Turning the Great Resignation into *Great Opportunity*

Innovative Reforms to Address Workplace Harassment

ALLY COLL
President & Co-Founder

SHEA HOLMAN
Executive Director

HAYLEY DURUDOGAN
Legal Intern

HANNAH NAYLOR
Legal Intern

About the Purple Campaign

The Purple Campaign is a non-profit organization whose mission is to address workplace harassment by implementing stronger corporate policies, establishing better laws, and empowering people to create lasting change in their own workplaces and communities. The organization launched in January 2018 after Tarana Burke's longstanding "Me Too" movement went viral and over 12 million people used the hashtag on social media. The organization brings together diverse stakeholders – including corporate leaders, policy experts, and survivors – to advocate for better policies and practices to address workplace harassment.

About Harvard Executive Legal Education

Harvard Law School launched HLS Executive Education in 2007 to help lawyers from around the world meet the challenges of increasingly complex leadership roles and responsibilities. HLS Executive Education is dedicated to developing lawyers as leaders to strengthen the legal profession and make a difference in the world, incubating innovative approaches to lawyer and law student development and education, and helping leaders and professionals globally to make a difference by truly understanding the legal frameworks and context in which they act.

Special Thanks

Thanks to **Fisher Phillips** for supporting the Purple Campaign and sponsoring this workshop. Thanks also to **Scott Westfahl** and **Esteban Guijarro** from Harvard Law School Executive Education and **Jessica Breslin**, former Executive Director of the Purple Campaign, for their work behind the scenes to make the workshop possible.

Contents

Introduction

The COVID-19 pandemic left an indelible mark on all sectors of society, including the workforce. In the aftermath, **4.5 million people** left their jobs, a million more than in any month before the start of the pandemic.[i] The changing economy and workforce is having a disproportionate effect on women in particular: Nearly 1.8 million women dropped out of the labor force amid the pandemic and continue to grapple with whether and how to return to work in a vastly different landscape.[ii] But with the **"Great Resignation"** comes *great opportunity* to reflect upon and reshape our workplace policies and culture.

Building upon these themes, the **Purple Campaign** and **Harvard Law School Executive Education** designed and led a two-day interactive policy design workshop on April 20th and 21st, 2022. The workshop convened corporate executives, academics, thought leaders, advocates, and survivors to share and solicit input on innovative reforms to **address workplace harassment** and retain top talent in the unprecedented moment our workforce is experiencing.
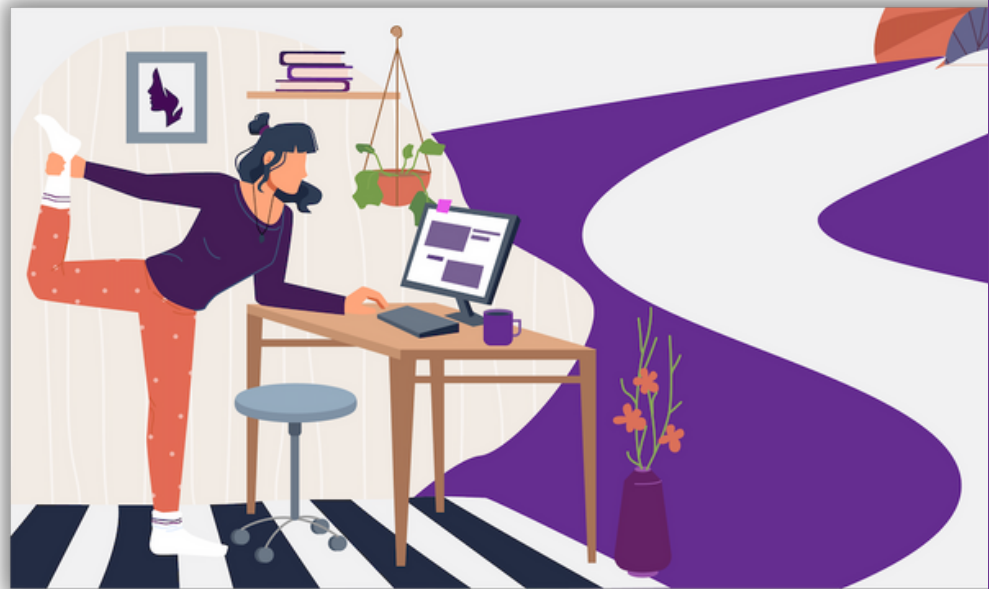
i. A. Tappe, "A Record 4.5 Million Americans Quit Their Jobs in March," CNN Business, (May 2022)
ii. M. Cassella, "The pandemic drove women out of the workforce. Will they come back?" Politico, (July 2021)

Workshop Summary

This report summarizes learnings from the workshop and is organized into four parts, based upon each of the four content sessions. Each section provides direction for how individuals and organizations can embrace this **new opportunity**. Over the two days, participants learned about the Purple Campaign's unique **four-part policy framework:** REDUCE, RESPOND, RETHINK and REBUILD.

Reduce addresses efforts to promote transparency and effective training with the goal of preventing harassment in the workplace through shared norms and behaviors, as well as forthright leadership and plain talk about harassment policies, procedures, and complaints received. **Respond** relates to policies and practices around reporting options for employees and establishing fair and responsive investigation and corrective actions. **Rethink** tackles the intersectional nature of harassment and ways to create greater diversity, equity, and inclusion in companies. **Rebuild** embraces the goal of corporate certification programs to establish a new set of norms and actions within the business community to help end harassment in the workplace.

Featured speakers for each workshop content session provided **subject matter expertise** on each part of the Purple Campaign's framework, identifying and discussing key considerations, emerging trends, and innovative approaches implemented at their own organizations. Attendees then participated in a series of interactive breakout sessions intended to **foster collaboration** and generate questions. Breakout groups reconvened for a full group shareback session, giving all participants the opportunity to provide substantive input, share best practices, and **brainstorm solutions** with one another.

Content for this report has been compiled from the Purple Campaign's workshop sessions, background research, applicable research studies, as well as conversations with corporate leaders and policy experts.

Why it Matters

- Between **25–85%**[1] of women report having experienced harassment in the workplace, depending on the study and how harassment is defined. [2]

- **35%** of women working in corporate careers report experiencing sexual harassment and **⅔ of women in corporate America** report **experiencing microaggressions** in the workplace. The most common form of these microaggressions involves "women hav[ing] to provide more evidence of their competence than men and hav[ing] their judgment questioned in their area of expertise." [3]

- Sexual harassment in the workplace **decreases organizational commitment** and **job performance**, even among those who don't personally experience it. [4]

- Unsolved harassment issues can be detrimental to businesses, as **34%** of survey respondents say they **left their jobs** because of lack of action.[5]

- A toxic work environment is the **number one reason** people are **leaving their jobs** and the top predictor of attrition during the Great Resignation. ". . . [t]he leading elements contributing to toxic cultures include failure to promote diversity, equity, and inclusion; workers feeling disrespected; and unethical behavior."[6]

Reduce

Creating and Reinforcing a Respectful Work Environment

Transparency + Training

Over the past year, a significant number of American workers quit their jobs, including 4.4 million in September 2021 alone. Significantly, the most common reason workers quit during the Great Resignation was toxic company culture. Today's employees prioritize respectful work environments and meaningful work as much as traditional incentives like higher wages. This session addressed how companies can build more intentional, transparent, and employee-centered workplaces by creating a shared culture around acceptable behavior, and implementing educational programs like manager and leadership development training, to reinforce those shared values.

Key Findings

*Workplace **transparency** is proven to breed **long-term success**. Transparency creates trust between employers and employees, helps improve morale, lowers job-related stress, and boosts performance.*[7] *Developing clear anti-harassment policies and communicating those policies to employees are indispensable first steps to creating that transparency. When employees are aware of how to identify and respond to incidents of harassment, they are more likely to come forward. This, in turn, allows employers to take necessary action to solve harassment issues and build a **healthy workplace culture**.*

The following statistics illustrate the importance not only of having clear policies but also of training employees on these policies:

- Employees in workplaces without specific policies on harassment report experiencing **higher levels** of harassment.[8]

- **⅓ of employees** in the legal profession say that they did not report sexual harassment internally because they **lacked confidence** in their employer's protocols and/or reporting procedures.[9]

- Highly trusted workplaces enjoy **50% higher** employee productivity, 106% more energy at work, and 13% fewer sick days. Companies with high trust levels outperform companies with low trust levels by **186%**.[10]

- After completing anti-sexual harassment trainings, 71% of employees felt **more likely to stay** with their company, 71% of employees felt more valued as an individual in the company, and 61% of employees felt **more productive** in their role.[11]

- Sexual harassment training makes women feel **75% safer** at work and men feel 85% safer at work.[12]

Moving Forward

- **Create policies that workers can understand.** Workplace harassment policies should be clear and comprehensible. Oftentimes, policies are not clear about the difference between the law's definition of sexual harassment and the company's definition of sexual harassment. Companies should seek to make this difference clear so that employees are aware of the similarities and differences between the internal and legal recourse they have access to, to combat harassment. For example, **Google's** workplace code of conduct avoids unnecessary legalese, is easy to navigate, and clearly outlines the company's expectations for employees.[13] Similarly, **Facebook** has crafted a code of conduct that is clearly structured and to the point. The document addresses key activities and behaviors that are expected of employees. [14]

- **Be honest about the purpose of harassment training.** Companies obligated by law to host sexual harassment trainings should be honest about that obligation. Employees are more likely to trust the content of the training if they feel companies are being transparent about the purpose of the training. **Professor Liz Tippett**, Great Opportunity panelist and University of Oregon law professor, researches ways to improve sexual harassment trainings and believes that being honest about the training's purpose and goals is a useful way to secure employee buy-in. According to Professor Tippett, employees already assume the worst: that companies are only conducting trainings to tick a legal box.[15] Being upfront about the purpose of a training can help build trust in the company and the training program, even when the training is mandated by law.[16]
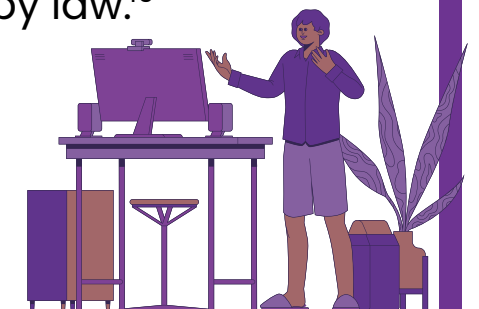
- **Share misconduct more broadly.** To increase transparency and demonstrate that the company takes misconduct seriously, employers should share information with employees about the number of reports made each year, the basis for those reports, and the corrective actions taken in response to those reports. In December 2019, **Uber** became the first in its industry to proactively release a comprehensive U.S. Safety Report detailing safety-related policies and processes, as well as data on the most serious safety incidents reported on its platform. The report, validated by third-party experts, was part of Uber's larger efforts to drive a new approach to safety in the rideshare industry and set a new standard for corporate transparency.[17] In June 2022, the company released its second Safety Report.[18] These reports compile data on, among other things, sexual misconduct reported by drivers and riders using the Uber app.[19] By producing a clear, transparent report on misconduct, Uber shows its customers and employees that it takes sexual misconduct seriously.

- **Implement bystander trainings.** Bystander intervention trainings provide individuals with options for what to do when they witness workplace harassment. Bystander intervention can involve a series of actions, from direct intervention, reporting, or changing the topic of conversation. When bystanders intervene, it not only indicates to coworkers that their behavior is not tolerated, it also changes the workplace culture. Workers have the power to set the tone for the workplace and when coworkers or managers intervene, they show their colleagues that harassment is not tolerated. Recognizing the importance of bystander training, this year the **City of Chicago** began requiring companies to conduct bystander sexual harassment trainings.[20] Per the municipal requirement, "every Chicago employee must undergo one dedicated hour of bystander sexual harassment training monthly." [21]
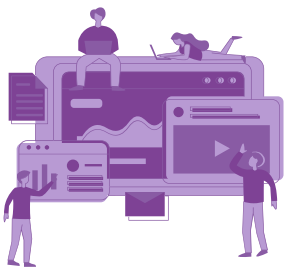
"When I think of transparency, I think of disclosing important information, but also being honest about it and being honest about your intentions and your purpose in designing a system in a particular way."

- Professor Liz Tippett, University of Oregon School of Law

Case Study #1

Women Lawyers on Guard: Conversations with Men

Women Lawyers on Guard works within the legal profession to educate male lawyers on how to take **active allyship** actions and intervene as a bystander when witnessing harassment. The organization's "Conversations with Men" program seeks to incorporate men into conversations around sexual harassment and end the notion that workplace sexual harassment is only a women's issue.[22] Progress in ensuring gender equity **increases by 96%** when men are involved as allies.[23]

- **Program Goals.** The goals of the Conversations with Men program are to 1) Engage men as active allies in eradicating sexual harassment in the workplace; 2) Shift sexual harassment and gender equity from a women's issue to an organizational and leadership issue; and 3) Garner broader perspectives on ways to eradicate sexual harassment at work.[24]

- **The Model Program.** The model program involves professionally facilitated, small **group discussions** with male lawyers.[25] Discussions center on the practice of law in the #MeToo era. Participants are also provided with **tools** to develop ally skills.[26]

The Purple Method

The Purple Method has developed an **anti-harassment training approach** that incorporates several features not typically found in most compliance-focused trainings. In addition to being evidence-based, interactive and engaging, and legally compliant in all 50 states, it also incorporates the following features:

- **Grounded in core values.** Grounding the training in each organization's core values rather than developing it with a compliance-only focus makes the training more engaging. Concepts are connected back to the organization's mission and the work that the employees are committed to.

- **Incorporates tailored examples.** Trainings that are not customized to an organization's specific environment may use examples of harassing behaviors that are irrelevant to that organization's employees. Incorporating examples that are tailored to each organization allows participants to see and discuss scenarios that could actually occur in their workplace.

- **Covers the gray areas.** Often people are able to easily identify straightforward examples of harassment, but are unsure about more nuanced interactions involving compliments, relationship policies, alcohol use, physical touch, workplace norms, or implicit bias. The Purple Method's training ensures employees get a sense of the various ways harassment can manifest in the workplace.

- **Approaches people as bystanders and allies.** Traditional trainings often approach employees as potential perpetrators, which can make them feel defensive and targeted.[27] In contrast, approaching people as potential bystanders and allies can make them feel empowered.

- **Applicable to the dispersed environment.** As the workforce becomes increasingly dispersed, having training formats that work well in a virtual environment as well as in-person is increasingly important.

During the workshop, **Dallas Thompson**, Training Director for The Purple Method, outlined two key developments in Purple Method trainings:

- **Addressing hybrid work environments.** When developing trainings, the Purple Method asks whether organizations are remote, hybrid, or in-person. The Purple Method then customizes the training, so that employees can review what types of misconduct may arise in each workplace context. One key element of this customization is talking through hybrid work environment hypotheticals so that employees are prepared to confront harassment when they see it. The following is a hybrid work hypothetical used by the Purple Method:

You and your direct supervisor both work extremely long hours and have quickly become close friends, often sharing details about your lives outside of the office. Your supervisor begins telling you over text about issues that they are having with their spouse, including the fact that their spouse is no longer interested in having sex and that they are thinking of having an affair. One day you have your camera off on Zoom and your supervisor laments that they're sad because they can't see your face. Is that a problem?

- **Including bystander intervention.** Employers must ensure that their anti-harassment trainings include tips for bystander intervention. The Purple Method trains employees on the "four D's" of bystander intervention: 1) directly intervene, 2) distract, 3) delegate, and 4) delay. During trainings, the Purple Method emphasizes that when an employee witnesses harassment and does nothing, they are implicitly agreeing with that conduct. Silence is often taken as a "co-sign" in the workplace. Bystander intervention also has the added benefit of improving retention and ensuring that employees feel important and respected within their organization.

Participant Feedback

At the conclusion of this session, workshop participants expressed their *desire for employers to be more transparent when it comes to the corrective action taken in response to harassment investigations*, because employees are often left in the dark with no sense of whether the situation was taken seriously or whether the perpetrator was held accountable.

Workshop participants also discussed the *importance of empowering bystanders to intervene when they witness harmful behaviors.* Bystanders are in the unique position to challenge behaviors peer-to-peer and when bystanders intervene, that can change workplace culture. Participants also enjoyed the use of hypotheticals in trainings because hypotheticals help employees learn the various ways that they can intervene when they witness harassment. Hypotheticals make trainings actionable and enable employees to leave the training better prepared to combat harassment in their own workplaces.

> "When it comes to **educating employees on the fundamentals of workplace harassment** and how harassment incidents should be reported, [sexual harassment training] has had **an overwhelmingly positive effect.**"
>
> Christina Gialleli
> Director of People Operations
> Epignosis

Respond

Demonstrating Accountability to Inspire Employee Confidence

Reporting + Investigations + Corrective Action

The recent public outcry by employees over corporate mishandling of sexual harassment shed light on the importance of taking swift action in response to credible reports to ensure a safe environment for all employees. Now that the world of work has changed, creative solutions are needed to help create workplaces where all employees feel heard and valued. This session examined why employees are advocating for their workplaces to take allegations of sexual harassment seriously, and how employers can implement reporting, investigation, and corrective action policies that build trust and ensure accountability.

Key Findings: Reporting

*As part of companies' efforts to address sexual harassment, they should work to create an environment where employees feel comfortable reporting the misconduct they have experienced or witnessed and **implement proper reporting channels.** Despite progress that has been made since the #MeToo movement went viral, data shows that much of workplace harassment still goes unreported because employees fear or **experience retaliation** or do not trust that their report will be taken seriously.[28]*

The following statistics highlight the need for employers to establish various proper reporting channels and cultivate an environment that encourages employees to speak up:

- Common reasons people don't report misconduct include: the **status** of the person who caused the harm (e.g., they are a more senior member of the workplace); a **fear of retaliation** for themselves; a fear of not being believed; and a fear that the behavior is perceived as acceptable.[29]

- Of complaints brought by employees experiencing workplace discrimination or harassment to the EEOC in 2021, **55.8% experienced retaliation**. [30]

- In a 2021 survey of 822 full-time employed Americans, **85% of respondents** who experienced harassment said that they would be more likely to report harassment if their organization had an **anonymous channel**. [31] Additionally, respondents believe that they and their coworkers would feel more encouraged to report with an anonymous reporting tool or platform. [32]

- Only **60% of women** in corporate America "think a sexual harassment claim would be fairly investigated and addressed by their company–and **just one in three** believe it would be addressed quickly."[33] This same survey found that women are "**twice as likely** as men to say that it would be risky or pointless to report an incident." [34]

Key Findings:
Investigations + Corrective Action

*Once workplace sexual misconduct is reported, companies must act in a timely manner to **fairly investigate** the claim and take necessary **corrective action**. As revealed by the data below, common issues that arise with companies' investigations of sexual harassment claims include delays in completing an investigation, failing to protect parties' confidentiality, and a lack of transparency around the outcome of the investigation. Implementing better **investigation practices** and **corrective action measures** signals to employees that sexual harassment is not tolerated and those who cause harm will be **held accountable**.*

- **7 in 10** people believe their companies do not take sexual harassment seriously. [35]

- **53%** of respondents say their workplace immediately addresses harassment, however, **12% see no action** from their workplace, and 14.7% aren't aware of any action taken.[36] Additionally, **only 54%** of respondents have had their issues fully resolved. [37]

- **Only 72%** of employees believe their workplace wants harassment reported and **34%** have left a job because of **unresolved harassment** issues.[38]

Moving Forward

- **Create a speak up culture and brave spaces.** During the workshop, **Lynn Haaland**, Chief Compliance, Ethics & Privacy Officer at **Zoom** emphasized that having a company speak up culture mitigates risk by encouraging employees and leadership to raise issues and concerns as soon as they see them.[39] Author and activist **Aishah Shahidah Simmons** urged companies to create brave spaces where company leaders and employees feel empowered to come forward to talk about the harm they experienced or witnessed, knowing the party who caused the harm will be held accountable.[40] Former **Starbucks** CEO Howard Behar has taken some positive steps by revising the company's code of conduct, encouraging employees to raise concerns and providing resources such as open forums and anonymous, third-party reporting tools. [41]

- **Think about responding vs. reacting to workplace sexual misconduct.** Use accountability as an opportunity to change the behavior of those committing harm, rather than to just punish (a harm reduction approach). Workshop speaker **Aishah Shahidah Simmons** shared the importance of changing how employers think about holding those who commit workplace misconduct accountable.[42] As opposed to reacting, which doesn't include careful forethought and doesn't take into account the singularities of each situation and person, responding to workplace misconduct considers these things by asking essential questions such as, "how do we hold the person who caused harm accountable in a way that changes their behavior and that causes people who caused harm to learn?" And "how do we look at accountability in a way that it doesn't condone harm but doesn't equate to punitive measures?"[43] Responding by considering these questions should not be at the expense of survivors, as it is not their responsibility to come up with corrective action ideas, unless they want to. **Bumble** has successfully implemented this approach in response to misconduct committed by Bumble users. The company focuses not on de-platforming users who commit less serious sexual misconduct against other users, but seeks to educate them on why their behavior was harmful and goes against company guidelines.[44]

- **Inform employees of the outcome of sexual harassment investigations.** Too often, employees who report sexual harassment never learn the outcome of these investigations, with employers citing privacy reasons as the basis for this secrecy. While confidentiality is important, to the extent possible, companies should inform those involved in the investigation of its outcome. In 2019, **Microsoft** promised to promote transparency around the outcomes of sexual harassment investigations by publishing annual information about the types of concerns raised, the rate at which violations occur, and the types of discipline imposed.[45] In March 2022, **CVS Health** publicly announced that it had fired several employees, including executives, following an internal investigation into how the company handled sexual harassment complaints.[46] In a memo sent to employees, the company also outlined new initiatives to address internal reports and investigations, including creating an Office of Workplace Assistance, which will be personally overseen by CEO Karen Lynch and Chief Policy Officer Tom Moriarty.

"Think about the steps that we have to take in order to create spaces where survivors are empowered to come forward … [to create] safe spaces or brave spaces for people to come forward to talk about harm, as well as brave spaces where we can hold folks accountable who've caused harm."

– Aishah Shahidah Simmons
Documentary filmmaker, Author, Educator & Activist

- **Technology and data as tools to combat sexual harassment and violence.** Bumble relies on technology to increase user safety. As an online dating platform, **Bumble** has the added benefit of not only being reactive but being able to be proactive in scanning user content and developing tools to pick up on problematic behaviors before they cause harm. Using technology to address sexual misconduct can be applied in a similar way to the employment context. In 2018, **AllVoices** launched a public-facing tool that allows employees, freelancers, contractors, vendors, and others to anonymously report any issue to a company, even if the company is not signed up on the AllVoices platform.[47]

- **Providing trauma support for survivors. Bumble** has partnered with the remote trauma support site **Bloom** to offer complimentary services to users who are subjected to sexual misconduct. "Bloom provides free online courses created by and made for survivors of sexual assault and harassment on mental health topics such as creating boundaries and managing anxiety." [48]

> *"We hear from survivors all the time that they're not always looking for or expecting the perpetrator or accused party to lose their job [. . .] they just want the behavior to stop and not occur to another person."*
>
> **- Brittany Anthony**
> **Head of Member Safety Policies**
> **Bumble**

Case Study #1

Creating a speak up culture at Zoom

- **Zoom** has implemented a number of new practices in an effort to encourage employees to report misconduct. According to Great Opportunity workshop speaker **Lynn Haaland**, the company has designed and promoted a workplace with multiple avenues for employees to voice and raise issues and concerns, including any form of harassment.[49] The more avenues there are for reporting, the more likely employees will be to use them. Zoom provides **employee resource groups**, town halls, meetings, and company chats as avenues for reporting.[50] In addition to creating multiple avenues for reporting, Zoom has implemented a **"big funnel approach"** whereby various teams can receive reports and then turn them over to Compliance.[51] Focusing on cultivating a speak up culture supported by top leadership and multiple teams signals to employees that the company is committed to addressing workplace harassment.

Case Study #2

Bumble's approach to corrective action[52]
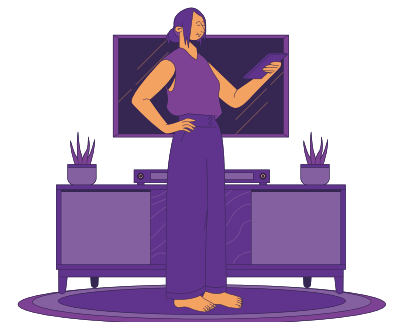
- To address sexual harassment between Bumble users, **Bumble** has focused on preventative education and warnings. For example, rather than focusing on a strong de-platforming policy for lower-level incidents of harassment, such as an inappropriate emoji, the company has shifted to a **model of communication** with members about how certain behaviors may have been misconstrued or gone against their guidelines.[53] This creates an environment in which users can learn from their behavior in order to address and prevent future harm.

Case Study #3

Eliminating the use of NDAs

California, **New Jersey**, and **Washington** have all passed legislation banning the use of NDAs and non-disparagement agreement provisions that prevent an employee or contractor from disclosing or discussing conduct the individual believes to be illegal acts of discrimination, harassment, retaliation, wage and hour violations, sexual assault, or other misconduct.[54] Similar legislation was also introduced in **New York state**[55] and **Maine.**[56] In the private sector, various companies have taken the same step in eliminating the use of NDAs that silence employees who have experienced workplace misconduct. For example, this year, in an effort to "encourage employees to come forward with workplace concerns" and attract and retain talent, **Microsoft** removed "confidentiality language that prohibits workers from disclosing alleged conduct that they perceive is illegal discrimination, harassment, retaliation, sexual assault, or a wage and hour violation occurring in the workplace" from employee settlement and separation agreements. [57]

Participant Feedback

Workshop participants liked the idea of *cultivating a brave space* in their workplaces for people experiencing misconduct to speak up. Participants suggested that one way to do this is by ensuring that employees and leadership are *clear on the purpose, values, and goals of the company* or organization. If employees aren't made aware of these things, it will be harder to build a speak up culture because they will have no foundation to rely on.

Rethink

*Implementing Intentional DEI Efforts
to Build a Thriving Company Culture*

Intersectionality + Diversity, Equity and Inclusion

An inclusive workplace culture is no longer just "nice to have," it's essential in the current talent market. Companies that prioritize and celebrate "cognitive diversity" – the inclusion of people who have different styles of problem solving and can offer unique perspectives because of their diverse identities and backgrounds – may have less to worry about when it comes to attracting and retaining top talent now and in the future. This session addressed how companies can shift the corporate mindset and utilize an intersectional lens to implement DEI initiatives that are intentional, actionable and sustainable, thus boosting employee morale and improving the bottom line.

Key Findings

DEI and intersectionality initiatives can often make the difference when it comes to employee retention in the wake of the Great Resignation. These initiatives give employees a safe environment where their unique experiences are not only respected, but appreciated. The following statistics illustrate the importance of building strong DEI and intersectionality initiatives:

- "Black women are almost **four times** as likely as White women–and Latinas and Asian women are **two to three times** as likely–to hear people express surprise at their language skills or other abilities."[58] Writ large, "women with disabilities [. . .] are much more likely than women overall to have their competence challenged or to be undermined at work."[59]

- **35%** of white women and **46%** of women of color said they intended to leave their job in the next 3-6 months.[60]

- When people are an **"Only"** (i.e. the only woman in the room) or **"Double Only"** (i.e. the only woman and only black person in the room) they are significantly "more likely to encounter comments and behavior that reduce them to negative stereotypes."[61] "'Double Onlys' face even more bias, discrimination and pressure to perform, and they are even more likely to be **experiencing burnout**."[62]

- **24% of workers** say their company is **not doing enough** to address DEI issues, 55% say it is doing about the right amount, and 17% say it has gone too far.[63] More Black and Hispanic workers report their companies are not doing enough, and both women and younger workers are more likely than men and older workers, respectively, to report the same.[64]

- **Seven out of 10** LGBTQ+ people have been sexually harassed at work.[65]

- **Almost half (45.5%)** of LGBT workers have experienced, at some point in their careers, some form of unfair treatment at work, including: harassment, termination, or facing hiring discrimination based on their LGBT status. When applying for jobs, nearly **one-quarter (23.7%)** of LGBT Americans have experienced discrimination based on sexual orientation or gender identity.[66]

Deep Dive: Intersectional Harassment

What is intersectionality?

"Intersectionality" is a term coined by **Professor Kimberlé Crenshaw** to explain how people who share one identity characteristic, such as race, may experience discrimination and subordination differently based on divergent intersecting identity categories.[67] People often experience harassment on the basis of more than one identity group–for example, on the basis of race and gender, or ethnicity and religion. Due to the ways that these identities intersect in the workplace, it is often difficult to isolate one identity as the basis for discrimination. As such, many EEOC complaints **involve multiple bases** for discrimination.

During the April 2022 policy design workshop, panelists highlighted the importance of incorporating an intersectional understanding of harassment and discrimination into the workplace. Employees hold a variety of identities and for employers to truly understand what is going on in their organization and what employees need, they must appreciate how these identities intersect and affect how employees show up to work.

"It takes an intentional effort toward intersectionality, to recognizing that people experience the world differently based on how and what their identities are, not just gender, and how they overlap."

- Chief Justice Rebeca Martinez, Texas Fourth Court of Appeals

Best Practices to Address Intersectional Harassment

The following constitute best practices for prioritizing intersectionality in your workplace:

- **Data analysis.** Ensure that company-wide data analysis takes intersectionality into account. Often data is unable to tell the story of communities that sit at the intersections because the data only focuses on singular aspects of their identity. Data on the experience of black employees will differ from data on the experience of female employees which will in turn differ from data on the experience of black female employees. [68] Highlighting the importance of disaggregated data ensures that the experiences of communities with intersectional identities are not missing and can be meaningfully addressed.

- **Intentionality.** Companies should be intentional about developing their DEI programs, allocating resources to the programs, and ensuring that their high-level leaders are committed to DEI initiatives. Being intentional means identifying areas where an organization is lacking and actively working to address that deficiency. Intentionality can help an organization root out and eliminate hidden barriers that affinity or implicit bias otherwise conceals and it can be the difference between creating a workforce that feels valued and engaged versus one that feels dispensable and nonessential. [69] To maximize your organization's ability to retain talent, especially from underrepresented groups, use intentionality to create a culture within your organization that is not only diverse, but also inclusive.

Building a speak-up culture around intersectional harassment

- **Open-door policy.** Employers should create an accessible work environment where employees feel comfortable communicating their unique needs. In many cases, employers will simply be unaware of the ways in which an employee's identity is impacting their work experiences, so employers should create an open-door culture where employees can communicate their concerns. Employers should also proactively learn about the needs of their employees by asking questions, rather than assuming what initiatives are best. By conducting employee focus groups, surveys, and roundtables, employers can get a sense of the unique challenges each employee is facing. Giving employees the space and time to express their input provides managers, directors, HR and executive teams a chance to analyze how the organization meets those needs and what else can be done to help employees thrive, even in the most difficult of times.

DEI and intersectionality-focused initiatives build strong workforces. Employees perform better when their experiences, contributions, and identities are respected in the workplace.

Moving Forward

DEI and intersectionality-focused initiatives build strong workforces. Employees perform better when their experiences, contributions, and identities are respected in the workplace.

Below are several new best practices that employers are implementing to prioritize and bolster DEI and intersectionality efforts:

- **Creating and Implementing Employee Resource Groups.** A recent study of ERGs found that "half of the companies [surveyed] with fully developed diversity strategies use their ERGs to improve the business in three ways: First, they make sure employees have an opportunity to be heard, valued and engaged. Second, they gain a better understanding of who their customers are. Last but not least, they get insight on business performance."[70] Employee-led DEI groups, unconscious bias training, diverse panel discussions and specified Slack channels are just some of the ways employees at **Addepar**, **Wunderkind**, **Haven Technologies** and **Knotel** are promoting DEI in their professional lives as well as outside the office.[71] As a result of biannual employee engagement surveys, leadership at these companies has helped form affinity groups to support underrepresented communities. Other major companies like **Humana**, **Dow**, **Cigna**, **AT&T**, **Wells Fargo**, and **Hilton Hotels** are also utilizing employee resource groups to build a better workplace and **LinkedIn** has gone a step further, offering financial compensation to leaders of ERG programs.[72]

- **Situating Yourself as a DEI Winner.** While many DEI initiatives begin with affected employees, HR, or DEI leads, their organizational impact is often elusive until senior leadership becomes engaged. In order to get leadership on board with important DEI initiatives, DEI leaders should meet company leaders where they are. Oftentimes, leadership may view diversity and inclusion as a great uphill climb, with no idea of where to begin. Setting short-term and long-term actionable goals with meaningful "quick wins" can help leadership quantify the impact. At **RingCentral**, **Danita Rucks Oliver** often meets one-on-one with company leaders to talk through the importance of DEI and company DEI initiatives. These meetings enable her to determine leadership's perspective on DEI and work with them to create successful initiatives.[73] It also gives her an opportunity to demonstrate the impact of various initiatives on employee recruitment, engagement, and retention.[74]

- **Building Intersectionality into your Recruitment Strategy**. When recruitment strategies emphasize diversity *and* intersectionality, hiring teams ensure that individuals with multiple intersecting identities are not lost in the recruitment process. **"Untapped,"** a recruiting platform, recently released a list of 5 ways that companies can meaningfully incorporate intersectionality into their hiring practices.[75] According to Untapped, companies should 1) take an intersectional approach to data collection, 2) reach out to employees with underrepresented identities to learn more about their experience in the workplace, 3) provide managers with diversity AND intersectionality trainings, 4) ensure that hiring panels are intersectional, and 5) conduct research on pay inequities to determine how intersectionality impacts salaries.[76] **Spotify** places significant emphasis on intersectional hiring. In its 2021 Equity and Impact Report, Spotify highlighted its new Inclusive Hiring Talent Acquisition Strategy, early career pipeline programs, and employee demographic goals.[77] Specifically, Spotify recognized the importance of having greater representation in its hiring and leadership ranks. To reach this goal, the company implemented strategic hiring initiatives that earmark Black professionals and emerging talent, and the company has expanded programs such as "Behind the Mic" that support underrepresented groups in their pursuit of careers in podcasting production.[78]

- **Supporting Working Parents and Caretakers.** A recent survey of 2,919 parents - aiming to uncover the best ways to build workplaces and workplace cultures that enable parents to bring balance to their lives, remain engaged, and be productive - found that 90% of respondents said they would leave their current employer for one with better benefits.[79] Employers can and should pay attention to the unique needs of working parents and caretakers. These employees bear significant home-life responsibilities and, where possible, companies should seek to provide employees with flexibility when it comes to work assignments, work hours, and time-off. Pharmaceutical company **Merck** provides employees with six weeks of parental leave as well as up to $25,000 for adoption or surrogacy-related expenses.[80] The company also provides employees with access to a registered nurse hotline, child care, personal health coaching, and flexible work arrangements.[81] Merck's global Flexible Work Arrangement Policy "allows employees to work remotely or on a different work schedule that best fits their needs."[82] Creating a family-friendly culture, whether through resource groups for working parents, parental leave planning, or family-friendly benefits, highlights the company's desire to respect and support the unique needs of each employee.

Case Study #1

## *Building an Equitable Future at Spotify*

Spotify conducts a number of programs intended to account for diversity, equity and intersectionality. **Elizabeth Nieto**, Head of Equity and Impact at Spotify, joined us at our workshop to discuss a number of innovative initiatives implemented by the company, including:

- **"Voice of the Employee" survey.** The company implemented a survey, conducted twice a year, to better understand individual and collective employee experiences, and employee workplace needs based upon those experiences.[83]
- **Featuring diverse Spotifiers.** Through its @LifeatSpotify social channels, the company features Spotifiers from many different backgrounds, in many different roles, in offices around the world so that followers can see themselves represented in Spotify's workforce.[84]
- **Annual Inclusion Summit.** Amongst other conferences and events, the company hosts an annual Inclusion Summit to empower intersecting employee communities, recognize their unique experience, develop skills needed to continue momentum and foster allyship within the company culture.[85]

Spotify also pays close attention to ensuring that employees are not lost in the virtual or hybrid work environment. Through its "Anywhere program," Spotify allows employees to work entirely remotely. The Equity and Impact team specifically seeks out ways to ensure that remote employees feel as involved in the workplace as hybrid and physical employees. For example, the majority of Spotify's learning and development activities happen online. This ranges from live and virtual facilitator-led sessions to online courses and tutorials for self-led learning.[86]

> *"Today, millennials and Gen Z are expecting environments that are diverse [. . .] so try to understand the expectation from your future workforce [. . .] and create spaces that allow for them to live and thrive in an environment that values everybody, not just those in the majority."*
>
> *– Elizabeth Nieto, Head of Equity and Impact, Spotify*
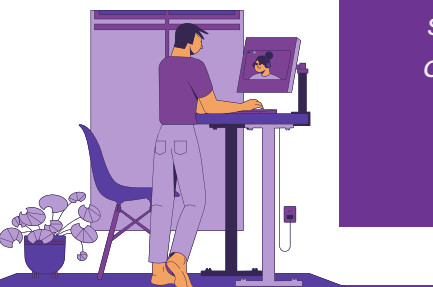
Case Study #2

Recruitment initiatives at RingCentral

At our workshop, **Danita Rucks Oliver** discussed the variety of DEI programs operated by **RingCentral** aimed at recruiting new talent and giving students the opportunity to work in the tech industry. Through their various initiatives, including "HBCU L.E.A.D. Academy" and "Ringtern S.O.A.R.," students have an opportunity to receive a job offer, scholarships paid back to their schools, and after so many years of service, a bonus to help them pay down their student loan debt or pay for continuing education. [87] Additionally, the company's "Transition N2Tech" program is designed specifically for those who wanted to make a career shift but who faced adversity in achieving their career goals.[88] Individuals interested in this program include people who were not able to finish college and people who joined the military. The program helps them jumpstart their tech careers by removing gatekeepers and providing hands-on experience.[89]

Participant Feedback

Following this session, workshop participants *commented on the importance of acknowledging employees' personal and professional responsibilities.* Employers can and should be mindful of the ways that personal responsibilities (like parenthood and caretaking responsibilities) impact employees' work experiences and be open to hearing employee feedback on the effectiveness of workplace initiatives implemented to address these responsibilities.

Participants also talked with this session's speakers about the differences between equity and equality. **Danita Rucks Oliver** highlighted that equality implies that everyone has the same experience but equity involves meeting people where they are. *Teaching employers how to meet employees where they are and how to help them meet their unique potential is vital to any DEI initiative.*

"When other leaders see [DEI initiatives] work, they all want in."

*Danita Rucks Oliver
Head of Global Diversity,
Equity & Inclusion
RingCentral*

Rebuild

Investing in the Future of Work

Corporate Certification

The respectful treatment of employees at all levels is the #1 factor in employee job satisfaction. Corporate Certification Programs have been used to show employees that their workplace takes critical issues seriously. This session provided an overview of the Purple Campaign's certification program from both the people who developed it and the companies that participated in it, and provided information about how the program has helped companies invest in the future of work.

Key Findings

The Great Resignation has revealed that employees today care about more than just their salary or growth potential at a company; they want to work for an employer that recognizes and **responds to shifting values** in society, including ensuring a safe and equitable work environment. As the data below indicates, the current labor market is willing to quit working for or pass by employers that aren't actively responding to social issues. Now more than ever, it is vital for companies to signal to prospective and current employees that they **take the issue of workplace harassment seriously**. Allowing an outside party to assess how well a company is addressing workplace sexual harassment sends that message.

Prospective employees are looking for employers that recognize shifting values in society. According to Victoria Pelletier, Managing Director at **Accenture**, "The shift in employee mindset has moved from career advancement and total compensation to a greater focus on the things that matter, to what they value the most. This also includes things like a **healthy organizational culture**, positive and effective leadership, diversity, equity and inclusion and flexibility in how or where they work."[90]

65% of Gen Z workers plan to quit their job in 2022, [91] and what matters most to them is a **good working environment** — "a job that is meaningful at a company that makes a difference, aligns with their social views, and offers mental health support." [92]

"Every year, the workforce becomes more and more savvy. Prospective employees do their research [. . .] Purple Certification can shift whether or not a woman feels like she can even apply." [93]

– Bo Young Lee, Chief Diversity and Inclusion Officer, Uber

Why Purple Certification Matters

Corporate certification programs have been effectively used to create shared norms and expectations where traditional regulatory systems have failed, and the Purple Campaign developed such a program to address workplace harassment. The Purple Campaign's corporate certification program built on prior work to develop and implement corporate certification programs in other contexts and to measure and appropriately respond to sexual misconduct in the business setting. Below are some of the reasons companies should consider becoming Purple Certified:

- **Proactively build a safe workplace.** Undergoing Corporate Certification allows companies to proactively establish strong policies and create a healthy culture, rather than merely reacting to a crisis or event. Consumers and top talent are increasingly looking to companies' positions and policies on social issues. Companies must work even harder and be more mindful of new ways to attract and retain top performers, including creating a sense of community, prioritizing employee mental health and wellbeing, and leading with compassion.

"Recognition as a Purple-certified company signals to employees and candidates alike that we are committed to maintaining a fair, safe, and inclusive workplace, and have policies and procedures to address situations when these expectations are not met. Rather than waiting for an employee to bring a claim internally or publicly share a negative experience, companies should proactively establish policies aimed at improving workplace policies and culture."

– Robb McFadden, Executive Director for Employee Relations
Gilead Sciences

Why Purple Certification Matters

- **Utilize an outside expert to gain credibility and employee trust.** By allowing an outside party to assess how successfully a company is addressing workplace harassment, that company communicates to its employees and consumers that it takes the issue of sexual harassment seriously. Like the **Human Rights Campaign's Corporate Equality Index,** which measures companies' policies to ensure LGBTQ+ equality, Purple Certification provides companies with an independent, objective measure of their workplace harassment policies and procedures. A company that opens itself to an independent assessment such as this one fosters trust and transparency between employees and management and increases overall employee satisfaction and production.

- **Create a meaningful employee value proposition.** Employee value propositions (EVP) are the unique set of benefits that an employee receives in return for the skills, capabilities, and experience they bring to a company. It constitutes the promise an employer makes to an employee in return for their work and commitment. Significantly, an EVP can tell potential employees about the essence of your company – how it is unique and what it stands for.[94] To ensure that workplace harassment and diversity initiatives are not only seen as an HR practice, but as deeply entrenched in the culture and employee experience, they need to be embedded in the EVP. **Robb McFadden**, Head of Employee Relations at **Gilead Sciences**, explained that Purple Certification is "something that we really over the long term [will] bake into our employee value proposition. That we are a company that is committed – not one and done – but continually, to making those improvements and taking those steps to show that we are a company that takes these matters seriously." [95]

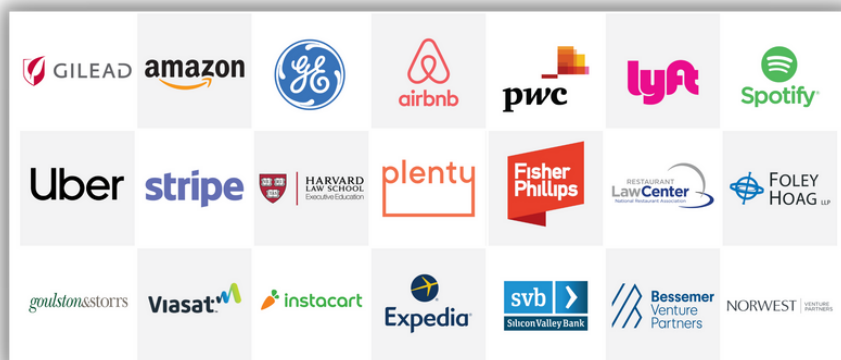# Case Study #1

Uber and Gilead Certification Experiences

In 2019, **Uber** became one of five pilot companies to undergo Purple Certification. The pilot companies completed a survey of currently implemented policies and practices, which were used to benchmark existing practices and develop a final set of certification criteria. In 2021, **Gilead Sciences** became the first biopharmaceutical company to become Purple Certified.

The certification process included completing a confidential online survey administered by the Purple Campaign, sharing relevant written policies for the Purple Campaign to confidentially review, and receiving a corporate scorecard with an overall index of 0 to 100 with the opportunity to be rescored if relevant policies or practices were updated to meet the certification criteria.

At our workshop, both **Deanna Slocum**, Senior Director of Ethics & Compliance at Uber and **Robb McFadden**, Head of Employee Relations at Gilead Sciences, joined us to discuss their experiences undergoing certification:

Uber. In the wake of #DeleteUber and the company's desire to implement findings from the Holder Report – a series of recommendations from former U.S. Attorney General Eric Holder – **Senior Director of Ethics & Compliance Deanna Slocum** said that **Uber** wanted to make sure they were not only establishing policies in line with existing regulatory requirements, but that they wanted to go a step further to benchmark around the best in the business. **Becoming Purple Certified and listening to advocates and experts was a part of Uber's cultural transformation toward ensuring a safer and healthier workplace for its employees.** While filling out the certification survey questions, Deanna noted that the questions "really get to the heart of **engendering a sort of sense of trust** with the employee to the company, as opposed to just a bunch of surveys asking you for demographics and information about your employee base."[96] "[The survey] really asks about the practices that you have as a company [. . .] and I think that those questions were chosen very carefully for that purpose." [97]

Gilead Sciences. **Robb McFadden, Head of Employee Relations** at Gilead, described that at a certain point, leadership at **Gilead** found themselves asking what "good" looks like, and wondering what companies were doing to best address workplace misconduct and diversity, equity and inclusion, and how to fill the gaps they knew were inevitably present in their organization. Gilead had talked with law firms about compliance, and went through the Holder Report extensively as a benchmark. But according to Robb, **"We didn't know what the industry was doing. We didn't know if what we were doing was good enough. We didn't know where the gaps were, where our strengths were and so we were really thirsty for something that could help us."**[98] After a leadership team member heard about Purple Certification, Gilead went through the Certification Program process, submitted detailed reports on its corporate policies and practices for review, and ultimately received a perfect score of 100 from the Purple Certification objective scorecard criteria. **As a result of its Purple Certification status, Gilead gained credibility among its employees and the public.**[99] Robb describes Gilead's efforts to establish a safe, diverse, equitable, and inclusive workplace as a journey, rather than a destination, recognizing that attitudes, norms, and expectations evolve, and that Gilead wants to evolve with them in the future.

"We want to be leading the pack in terms of what 'good' looks like, what 'best' looks like, and Purple [Certification] gave us that opportunity."

Robb McFadden
Head of Employee Relations,
Gilead Sciences

"Without Purple Campaign, there's no other organization that's doing this in this space and it's really necessary."

- Deanna Slocum
Sr. Director, Ethics & Compliance at Uber

"Our hope is that all companies eventually reach 100% and become Purple Certified, but another goal of ours is that all of this learning that we had done from our advisory board and from these experts would be helpful to any company just taking the survey or going through that assessment."

– Ally Coll
President & Co-Founder at Purple Campaign

For more information, reach out to us:

info@purplecampaign.org

Our work is made possible by the support of our members. Consider investing in the future of work:

Make a Donation

Become a Member

Endnotes

1. When employees were asked if they had experienced "sexual harassment," without that term being defined in the survey, approximately one in four women (25%) reported experiencing "sexual harassment" in the workplace. When employees were asked whether they have experienced one or more specific sexually-based behaviors, such as unwanted sexual attention or sexual coercion, the rate of reported harassment rose to approximately 60% of women. *See* US Equal Employment Opportunity Commission, Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs Chai R. Feldblum & Victoria A. Lipnic (June 2016), https://www.eeoc.gov/select-task-force-study-harassment-workplace.

2. *Id.*

3. McKinsey & Company, "Women in the Workplace 2021 Report," at 24, https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace.

4. S. Gale, et al., "The Impact of Workplace Harassment on Health in a Working Cohort," 10 Frontiers in Psychology, 1, 2 (May 2019) https://www.frontiersin.org/articles/.

5. "The State of Workplace Harassment 2021," The AllVoices Team, September 1, 2021, https://www.allvoices.co/blog/the-state-of-workplace-harassment-2021.

6. D. Sull, et al., "Toxic Culture is Driving the Great Resignation," MIT Sloan Management Review, (Jan. 2022), https://sloanreview.mit.edu/article/toxic-culture-is-driving-the-great-resignation/.

7. J. Link, "Got Transparency? Why Trust Does More For Workplace Culture Than Flashy Perks," Forbes, (Mar. 2020), https://www.forbes.com/sites/forbeshumanresourcescouncil/2020/03/13/got-transparency-why-trust-does-more-for-workplace-culture-than-flashy-perks/.

8. J. Gruber, "The Impact of Male Work Environments and Organizational Policies on Women's Experiences of Sexual Harassment," Gender & Soc'y 301 (1998).

9. K. Pender, "Us Too? Bullying and Sexual Harassment in the Legal Profession," London: International Bar Association, (2019).

10. P. Zak, "The Neuroscience of Trust," Harvard Business Review, (Jan. 2017), https://hbr.org/2017/01/the-neuroscience-of-trust.

11. "The State of Employee Sexual Harassment Training," Purple Campaign & Talent LMS (Aug. 2021).

12. *Id.*

13. "Google Code of Conduct," Alphabet Investor Relations, https://abc.xyz/investor/other/google-code-of-conduct/.

14. "Keep Building Better: The Meta Code of Conduct," Meta, https://s21.q4cdn.com/399680738/files/doc_downloads/governance_documents/2022/06/FB_CoC.

15. Professor L. Tippett, "The Great Opportunity Anti-Harassment Policy Design Workshop, " (Apr. 2022).

16. *Id.*

17. "Uber US Safety Report, 2019-2020," Uber, https://uber.app.box.com/s/vkx4zgwy6sxx2t2618520xt35rix022h?uclick_id=2248a82e-5270-469f-b1a6-d29003cfb2d9.
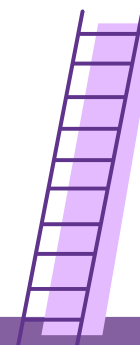
Endnotes

18. T. West, "Uber Delivers Second U.S. Safety Report," Uber Newsroom, (June 2022), https://www.uber.com/newsroom/2022-us-safety-report/.

19. *Id.*

20. S. Joyce, "Chicago Sexual Harassment Policy Requires 'Bystander' Training," Bloomberg Law, (July 2022), https://news.bloomberglaw.com/daily-labor-report/chicago-sexual-harassment-policy-requires-bystander-training.
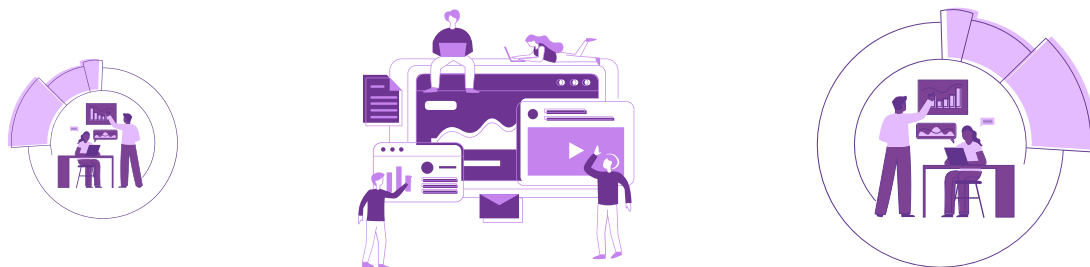
21. *Id.*

22. "Conversations With Men: Uprooting Workplace Sexual Harassment," Women Lawyers on Guard, Inc., https://mcusercontent.com/c2312611909237616b06efbcf/files/4c10db11-ec62-4522-9c82865476f32435/WLG_Conversations_with_Men_Brochure_Final.pdf.

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. F. Dobbin & A. Kalev, "The promise and peril of sexual harassment programs," Proceedings of the National Academy of Sciences, 12256, 12259 (2019) at 116, https://www.pnas.org/content/pnas/116/25/12255.full.pdf.

28. US Equal Employment Opportunity Commission, *supra* note 2.

29. *Id.*

30. "EEOC Releases Fiscal Year 2020 Enforcement and Litigation Data," US Equal Opportunity Commission, (Feb. 2021), https://www.eeoc.gov/newsroom/eeoc-releases-fiscal-year-2020-enforcement-and-litigation-data.

31. "The State of Workplace Harassment 2021," *supra* note 5.

32. *Id.*

33. "Women in the Workplace 2018," McKinsey & Company, (2018) at 22, https://wiw-report.s3.amazonaws.com/Women_in_the_Workplace_2018.pdf.

34. *Id.*

35. "16 Alarming Sexual Harassment in the Workplace Statistics You Need to Know," Inspired eLearning, (July 2021), https://inspiredelearning.com/blog/sexual-harassment-in-the-workplace-statistics/.

36. "The State of Workplace Harassment 2021," *supra* note 5.

Endnotes

37. *Id.*

38. *Id.*

39. L. Haaland, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

40. A. Simmons, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

41. E. Ferguson, "Starbucks Corporation's Organizational Culture & Its Characteristics," Panmore Institute, (Feb. 2019), https://panmore.com/starbucks-coffee-company-organizational-culture; *see also* "Code of Conduct Examples from 4 Fortune 500 Companies," Everfi from Blackbaud, https://everfi.com/blog/workplace-training/4-of-the-best-company-code-of-conduct-examples/.

42. Simmons, *supra* note 40.

43. *Id.*

44. B. Anthony, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

45. R. Tulshyan, "More companies need transparency on sexual-harassment cases," The Seattle Times, (Apr. 2019), https://www.seattletimes.com/opinion/more-companies-need-transparancy-on-sexual-harassment-cases/.

46. M. Repko, "CVS fires several employees and executives after internal sexual harassment investigation," CNBC, (Mar. 2022), https://www.cnbc.com/2022/03/11/cvs-ceo-karen-lynch-fires-executives-after-internal-sexual-harassment-probe.html.

47. D. Haithman, "AllVoices Harassment Reporting App Raises $3 Million," Los Angeles Business Journal, (Feb. 2020), https://labusinessjournal.com/technology/allvoices-harassment-reporting-app-raises-3-million/.

48. A. Iovine, "Sexual assault survivors can get trauma support...through Bumble," Mashable, (Aug. 2021), https://mashable.com/article/sexual-assault-trauma-support-bumble-bloom-chayn.

49. Haaland, *supra* note 39.

50. *Id.*

51. *Id.*

52. At the Great Opportunity workshop, Brittany Anthony discussed Bumble's response to misconduct perpetrated by *users* of the platform, rather than employee misconduct.

53. Anthony, *supra* note 40.

54. H. Albarazi, "One By One, States Are Banning NDAs To Protect Workers," Law360, (Apr. 2022), https://www.law360.com/articles/1476428/one-by-one-states-are-banning-ndas-to-protect-workers.

55. C. Murray, "Queens Assembly member Introduces Bill to Ban Non-Disclosure Agreements," Sunnyside Post, (May 2022), https://sunnysidepost.com/queens-assemblymember-introduces-bill-to-ban-non-disclosure-agreements.

Endnotes

56. C. Marr, "States Expand Bans on Nondisclosure Pacts Beyond #MeToo Claims," Bloomberg Law, (July 2022), https://news.bloomberglaw.com/daily-labor-report/states-expand-bans-on-nondisclosure-pacts-beyond-metoo-claims.

57. A. Pannoni, "Microsoft announces four new employee workforce initiatives," Microsoft, (June 2022), https://blogs.microsoft.com/on-the-issues/2022/06/08/microsoft-announces-four-new-employee-workforce-initiatives/.

58. McKinsey & Company, *supra* note 3 at 29.

59. *Id*.

60. D. Ellsworth, et al., "Why women of color are leaving, and how to rethink your DE&I strategy," McKinsey & Company, (Jan. 2022), https://www.mckinsey.com/business-functions/people-and-organizational-performance/our-insights/the-organization-blog/why-women-of-color-are-leaving-and-how-to-rethink-your-dei-strategy.

61. McKinsey & Company, *supra* note 3 at 34.

62. *Id*.

63. L. Wrongski, "CNBC/SurveyMonkey Workforce Happiness Index: April 2021," SurveyMonkey, accessed May 6, 2021, https://www.surveymonkey.com/curiosity/cnbc-workforce-survey-april-2021/.

64. *Id*.

65. F. Perraudin, "Survey Finds 70% of LGBT People Sexually Harassed at Work," The Guardian, (May 2019), https://www.theguardian.com/uk-news/2019/may/17/survey-finds-70-of-lgbt-people-sexually-harassed-at-work.

66. "LGBTQ+ Workplace Issues (Quick Take)," Catalyst, (May 2022), https://www.catalyst.org/research/lgbtq-workplace-issues/.

67. J. Coaston, "The intersectionality wars," Vox, (May 2019), https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination.

68. "Ten Tips for Putting Intersectionality into Practice," The Opportunity Agenda, 2017, https://www.opportunityagenda.org/explore/resources-publications/ten-tips-putting-intersectionality-practice.

69. F. Alejandro & L. Bunting Eubanks, "Intentionality: An Essential Diversity, Equity, and Inclusion Goal," Sands Anderson, (Feb. 2022), https://www.sandsanderson.com/news/2022/02/11/intentionality-an-essential-diversity-equity-and-inclusion-goal/.

70. S. Goode & I. Dixon, "Are Employee Resource Groups Good for Business?" Society for Human Resources Management, (Aug. 2016), https://www.shrm.org/hr-today/news/hr-magazine/0916/pages/are-employee-resource-groups-good-for-business.aspx.

71. M. Hester, "An Intersectional Lens is Helping These Companies Be More Inclusive," Built In NYC, (Oct. 2021), https://www.builtinnyc.com/2020/08/20/intersectionality-in-the-workplace.

Endnotes
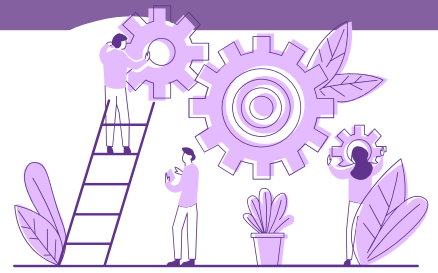
72. *Id.*

73. D. Rucks Oliver, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

74. *Id.*

75. S. Martinez, "Why Intersectionality in the Workplace Matters to Your Hiring Process," Untapped, (Aug. 2021, https://www.untapped.io/blog/why-intersectionality-in-the-workplace-matters-to-your-hiring-process.

76. *Id.*

77. "Spotify Equity and Impact Report 2021," Spotify, https://www.lifeatspotify.com/reports/Spotify-Equity-Impact-Report-2021.pdf.

78. *Id.*

79. G. Nebesar, "Remaining competitive during the Great Reassessment: 5 top benefits for working parents," BenefitsPRO, (Mar. 2022), https://www.benefitspro.com/2022/03/24/remaining-competitive-during-the-great-reassessment-5-top-benefits-for-working-parents/.

80. E. Cavanaugh, "10 of the best companies for new parents, including Amazon, Microsoft, and Freddie Mac," (Feb. 2020), https://www.insider.com/the-10-best-companies-for-new-parents-according-glassdoor-reviews-2020-2.

81. *Id.*

82. "Merck Compensation & Benefits,' Merck, https://jobs.merck.com/us/en/compensation-and-benefits.

83. E. Nieto, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

84. "Spotify Diversity, Inclusion & Belonging," Spotify https://www.lifeatspotify.com/diversity-equity-impact/diversity-inclusion-belonging.

85. *Id.*

86. "Spotify Work From Anywhere," Spotify, https://www.lifeatspotify.com/being-here/work-from-anywhere.

87. Rucks Oliver, *supra* note 73.

88. *Id.*

89. *Id.*

90. "In 'The Big Resignation' Era, Here's What Job Seekers Want From Employers," Forbes, (Oct. 2021), https://www.forbes.com/sites/forbeshumanresourcescouncil/2021/10/18/in-the-big-resignation-era-heres-what-job-seekers-want-from-employers/.

Endnotes

91. "2022 Great Resignation: The State of Internal Mobility and Employee Retention Report," https://www.lever.co/research/2022-internal-mobility-and-employee-retention-report/?utm_medium=pr&utm_source=news&utm_campaign=leverbrand&utm_content=job%20crafting%20report.

92. H. Hoffower, "Meet the typical Gen Z worker, who is quitting their job for a better one but probably regretting it later," Insider, (May 2022), https://www.businessinsider.com/what-gen-z-wants-workplace-expecations-salary-benefits-perks-2022-5#the-typical-gen-zer-is-entering-the-workforce-on-their-own-terms-demanding-change-with-a-new-sense-of-boldness-not-seen-in-previous-generations-1.

93. E. Hinchliffe, "What Does It Take to Certify That a Company Takes Harassment Seriously?" (July 2019), https://fortune.com/2019/07/16/anti-harassment-certification/.

94. D. Slocum, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

95. R. McFadden, "The Great Opportunity Anti-Harassment Policy Design Workshop," (Apr. 2022).

96. Slocum, *supra* note 94.

97. *Id*.

98. McFadden, *supra* note 95.

99. *Id*.