2023 Workplace Harassment and Misconduct Insights



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Employee trust can *transform* workplace culture.

Our vision at HR Acuity is to make work better, more equitable and safer for seven million employees by 2025. To make this vision a reality, we stay actively committed to uncovering the real challenges Employee Relations (ER) teams must overcome day in and day out. One of ER's biggest challenges is workplace harassment and misconduct. This year we decided to dig deep and reveal some important realities in the 2023 Workplace Harassment and Misconduct Insights.

As I reviewed the research, I was struck by just how much employee trust in ER teams and their processes impacts everything. Not only does the level of trust impact how likely employees are to report issues, it also impacts whether or not they stay with the organization and refer people within their networks to work there.

The research *confirms* what we already know.

Toxic cultures destroy trust and drive good people away. Left unchecked, these environments feed a vicious cycle as employees lose faith in the process and simply stop reporting. Eventually unreported issues become unresolved issues that drive further toxicity.

While most organizations have an established process that employees are aware of, nearly half of our respondents simply lacked confidence that reported concerns will be thoroughly investigated and addressed fairly. Even worse, almost half actually fear retaliation for reporting workplace concerns. This signals a general lack of trust that is damaging employment brands, lowering employee retention and deterring employment referrals.

Surprising to no one, employees who experience inappropriate, unethical and illegal behaviors are more likely to leave their jobs. In fact, more than half of the employees who left an organization indicated that harassment or misconduct was a factor in their decision to move on. Unfortunately, the damage doesn't stop with the employee's experience; disenchanted employees don't recommend their employer to others. The most frustrating part about this is that we see that the referral rate jumps dramatically among employees whose issues of harassment and misconduct were reported and investigated fairly — so we know this is something that is in ER's control.

This year's report also underscores the fact that it's not enough to simply offer anonymous reporting tools and hope employees trust the process. The data reveals they simply do not believe these tools are truly anonymous. The only way to solve this is to address the real concern head on. ER needs to ensure employees trust that the system they use is truly anonymous. How important is anonymity? It's critical. Nearly two-thirds of employees who chose not to report issues cited guaranteed anonymity as the most significant factor that would motivate them to come forward.

Finally, the findings uncovered the importance of preparing for experiences that are unique with respect to different segments of the workforce. For example, independent contractors and transgender employees report experiencing significantly higher levels of workplace harassment and misconduct. While these groups may be small, this indicates a trend ER teams need to be aware of and adapt for when it comes to reporting needs, investigation communications, aftercare and the process in general.

I invite you to dive into this year's research and use it to audit your employee relations processes. Now is the time to commit to improvements in transparency that will make your process more consistently thorough, fair and trusted. Embracing a transparent approach will undoubtedly help create a better, safer workplace for your employees and strengthen your organization and your brand.



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1. The *state* of the Workplace



Harassment and misconduct are *common* in the workplace.

Harassment and misconduct can severely affect one's wellbeing. These harmful behaviors should never be tolerated in the workplace. **But yet, 52% of employees have experienced or witnessed inappropriate, unethical or illegal behaviors at work.**

Employers must enforce strong policies and procedures to effectively manage and prevent these issues. Handling employee issues with care sets a culture of accountability and reliability, which encourages employee trust.

OVER HALF OF EMPLOYEES WERE EXPOSED TO WORKPLACE HARASSMENT OR MISCONDUCT



Certain inappropriate behavior is more common than others.

Employees experienced or witnessed a wide range of different types of harassment or misconduct at work. The most prevalent types of inappropriate or illegal behaviors employees cited included bullying (51%), sexual harassment (40%) and racism (30%).

Also worth noting are corruption and fraud, which seem to have affected fewer employees. This is likely because these behaviors are less likely to involve or be witnessed by other employees.

TYPES OF INAPPROPRIATE, UNETHICAL OR ILLEGAL BEHAVIOR EMPLOYEES EXPERIENCED OR WITNESSED AT WORK



Employees see more *inappropriate* behavior in office environments.

Of all the workplace settings, it's not surprising that the in-office environment is where most employees observed or experienced inappropriate, illegal or unethical behaviors (**80%**).

As workplace environments continue to evolve, organizations must establish clear policies that address appropriate behavior and code of conduct for all environments.

Employee relations also must implement robust processes and training programs to educate employees and address issues effectively.

MOST EMPLOYEES EXPERIENCED OR WITNESSED INAPPROPRIATE, UNETHICAL OR ILLEGAL BEHAVIOR IN AN OFFICE ENVIRONMENT



*Includes work settings such as factories, hospitals, restaurants, retail stores, warehouses, etc.

A closer look at reporting by location

Most employees experienced bad behavior while in office, but were less likely to report it.

The environment where workplace misconduct or harassment occurred may impact whether employees decide to report the incident. Employees were less likely to report workplace harassment and misconduct that took place at the office. But reporting was more likely when incidents occurred outside of the office, such as in a remote work scenario (67%) or in-person gatherings outside the office (66%). It may be that employees feel more empowered to come forward regarding an issue when it occurs outside of the office environment.

MORE EMPLOYEES REPORT BAD BEHAVIOR THAT HAPPENS IN NON-OFFICE SETTINGS



*Includes work settings such as factories, hospitals, restaurants, retail stores, warehouses, etc.

Harassment outside the office is *more likely* for independent contractors and management.

An employee's job level and position can also influence how they experience harassment and misconduct at work.

Managers and independent contractors were more likely to observe or experience issues at work events or in-person locations outside the office than other employees. Contractors were also more likely to be impacted when working remotely.

Regardless of job position or relationship to the company, it's important that all workers feel supported. **Therefore**, **organizations must closely examine their policies and processes - and provide a welcome environment for all types and levels of employees.**





HARASSMENT ENVIRONMENT BY JOB TYPE

*Includes work settings such as factories, hospitals, restaurants, retail stores, warehouses, etc.

Certain *demographics* experience higher levels of harassment than others.

Depending on gender, age and race, some groups face more challenges than others within the workplace. **To avoid these issues from spiraling into larger risks, organizations must have a way to identify and address them from the start.** The demographic groups identified below were more likely to experience issues within specific work environments.



of transgender employees experienced or witnessed harassment or misconduct vs. 52% overall

BY GENDER

A significant majority of transgender employees (**83%**) experienced or witnessed an issue at work. Transgender employees were also more likely to experience harassment working remotely, outside the office or online than men and women.

Work environment impacted exposure to harassment and misconduct for *transgender employees*



*Includes work settings such as factories, hospitals, restaurants, retail stores, warehouses, etc.

EMPLOYEES AGED 18-44 WERE MORE LIKELY TO EXPERIENCE HARASSMENT IN REMOTE WORK SETTINGS



BY AGE

Employees aged 18-44 were **two to three times more likely** to observe or experience issues when working remotely than other age groups.

BY RACE | BLACK EMPLOYEES Black employees experienced racism at twice the rate of overall employees. Only 30% of total employees experienced or witnessed racism, while 61% of Black employees experienced or witnessed racism. In addition, 61% of Black employees encountered discrimination, compared to only 40% of total employees. of Black employees experienced or witnessed inappropriate or unethical 63% behavior at work. Discrimination vs. 52% overall BY RACE | ASIAN/PACIFIC ISLANDER EMPLOYEES The rate of harassment and misconduct was significantly lower for younger Asian/Pacific Islander employees than overall employees. However, when younger Asian/Pacific Islander employees were exposed to issues, they were more likely to witness or experience microaggressions (42%), gender-based harassment (30%) and online harassment (21%). of younger Asian/Pacific Islander employees experienced or witnessed 40% misconduct/harassment Gender-based harassment

1 | THE STATE OF THE WORKPLACE





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2. The Issue With *Reporting* Workplace Concerns

2 | THE ISSUE WITH REPORTING WORKPLACE CONCERNS

Fewer employees are reporting workplace issues.

In 2023, only **58%** of employees reported the harassment or misconduct behaviors that they experienced or witnessed. This is down 6% from 2019¹ — revealing a growing blind spot of unreported incidents for organizations.

Therefore, organizations' internal metrics likely under-represent the true magnitude of workplace harassment and misconduct.

Most employees report harassment and misconduct to a manager.

When employees reported workplace issues, they mostly turned to managers (**61%**) or Human Resources (**48%**).

Organizations must empower people leaders to address employee issues at work, given they are often on the front line of handling these tough conversations.

This means managers and HR teams need to be prepared with sufficient training and resources that enable them to attentively and carefully respond to reports of misconduct and harassment. To do this most effectively, many organizations rely on dedicated employee relations case management technology that ensures consistent processes and enables managers and ER practitioners to easily and thoroughly document employee issues.

It's *important* to prepare managers to respond to employee reports of misconduct and harassment.

DECLINE IN REPORTING RATES¹



REPORTING RATES FOR INAPPROPRIATE, ILLEGAL OR UNETHICAL BEHAVIOR



HOW EMPLOYEES MOST COMMONLY REPORTED HARASSMENT AND MISCONDUCT*



*Data totals exceed 100% as multiple responses were accepted.

¹ 2019 Employee Experience Study

2 | THE ISSUE WITH REPORTING WORKPLACE CONCERNS

Intersecting demographics shape the employee experience.

The findings revealed that the employee experience related to inappropriate, unethical or illegal behaviors in the workplace may also be shaped by intersectionality. Employees who belong to certain overlapping demographics were impacted by and reported harassment and misconduct at varying rates compared to overall employees.

Organizations must analyze their own unique harassment and misconduct data along with their internal demographics to better understand the true employee experience at their workplaces. Examining the full picture, including intersecting demographics, will help uncover important nuances of the employee experience and enable organizations to appropriately address areas of concern.

RACE & GENDER | BLACK EMPLOYEES

Both Black men and younger Black employees (age 18-44) were more likely to report an issue that they saw or observed.

78%

of Black employees aged 18-44 reported the issue vs. 58% overall 91% of Black men reported the issue vs. 58% overall



RACE & GENDER | WOMEN OF COLOR

Women of color (in the Asian/Pacific Islander, Black or Hispanic/Latino communities) were more likely to report issues to their manager, compared to men of the same background. In comparison, white women and men reported incidents to their managers at the same rates (64% vs. 63%).



of Asian/Pacific Islander women reported an incident to their manager vs. 52% of men



of Black women reported an incident to their manager vs. 50% of men



of Latina women reported an incident to their manager vs. 56% of men

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Employees Lack trust in reporting workplace issues.

Forty-two percent (**42%**) of employees who experienced an incident of workplace harassment or misconduct did not report it. Why? Most indicated a general lack of trust and confidence in their employer's culture and processes.

Almost half of those who experienced, but did not report inappropriate, illegal or unethical behavior were not comfortable reporting the issue (**49%**). Many factors can play into an employee's comfort in reporting a workplace concern.

Organizations can build employee confidence by demonstrating their commitment and the process for addressing and preventing inappropriate behaviors, offering anonymous reporting and sharing aggregated outcomes with employees.





WHY DIDN'T EMPLOYEES REPORT HARASSMENT AND MISCONDUCT?

Reported incidents *increase* when employees know they can report anonymously.

Offering an anonymous reporting method does not necessarily mean that employees will report concerns anonymously, but it will likely lead to higher overall reporting rates. Investing in anonymous reporting tools demonstrates a commitment to encourage employee reporting and fosters employee trust in the process.

Although only a small fraction of employees (**11%**) reported issues using anonymous tools, overall reporting rates were **21%** higher when employees were aware of the option to report anonymously. In fact, nearly 3 out of four employees (**70%**) reported harassment and misconduct when they knew they could do so anonymously.

Organizations must incorporate anonymous reporting tools and ensure employees are aware of this option to increase employee confidence in reporting and the rate of reported issues. 72%

of employees feel confident reporting issues when anonymous reporting tools are available.

AWARENESS OF ANONYMOUS REPORTING TOOLS INCREASED REPORTING RATES



DOES YOUR EMPLOYER OFFER A WAY FOR EMPLOYEES TO ANONYMOUSLY REPORT A WORKPLACE ISSUE OR CONCERN?



EMPLOYEE PERSPECTIVE

We need more anonymous methods of reporting internal issues.

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Employees want to feel confident about the reporting process.

When asked what would convince employees to report an issue or concern, guaranteed anonymity (**64%**) and knowledge of how similar situations were handled in the past (**41%**) topped the list. Believing that senior leadership values reporting and is committed to workplace misconduct and harassment was also important for **36%** of employees.

Employers can build trust and confidence to report more issues by offering and publicizing options to report anonymously, setting clear expectations about the reporting process and sharing aggregated, anonymous investigations data.

WHAT WOULD HAVE CONVINCED YOU TO REPORT YOUR ISSUE OR CONCERN?



Unreported issues rarely get resolved.

When employees don't report an incident, the root of the problem is rarely resolved.

Of those who did not formally report their concern, only about **1** in **10** employees were able to address and resolve the issue on their own. But the issue persisted for **24%** of employees, and **25%** said they left or were trying to leave the organization.

This is concerning for any organization that values its employees. High turnover rates can be costly and can negatively impact the progress of your success. **To ensure a healthy and thriving employee culture and to promote the success of your organization, it's important to encourage your employees to share and report any workplace issues.**



3. *Dealing* With Workplace Issues



Employee *confidence* in the investigation process is low.

Most employees (**72%**) believed they know how and where to report instances of workplace harassment and misconduct.

Yet, **40%** of employees lacked confidence in their organization's ability to conduct thorough investigations and fairly address workplace issues.

And nearly half (**46%**) of employees worried they might face retaliation if they reported concerns.

To instill employee confidence, organizations must demonstrate their commitment to reducing harassment and driving accountability through clear communication and messages to their employees about processes in place to manage workplace issues.



EMPLOYEE UNDERSTANDING AND CONFIDENCE



Workplace investigations require thoroughness and consistency.

Given the severity of harassment and misconduct, it is troubling that only slightly more than half (**58%**) of reported issues resulted in an investigation. Incidents can range from subtle forms of discrimination or inappropriate comments to more severe cases such as intimidation or sexual harassment. These behaviors can be damaging for everyone involved — and lead to decreased productivity, low morale, absenteeism, a lack of trust, increased legal and brand risk. It can even push people to quit.

Further, **roughly 1 in 4** employees were unsure if their reported issue was investigated.

To address this, organizations have an opportunity to tighten their investigation processes and set expectations with all involved parties. This will also help build trust with employees and improve the employee experience.

WAS THE ISSUE OR CONCERN INVESTIGATED?







A *decline* in issue resolutions raises concerns about culture.

Seemingly fewer issues are being settled as a result of investigations.

Investigations, which are crucial for making informed decisions, only resolved the issue for **63%** of employees, a decrease from the **70%** reported in 2019. It is unclear why more issues remained unsolved following investigations, but the heightened level of divisiveness and interpersonal conflict seen in recent years may be a factor.

Additionally, the investigation did not resolve the issue for a meaningful portion of employees (**21%**).

To improve outcomes, organizations can enhance communication and provide necessary training, mediation and support to employees post-investigation. Such actions can build trust and establish a positive workplace culture.

DECLINE IN ISSUE RESOLUTION RATES





of employees said an investigation was completed, but the issue was not resolved

Transparency is *effential* for a healthy workplace.

When employees don't know the investigation outcome, they draw their own conclusions.

Most employees indicated they were aware of the outcome or investigation status, which shows a promising level of communication between the employee and the organization.

But 35% of employees said the investigation outcome was not shared with them. Sharing outcomes is critical to drive accountability and let employees know that their concerns are taken seriously.

Only 17% of organizations share aggregated anonymous outcomes with employees.² Organizations must commit to become more transparent with employees to protect their people, their brand and their culture.

² Seventh Annual Employee Relations Benchmark Study

3 | DEALING WITH WORKPLACE ISSUES

Prioritizing employee well-being throughout the process is key.

Most employees were satisfied with how their organization conducted investigations. Overall, **74%** of employees felt they were treated with dignity and respect, received timely responses and had good communication during the process.

However, **39%** of employees cited a lack of communication and **42%** lacked understanding of what to expect during the investigation process.

This signifies the need for thorough processes, consistent protocols and improved communication to foster employee trust.



EMPLOYEE EXPERIENCE DURING THE INVESTIGATION PROCESS





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Aftercare is important, but often gets overlooked.

How do employers treat employees following an investigation? Only one-third of employees said the investigation outcome was shared with them — and the vast majority of employees (**73%**) were not monitored for signs of retaliation.

To better close the loop — and improve employee satisfaction — organizations must prioritize aftercare processes that make sure employees feel heard and can move past the issue. This will help impacted employees remain engaged, productive and cared for.

POST-INVESTIGATION FOLLOW UP IS MOST OFTEN LEFT TO MANAGERS



A closer look at aftercare

Aftercare has emerged as a hot topic for employee relations leaders and an important aspect of the investigation process. An aftercare routine can help employees move past workplace issues and investigations, while lack of aftercare can cause unresolved emotional issues to fester and negatively impact employee engagement, productivity, morale and retention.

Most organizations offer some sort of aftercare, though the approach used varies widely. Very few organizations (**5%**) have a well-defined process to proactively manage aftercare, and it is most often left to managers.²

This is problematic as **60%** of employee relations leaders reported that their people leaders fall short in handling employee issues and concerns effectively.³ Without clear and consistent aftercare processes, people leaders may not be equipped to adequately support impacted employees.

Organizations need to establish consistent aftercare processes to support and provide closure to all employees involved in an investigation, instill trust in the investigative process, prevent retaliation and ensure successful remediation of issues. Appropriate aftercare can also help re-engage employees following an investigation and aid in retention.

² Seventh Annual Employee Relations Benchmark Study
³ Sixth Annual Employee Relations Benchmark Study

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4. The *impact* on Workplace Culture



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How issues are handled influences employee referrals to HR.

How organizations respond to workplace harassment and misconduct matters as much as efforts to prevent it. Overall, just **31%** of employees said they were likely to refer peers with similar issues to HR. This may be part of the reason many employees prefer to report issues to a manager.

But when employees had positive experiences with ER/HR, the likelihood to recommend HR to colleagues with similar issues more than doubled. In fact, **65%** of employees who reported issues that were investigated and resolved said they would likely refer colleagues to HR.

On the other hand, when harassment and misconduct was not reported or was left unchecked, only **19%** of employees were likely to recommend HR. And because poor issue handling sends a message that their employer does not take these concerns seriously, these employees often leave.



LIKELIHOOD TO RECOMMEND HR DOUBLED WHEN BAD BEHAVIOR WAS REPORTED, INVESTIGATED AND RESOLVED

4 | THE IMPACT ON WORKPLACE CULTURE

Many employees *leave* following issues of harassment and misconduct.

Employee retention is greatly affected by issues related to workplace harassment and misconduct. In fact, **30%** of employees who experienced or witnessed inappropriate, unethical or illegal behaviors left the organization following the incident they experienced or observed, compared to **11%** of employees who were not exposed to harassment or misconduct.

Organizations risk losing valuable employees when they allow harassment and misconduct to occur in the workplace.

To prevent such losses, organizations must strive to create a culture that does not tolerate inappropriate, unethical and illegal behavior. Encouraging employees to report concerns when they occur and implementing thorough, fair and consistent investigation practices can help mitigate the negative impact on retention and reduce the likelihood of future issues.



of employees cited harassment or misconduct as the *reason they left*, or a factor in their decision

EMPLOYEES EXPOSED TO HARASSMENT AND MISCONDUCT LEFT THEIR JOBS AT HIGHER RATES



Still work for the organization
Left the organization



Harassment and misconduct *damage employee loyalty* and expose organizations to risk.

Employees are every organization's most important asset. When employees are satisfied and engaged at work, they are the best brand ambassadors. But when issues are unreported or mishandled, workplace culture becomes toxic, people leave and referrals plummet — putting the brand at risk. The study showed that one-third of employees (31%) were likely to recommend their organization as an employer.

Unsurprisingly, when exposed to harassment and misconduct, the employee referral rate dropped to **22%**. And employee referrals decreased to **12%** when issues were not reported, and dropped even further when reported issues were not investigated (**7%**).

How organizations handle harassment and misconduct can make or break employee trust, loyalty and advocacy. When employee issues were reported, investigated and resolved, the referral rate increased to **56%**. This illustrates the unequivocal importance and benefit of addressing harassment and misconduct.

LIKELIHOOD TO RECOMMEND THE ORGANIZATION INCREASED DRAMATICALLY WHEN BAD BEHAVIOR WAS REPORTED, INVESTIGATED AND RESOLVED



EMPLOYEE REFERRALS DECREASED SHARPLY WHEN ISSUES WERE NOT REPORTED OR REPORTED, BUT NOT INVESTIGATED OR RESOLVED



The takeaway

To create a healthy workplace culture and foster an equitable work environment for all employees, it is essential that organizations adopt comprehensive and clearly communicated processes to address harassment and misconduct. This includes providing an avenue to report concerns anonymously, conducting thorough, consistent and compliant investigations and sharing aggregated outcomes.





As a leading technology company committed to creating safer, fairer and better workplaces for all employees, HR Acuity conducted the 2023 Workplace Harassment and Misconduct Insights study to gather employee feedback to understand the employee experience when concerns or issues arise at work. The results are indisputable — and demonstrate the value of consistent processes, clear communication, thorough investigations and well-defined aftercare to support employees and create a healthy workplace culture.

A subset of the questions asked in this study serve as a follow-up to the HR Acuity <u>Employee Experience Study</u> conducted in 2019. This report includes trends related to that data where similarities or differences exist. The report also includes relevant findings from HR Acuity's <u>Seventh Annual Employee Relations Benchmark Study</u>, published in May 2023. The data points incorporated within provide additional context to support the findings in this latest survey.







Survey Methodology

HR Acuity conducted an online survey to capture the opinions of employees in the United States. With nearly 2,000 respondents, the data represents a cross-section of the workforce across industries organizations of various sizes and employee demographics. The research was conducted March 3-4, 2023 and has a confidence level of +/- 2.2 percentage points (95% confidence interval).

HR Acuity conducted a similar study in 2019, the <u>Employee Experience Study</u>, and also conducts an annual <u>Employee</u> <u>Relations Benchmark Study</u>. Findings from both are included within this report for comparison and context.

The findings include input from nearly 2,000 U.S. employees from a wide range of industries, organization sizes, job type/levels and tenures. Participants were demographically diverse, by age, gender, ethnicity/race, household income and geographic region.





Employment Background



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Respondent Profile

Employee Demographics



BY GENDER IDENTITY











HR Acuity is the only technology platform specifically built for employee relations and investigations management, helping organizations protect their reputations and build better workplaces.

We empower customers with built-in intelligence, templates and reporting so they can equitably and appropriately manage employee relations issues; uncover trends and patterns through forward-looking data and analytics; and provide trusted, consistent experiences for their people.



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Additional Resources

As the leader in strategic employee relations, we are committed to partnering with ER and HR practitioners to help them create safe and fair workplaces for all employees. We provide extensive resources to guide organizations on their ER journey to meet the challenges of the evolving employee relations landscape. Explore our full library of ER and HR content.

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The largest online community *exclusively* for employee relations professionals.

Ask questions, get advice and collaborate with over 4,000 other ER pros.





This is the *go-to* resource for ER leaders, packed with the latest data and insights to help guide decisions that improve employee experience and drive better business outcomes.

ERroundtable..



Our ER Roundtable event *connects* global ER leaders to learn, share ideas and network. Attend engaging and interactive sessions, expand skillsets and participate in strategic, honest discussions.

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Identify where you are, so you can take actionable steps towards your vision.

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