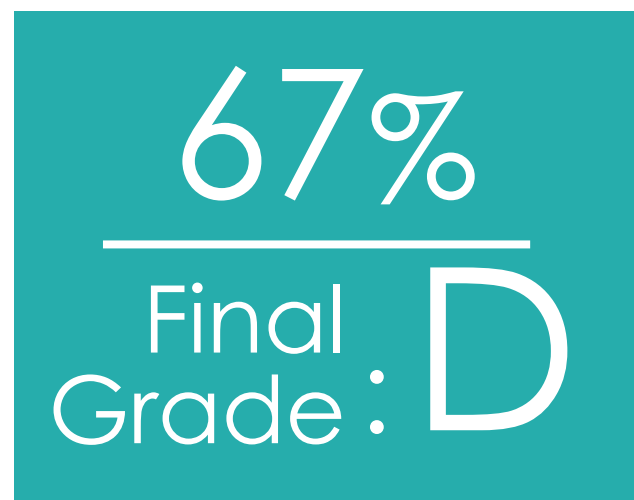
Amazon



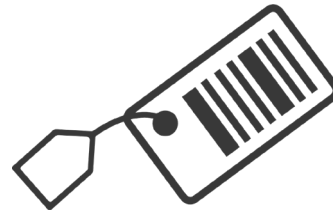
Tech Sector

YES NO

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Target



Retail Sector

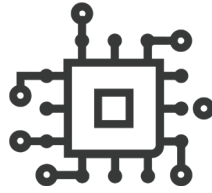
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63%

Final Grade: D

Uber



Tech Sector

YES NO

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Has a formal and binding policy to ensure gender, race, and ethnicity diversity on the Board of Directors?

Has conducted a pay equity audit?

Has committed to not ask employees for their salary history?

59%

Final Grade: F

Wells Fargo



Finance Sector

YES NO

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59%

Final Grade: F

Starbucks



Retail Sector

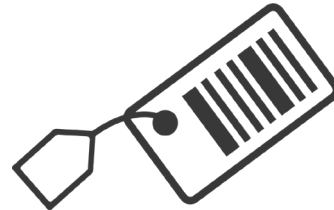
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56%

Final Grade: **F**

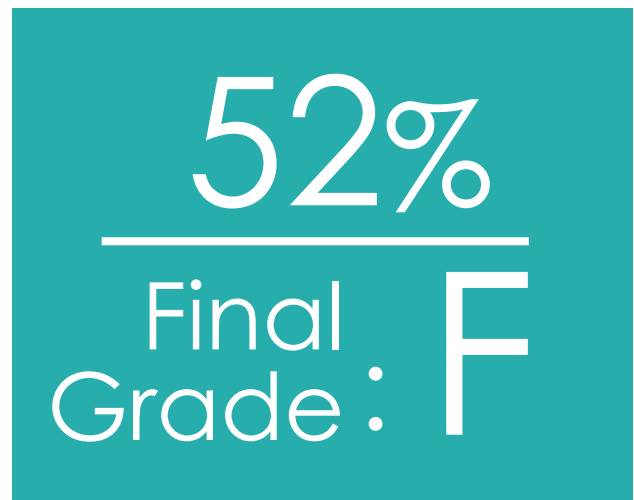
Walmart



Retail Sector

YES NO

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CBS



Media Sector

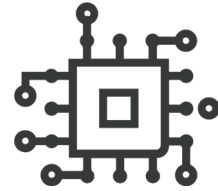
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48%

Final Grade: **F**

Netflix



Tech Sector

YES NO

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44%

Final Grade: **F**

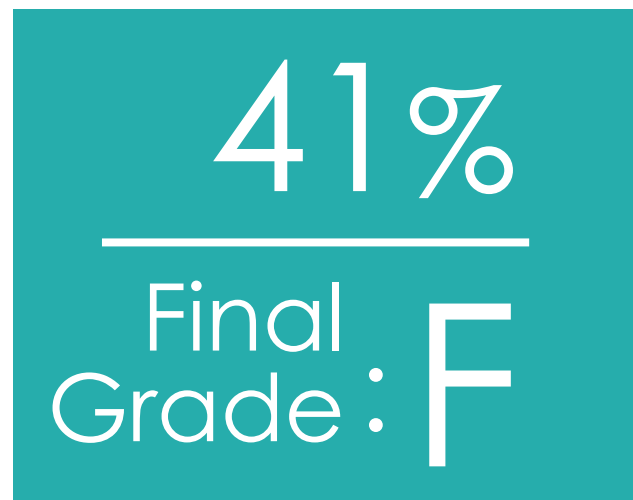
NBC



Media Sector

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FOX



Media Sector

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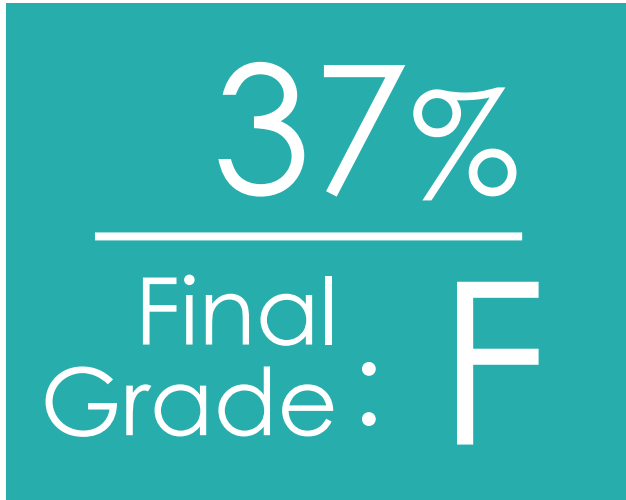
41%

Final Grade: **F**



YES NO

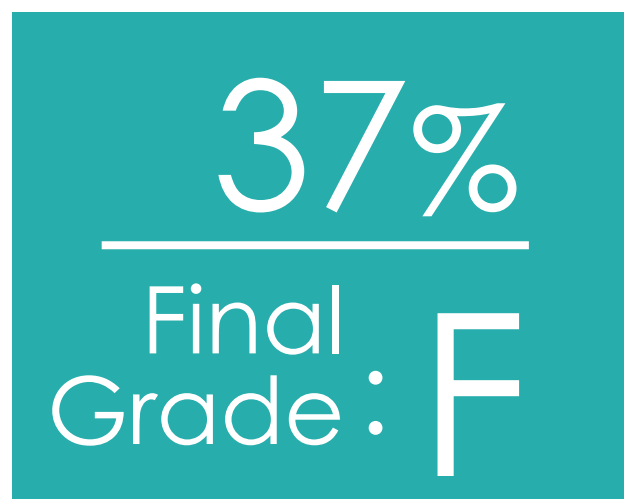
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YES NO

- Does not require employees to sign nondisclosure agreements related to sexual harassment or sexual assault?
- Does not require employees to settle disputes (including but not limited to disputes related to sexual assault, sexual harassment, pregnancy discrimination, wage disputes, gender discrimination and sexual orientation discrimination) through forced arbitration?
- Does not require employees to sign class and/or collective actions waivers related to issues including but not limited to sexual assault, sexual harassment, pregnancy discrimination, wage disputes, gender discrimination and sexual orientation discrimination?
- Makes EEO-1 reports detailing gender, race, and ethnicity workforce demographics publicly available?
- At least 50% of executive leadership are women?
- At least 50% of the board of directors are women?
- Has a formal and binding policy to ensure gender, race, and ethnicity diversity on the Board of Directors?
- Has conducted a pay equity audit?
- Has committed to not ask employees for their salary history?



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