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# Equality in the workplace: Are women treated the same as men?

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by Julia Méndez

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Although laws that protect women against discrimination and harassment in the workplace have been around for decades, there still is much work to be done when it comes to the fair and respectful treatment of women. In the more than 20 years that I have been consulting and training organizations on equal opportunity laws and diversity/inclusion principles, I truly believed that by now companies and employees within the United States would have noticed a marked level of progress. However, when it comes to equality in pay, non-discrimination in hiring practices, equal access to promotions, and other opportunities that could assist women in gaining the access and experience needed to advance within the organization, the progress has lagged. The following is an overview of recent settlements and research conducted regarding the treatment of women in the workplace and possible steps that employers can take in order to hasten progress in this area.

### Sex-based and sexual harassment

In recent years, there has been a trend of increased sex-based harassment and sexual harassment charges filed with the Equal Employment Opportunity Commission (EEOC). In fact, the EEOC reported that in fiscal year 2014, 12,146 cases were filed; FY 2015 had 12,573 cases filed; and FY 2016 had 12,860 cases filed. (Note that these charges do include males. However, the overwhelming majority were charges of sex-based harassment, sexual harassment, and sex discrimination against women.) The number of charges filed has not improved much since FY 2010, when the EEOC received 12,695 charges alleging sex-based harassment and sexual harassment. Recently, the FY 2017 figure—12,428 complaints—has been posted to the EEOC's website, which reflects a slight decrease in reports of sex-based harassment. That would lead me to conclude that things have not gotten much better. In fact, with regard to sexual harassment, you only need to turn on the news to hear about cases such as Uber, where several senior managers were accused and later terminated due to alleged harassment against female employees, or other cases of sexual assault and harassment that sparked the #MeToo movement.

The following are recent sexual harassment cases settled by the EEOC that were reported in the EEOC's *Fiscal Year 2017 Performance and Accountability Report*<sup>[1]</sup>:

- **Ford Motor Company:** \$10.1 million settlement. Alleged female and African-American sexual and racial harassment, as well as retaliation after employees complained of discriminatory behavior.
- **Northwest Territorial Mint, LLC:** \$725,000 settlement for systemic harassment by the owner.
- **GEO Group,** operator of a correctional facility: \$550,000 settlement for sexual harassment and retaliation after years of harassment, which included sexual assault of female employees by male employees.

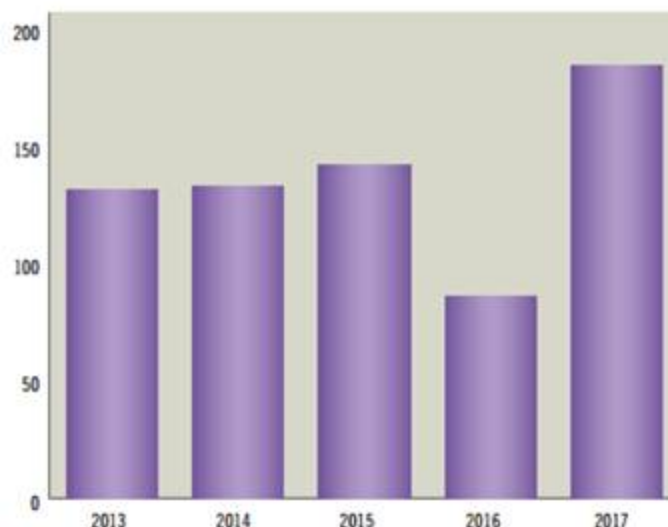
### Sex discrimination

Not only have women had to face inappropriate jokes, demeaning comments, and inappropriate physical contact

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in the workplace, but they have also faced discrimination in hiring practices and other employment activities. According to the EEOC's *Fiscal Year 2017 Performance and Accountability Report*, it filed 184 lawsuits, including 124 suits on behalf of individuals; 30 non-systemic suits with multiple victims; and 30 systemic suits involving multiple victims or discriminatory policies (see Figure 1). Many of these involve sex discrimination suits.

Figure 1: Suits filed by the EEOC



Unfortunately, high-profile sexual harassment cases have had an impact on women in the workplace in unexpected ways. Some men, many with good intentions regarding the treatment of women in the workplace, are consciously or subconsciously refraining from mentoring women, inviting women to after-work functions or lunch to discuss company projects, or engaging in harmless bonding for fear that they could be perceived as acting inappropriately or harassing women. This lack of interaction could translate to lost opportunities to obtain needed skills or experience or trust from fellow coworkers that could be needed to advance within the organization.

The following are some key cases settled recently:

- **B&H Foto** settled a case brought forth by the Office of Federal Contract Compliance Programs (OFCCP), which alleged that the organization discriminated against female, black, and Asian job seekers for entry-level positions. Under the consent decree, the retailer agreed to pay \$3.2 million in back wages and other monetary relief to more than 1,300 affected class members.<sup>[2]</sup>
- **Mach Mining and Foresight:** These two coal mining companies discriminated against hiring female applicants into mining and mining-related jobs. The firms were ordered to pay a combined total of \$4.3 million in damages to approximately 70 women.<sup>[3]</sup>
- **Nestlé Waters North America:** The world's largest bottled water company settled on paying \$300,000 to resolve a sex discrimination lawsuit involving the failure to promote a female employee who had worked for the organization for 20 years into a position of business manager due to her gender. Instead, a non-qualified male employee was selected for the newly created position.<sup>[4]</sup>

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