# Opportunity Youth and Sex-based Harassment in the Workplace: A Scan of Research and Resources

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Opportunity youth, or young people ages 16 to 24 who are not currently connected to school or work, tend to work in sectors and environments that put them at a greater risk of sex-based harassment/victimization.

Sex-based harassment is a form of sexual discrimination—or unfavorable treatment based on an employee's sex—and it is illegal and unacceptable. It is a complex problem that can take multiple forms and may not be recognized or reported by workers. It is also extremely common; each year, sex-based harassment is formally reported more than 10,000 times, and it is likely that a much larger proportion of workers experience it but do not report their experience.[1,2]

Youth-supporting professionals are critical resources to the young people they serve, but when it comes to workplace sex-based harassment, they may feel there is not much they can do to intervene. While it is true that youth-supporting professionals may not be able to fully prevent harassment from occurring, they can tailor services and supports to help protect youth—and to help youth protect themselves—by recognizing harassing behaviors and navigating how to address harassment if it does take place.

*Activate: The Center to Bring Adolescent Sexual and Reproductive Health Research to Youth-Supporting Professionals bridges the gap between research and practice in support of the Office of Population Affairs' aims to promote adolescent health and prevent teen pregnancy. Activate translates research and creates research-based resources for use by professionals who support young people experiencing the child welfare and/or justice systems, homelessness, and/or disconnection from school and work (i.e., opportunity youth).*

Understanding sex-based harassment is an important tool for youth-supporting professionals and can empower opportunity youth as they navigate the workplace. This resource describes how youth-supporting professionals can aid youth by:

- Becoming familiar with the topic of sex-based harassment
- Recognizing elements of employer and workplace cultures that enable or prevent harassment
- Monitoring youths' experiences
- Being sources of stability and support

## Navigating this resource



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## Why focus on sex-based harassment and opportunity youth?

As with other forms of workplace violence, sex-based harassment is largely shaped by an individual's field of work, the provisions of their employment, and/or their perceived consequences of reporting the harassment. Opportunity youth need support to understand and address sex-based harassment. Unfortunately, opportunity youth may be at particular risk of harassment when (re)joining the workforce, and the consequences of harassment may be detrimental to their future work experiences. Some of the highest-risk industries for harassment—such as hospitality, service, retail, and construction—are also industries that frequently employ young people. They are some of the most common industries in which opportunity youth are most likely to have early employment experiences as they prepare to (re) join the workforce. Because sex-based harassment is often perpetrated by those with more power in the workplace against those with less power, harassers may perceive opportunity youth as potential targets for victimization. Additionally, the personal and career impacts of experiencing sex-based harassment could be especially damaging to opportunity youth because of factors such as limited work experience, fewer perceived job alternatives, and past histories of trauma and potential for re-traumatization, among others. As with other vulnerable youth populations,[3] opportunity youth may also face greater risk of being targeted for sex trafficking (for more information on sex trafficking, read Activate's A Research-Based Question and Answer Resource on Sex Trafficking for Youth-Supporting Professionals).

## Methods

This summary of research and resources describes the literature that informed a training for youth-supporting professionals about sex-based harassment in the workplace. We conducted a multi-step scoping review of peer-reviewed and grey literature that focuses on elements of sex-based harassment that were most relevant for opportunity youth, including the following:

1. Individual and group discussions to identify a set of relevant concepts with eight youth-supporting professionals, six current or former opportunity youth, and five subject matter experts
2. Initial searches of recent (2010-2023) peer-reviewed literature using search terms related to sex-based harassment and opportunity youth (see Methods Note)
3. Search of non-peer-reviewed literature ("grey literature") across relevant organizations and initiatives
4. Consultations with seven project advisors (six youth-supporting professionals and one former opportunity youth) to present initial findings and identify next directions for the search
5. Supplementary targeted searches on topics resulting from consultations with advisors
6. Feedback from final reviews from project advisors (three youth-supporting professionals) on content and structure

We scanned research and resources ("sources") for relevance and—if deemed relevant—added them to a database that tracked sources based on their type (e.g., peer-reviewed article, report, toolkit), population of interest, and content. Across 40 years of U.S.-based research on sex-based harassment reviewed for this resource, opportunity youth were never the focal population. For this reason, we considered sources that focus on other populations such as young workers, workers in specific industries, and other workers at risk of experiencing sex-based harassment. The review prioritized sources that were recent (published after 2010) and focused on the United States, although exceptions were made for sources that contributed unique or highly relevant information in other ways. In total, 150 relevant sources were reviewed during the production of this resource. More information about the literature search methods is included in the Methods Note.

# What is sex-based harassment?

The following section defines and identifies types of sex-based harassment in the workplace and reviews what is known about the prevalence of sex-based harassment at work.

## What is the definition of sex-based harassment?

### Sex-based harassment is a form of sexual discrimination, or unfavorable treatment based on an employee's sex.

Sex-based harassment is legally defined as:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- Submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment (CFR)

In other words, the definition categorizes any unwanted sexual behavior or insinuation in which the victim's display of (dis)engagement could possibly impact their employment, performance, or comfort in the workplace.[4] In this resource, the broader term "sex-based harassment" is used instead of the more common term "sexual harassment," because it captures harassment that is sexual in nature, as well as that which is based on one's sex or gender.

**Not all sex-based harassment is equal, nor does it present in similar ways.** Sex-based harassment can take many forms, some of which young people may not recognize as harassment. Examples of sex-based harassment include (but are not limited to) sexual jokes, sexual photos, touching, requests for sexual favors, and sexual and non-sexual conduct based on sex or gender. More specifically, this can include suggestive name calling or comments that associate one's perceived skill or ability with their sex.

**Sex-based harassment can happen to anyone.** Anyone can become a victim of sex-based harassment, regardless of their sex, gender or gender identity, sexual orientation, race or ethnicity, socioeconomic background, workplace, or role. If someone is the victim of harassment, it is never their fault. The *What should opportunity youth-supporting professionals know about sex-based harassment in the workplace?* section of this resource will describe how some groups of workers, including opportunity youth, may face particular risk of experiencing sex-based harassment.

## What are the different types of sex-based harassment?

### Employees, including young employees, may face multiple forms of sex-based harassment.

These forms include:

1. **Quid pro quo:** An instance in which a person in a position of power demands the performance of a sexual favor from an employee in exchange for an employment-related action or benefit.[5]
2. **Hostile work environment:** Sexual and sex-related workplace harassment or actions that create an intimidating, hostile, or offensive work environment or contribute to an interference in employee work performance.[6]

3. **Harassment by non-employees**: Sexual and sex-related workplace harassment that is perpetrated by someone other than an employee, such as a client, customer, or vendor.[7]

Appendix 1: Sex-based Harassment Types and Explanations describes these three types in more detail and provides sample language for communicating about them in a youth-friendly way.

**Any form of sex-based harassment in the workplace is discrimination, illegal, and never okay.** Workers in the United States have legal rights, protections, and recourses against workplace sex-based harassment at the national, state, and local levels. Several major federal laws, policies, and regulatory entities aim to protect employees from sex-based harassment in the workplace. The most prominent of these are Title VII, the Equal Employment Opportunity Commission (EEOC), and Title IX. Meanwhile, specific protections offered by state laws vary.

**Sex-based harassment may be sexual or non-sexual.** Certain types of sex-based harassment—namely, quid pro quo harassment and harassment by non-employees—are explicitly sexual harassment. As a form of sex-based harassment, hostile work environment harassment may be sexual or sexist in nature (based in stereotypes or assumptions about one's sex or gender).[8-11] Legal scholars critique the limited scope of sexual harassment and relative neglect of sexist but non-sexual harassment,[12,13] concluding that existing laws and precedent fail to adequately understand or address both sexual and non-sexual sex-based harassment.

**Victims may experience multiple types of sex-based harassment at once, or harassment that is also tied to discrimination based on other factors besides sex.** When sex-based harassment charges are filed with the EEOC, they may be concurrently filed with allegations of other discrimination, such as by race or national origin. In a report discussing such charges, the EEOC found that 71 percent of such concurrent sex-harassment and race discrimination charges were filed by Black workers.[4] Despite the frequency of such co-occurring claims, victims of intersectional harassment and discrimination face barriers to legal recourse. In fact, legal experts have found that the threshold is highest for intersectional hostile work environment harassment cases, posing unreasonable standards and undue burden on victims who are already multiply marginalized.[15,16]

Appendix 2: More Information on Sex-based Harassment provides further information about the types of sex-based harassment and describes relevant laws and policies.

## How prevalent is sex-based harassment?

### The true prevalence of sex-based harassment is much higher than the number of charges filed, and opportunity youth likely face higher rates of victimization than the general population.

Estimates of experiences of sex-based harassment in the workplace for opportunity youth specifically have been hard to calculate because of underreporting and because few estimates focus on opportunity youth. One oft-cited statistic, drawing on governmental reports from the 1980s, suggests that 50 to 80 percent of working women have experienced sex-based harassment at one point, with only a fraction telling anyone and less than one in 20 making a formal complaint.[17] In comparison, according to data from 2000, an estimated 13 to 31 percent of working men have experienced sex-based harassment[18]; and, as of 2009, men have made up about 20 percent of all sex-based charges and 16 percent of all sexual harassment charges filed with the EEOC.[19] More recent U.S.-based data on the prevalence of sex-based harassment is scant, but suggests similar rates of victimization.[10] These experiences do not happen equally across the population. Workers who are Black and/or Hispanic, Native or Indigenous, LGBTQ+, documented immigrants, or undocumented immigrants are more likely to report sex-based harassment in the workplace.[20-24]

The number of sex-based harassment charges filed in fiscal year (FY) 2021 (10,035) is less than in FY 2020 (11,497).[25] However, estimates are complicated by low levels of formal reporting and extremely wide variation in survey-based findings, depending on how studies are conducted.[26] Further, it is likely that COVID-related shifts to remote work explain at least part of this decline—a decline that likely excludes opportunity youth and other young workers, given their greater likelihood to work in in-person jobs.[27] It is unclear whether this trend is reflected in sex-based harassment charges filed with state and local agencies, however, as state- and local-level data are not included in EEOC data and reporting data and practices differ widely across states.[28,29] The underreporting of sex-based harassment—both in formal complaint procedures, but also in surveys and other research—is problematic for multiple reasons. A lack of consistent data on the topic means that it is difficult to identify effective policy approaches that prevent its occurrence. Moreover, it means that sex-based harassment is a more widespread issue than any one data point would indicate.

## What should youth-supporting professionals know about sex-based harassment in the workplace?

### Opportunity youth tend to work in sectors and environments that put them at a greater risk of sex-based harassment/victimization.

Because young workers are more likely to find work in contexts in which they may experience more victimization, it is reasonable to conclude that opportunity youth might face greater risk of sex-based harassment than older adults. Specifically, researchers understand three things that suggest that opportunity youth are more likely than the average young worker to be at increased risk for sex-based harassment in the workplace: 1) the demographic groups to which opportunity youth are more likely to belong, 2) the workplace risk factors and experiences for which sex-based harassment is more common, and 3) the lived experiences many opportunity youth bring into the workplace.

Examples of jobs that involve greater risk of sex-based harassment include janitorial and property services, agricultural work, restaurants and food service, retail, home-based care, and hospitality.[30,31] Educational and work opportunities are influenced by structural factors including discrimination, stereotyping, and economic inequality. For these reasons, opportunity youth may be more likely to work in roles—for example, as a tipped worker, in an isolated work context (for example, domestic care, janitorial, or hotel work), in a male-dominated workplace (e.g., construction), or in jobs with significant hierarchies in the workplace—that the EEOC most closely associates with sex-based harassment.[32] Evidence of workplace harassment in these workplaces is shared below.

- **Retail sales.** People working in retail sales occupations experienced about 13 percent of reported sexual harassment[33]—and a similar proportion of workplace violence overall[34]—while accounting for about 9 percent of employed persons.
- **Restaurants.** Sex-based harassment affects both men and women who work in restaurants, but women face particularly high rates of harassment. One survey found that more than half of women working in restaurants experienced sexual harassment by managers, that nearly two thirds were harassed by coworkers, and that one third were harassed by customers—each week.[35] In the United States, the outsized role of tips in restaurant workers' incomes means that one's paycheck often depends on tolerating customer harassment.[36]
- **Hotels.** One study of hotel workers found that 58 percent experienced being sexually harassed by a guest. Of these, almost half of all hotel workers had a guest answer the door naked or expose themselves. Fifty-six percent of women who had been harassed by a guest said they did not feel safe returning to work after the incident, but many reported they felt there was nothing they or anyone could do about it.[37]

- **Construction.** Nearly one quarter (23.6%) of women in construction reported experiences of sex-based harassment in the workplace, and nearly four in 10 reported considering leaving their job because of harassment or lack of respect.[38]
- **Health care and other care work.** Sex-based harassment in medical settings is common.[39,40] In home-based care settings, reporting has tended to be very low even though home care workers have rated sex-based harassment as a top concern.[41]

## Opportunity youth may be more likely to face discrimination and marginalization in different parts of their lives, which can increase their vulnerability to—and exacerbate the consequences of—harassment.

As discussed in the introduction, sex-based harassment is usually driven by those who have more power over those who have less. However, power differentials that put someone at risk for sex-based harassment can also intersect with other experiences, particularly with opportunity youth. For example:

- In the United States, experiences shaped by structural and interpersonal racism mean that Native and Black young people have elevated rates of disconnection from school and work, which plays into power differentials once they enter or re-enter employment.[42] In this way, race and racism intersect with sex-based harassment in important ways.
- Opportunity youth, who may not have prior work experience or adult role models, have fewer opportunities to build professional "soft skills" that allow them to succeed.[43] This, in turn, may make them more vulnerable to sex-based harassment that is driven by power inequities when people in positions of power take advantage of their lower fluency in how workplaces often function or in what is considered acceptable behavior on the job.
- Opportunity youth may have themselves been fired when reporting harassment or know people who have—a consequence that may be more likely to happen in retail or customer service-related jobs where legal protections may be sparser.[a]
- Compared with youth who are working or in school, greater proportions of opportunity youth are not U.S. citizens and have limited English proficiency.[44] Opportunity youth with these backgrounds may have less information on laws and protections surrounding harassment, as well as an increased fear of the consequences of retaliation, which could impact their immigration status or risk of deportation.
- Opportunity youth are more likely than their connected peers to report having a disability.[45] Ableism, or oppression based on disability-related perceptions and norms, can have a significant impact on the experiences of disabled workers, including high rates of discrimination and harassment.[46,47]

## Economic vulnerability, such as living paycheck-to-paycheck or engaging in informal work, can increase vulnerability to on-the-job threats such as sexual harassment.

Opportunity youth may be at particular risk relative to others in their workplace. Those who feel like they do not have many other employment options may feel

[a] A project advisor from the Research Alliance described the experience of young workers being fired after bringing up issues of harassment.

particularly reluctant to report or to rock the boat. Opportunity youth may specifically face publicly mandated requirements to gain and maintain employment and/or enrollment in an employment program to access public benefits, thereby creating reluctance to address sex-based harassment in favor of maintaining employment. Vulnerability to sex-based harassment is also high for youth who are engaged in sustenance sex work or sex work-adjacent professions (for instance, working in nightclubs or sexually themed restaurants), both because of unclear boundaries between harassment and expected behavior and because of fears that reporting harassment may jeopardize their employment and self-sufficiency.[48]

## Sex-based harassment is detrimental to opportunity youth's potential career growth, physical health and wellness, and mental health.

**Experiencing sex-based harassment can take a toll on one's personal health and professional standing and may lead to significant career and life difficulties.** Well-documented professional harms from sex-based harassment include missing work, decreased job satisfaction, and lower productivity.[49,50] One study, focused on early career women, found that those who experienced sex-based harassment were up to 6.5 times as likely to change jobs within two years of the harassment, compared to those who had not been the targets of harassment—a change that precipitated financial distress.[51] Opportunity youth may be especially concerned about the downstream impacts of losing a job. These might include debt, lack of savings, and the possibility of losing housing.[52]

**Sex-based harassment also has troubling effects on a victim's health and wellness.** Those who experience sex-based harassment suffer worsened mental and physical health, present more symptoms of post-traumatic stress disorder, and report lower life satisfaction.[53,54] Sex-based harassment can also have compounding harms. For instance, the negative impacts of sex-based harassment have been found to be outsized when victims are young or early in their careers.[55] Sex-based harassment may not be the only form of harm inflicted on victims; for example, it is common to face both sex-based and racial harassment. The literature base is still developing regarding the health impacts of experiencing multiple forms of harassment and discrimination. One study of young Asian American women found that, in the past year, two thirds had experienced sexual harassment, more than three quarters had experienced racial harassment, and the two types were significantly correlated.[56] In this study, harassment due to one's gender was found to be consistently associated with worsened depression symptoms.

**Past histories of trauma and mistreatment may lead opportunity youth to normalize the experience of harassment, react in ways that are harmful to their personal safety or best interests, or experience significant mental health consequences as a result of harassment.** For example, a low sense of self-esteem and self-worth resulting from trauma may cause youth to disregard their safety and fail to properly address harassment.[57,58] Professionals also spoke specifically about the traumatic experiences of young people who have experienced or are currently experiencing commercial sexual exploitation and/or sexual abuse.[59] These youth have a heightened attunement to the possibility of harassment. Professionals find young people in these circumstances may either quit their jobs suddenly in response to crisis or try to withstand harassment out of a need for employment.[60] Finally, opportunity youth who have experienced trauma can be especially triggered or retraumatized by their experience of harassment or by structures within a workplace that are hierarchal and reinforce power dynamics, and may experience significant mental health consequences from sex-based harassment.

LGBTQ+ young people may face complex forms of harassment including sexual harassment, pressure to conform to binary or cisgender standards, use of incorrect pronouns and names, and stigmatization due to their orientation or gender identity. These experiences may leave youth feeling unsafe and unsupported, but they are not codified as a form of harassment; as a result, youth may not know how to address these experiences and any prior histories of trauma and mistreatment may also make some feel particularly stressed.

# What can youth-supporting professionals do to prevent and address sex-based harassment?

## Become familiar with the topic of sex-based harassment.

Start with the information included in this resource. Youth-supporting professionals can help by being conversational with the definitions and youth-friendly explanations of sex-based harassment in the *What is sex-based harassment?* section and in **Appendix 1: Sex-based Harassment Types and Explanations**, along with the relevant laws and state policies described in *More about laws and policies related to sex-based harassment* in Appendix 2. Additionally, youth-supporting professionals can review some of the following resources that discuss sex-based harassment from an advocacy perspective:

- Sex-based harassment in the workplace: A training for professionals who support opportunity youth (Activate)
- Sexual violence and the workplace: A guide for advocates (National Sexual Violence Resource Center)
- An advocacy guide to addressing the impact of domestic and sexual violence, stalking and dating violence on the workplace (Workplaces Respond to Domestic & Sexual Violence)

## Recognize risky elements of employers and workplace cultures.

While sex-based harassment may happen anywhere, and to anyone, some contexts are associated with greater or lesser risk of sex-based harassment. In fact, some experts have stated that "law is ineffective at reducing harassment" on its own,[61] indicating that—at the time of writing—it is worth giving extra consideration to the ways in which the workplace context can affect sex-based harassment. **Appendix 3: Considerations for Elements that Influence Workplace Harassment** describes some aspects of workplaces and employers, their relevance to sex-based harassment, and questions that youth-supporting professionals should ask of current and potential employer partners. This information can be included in trainings or other activities with youth that introduce them to the topic of sex-based harassment. It is important to remind youth that, if they do face harassment, youth-supporting professionals are always there for them. Additionally, this information can be shared with employer partners to help them better recognize the risks of their own workplaces.

## Monitor youth experiences.

Youth-supporting professionals should not stop being aware of their youth's well-being after they move into the workforce. For young people with whom they still have regular contact through program activities (e.g., in a cooperative work experience), youth-supporting professionals could implement a regular assessment of their safety and well-being. Some youth-serving organizations regularly implement broad, in-depth assessments such as the Casey Life Skills toolkit. Youth-supporting professionals may also consider adding direct questions about young people's safety and comfort in the workplace during check-ins, such as "Have you experienced any unwanted sexual behaviors, including comments or jokes, threats, touching, or other types of assault in the workplace or by someone who works with you?"[62]

## Be sources of stability and support.

Experiencing sex-based harassment can be extremely isolating. Youth-supporting professionals play important roles as trusted adults who are invested in the well-being and long-term success of a young person, and do not encourage them to "stick it out" at a job in the face of harassment. Youth-supporting professionals should make it clear to the youth they work with that it is always okay to ask or tell them about sex-based harassment, even if the youth has concluded their formal involvement in a program. Youth-supporting professionals can help youth who have experienced sex-based harassment decide what course of action they would like to take, if any. Additionally, they can serve as third-party advocates to youth and help them document instances of harassment and how it is handled by their employer.

Youth-supporting professionals should also account for the way their own organizations' principles or approaches for working with youth can help young people recognize, avoid, and/or process sex-based harassment. How an agency works with young people—for example, through healing-centered approaches, incorporating positive youth development, or promoting health equity—are aligned with how they can also handle instances of sex-based harassment. For example, healing-centered approaches (also known as trauma-informed approaches) work within principles of safety; trustworthiness and transparency; peer support; collaboration and mutuality; empowerment, voice, and choice; and recognition of cultural, historical, and gender issues.[63] Each of these factors is aligned with how youth-supporting professionals should approach conversations about sex-based harassment with young people: sensitively and safely prioritizing their autonomy and decision-making capabilities. Although there seems to be a clear alignment between healing-centered approaches and the topic of workplace sex-based harassment for youth, little research or practice-oriented materials connect them. Future work should examine and teach how healing-centered approaches can support young people, including opportunity youth, as they navigate the workplace.

## Help employers understand the consequences of sex-based harassment.

Sex-based harassment is costly to employers. For each of the past three fiscal years, monetary payouts for sex-based harassment claims in the United States have exceeded $60 million.[64] Beyond legal payouts, employers have to contend with turnover, absenteeism, and other interruptions to work that result from sex-based harassment—regardless of whether or not the harassment is ever formally reported to the employer or EEOC.[65] Employers can also incur damages to their reputations via word of mouth and the press.[66] Youth-supporting professionals can vet the employers they work with by requesting their policies related to harassment and discrimination and by learning about their track record with youth workers. When examining policies, youth-supporting professionals should also consider whether they are likely to be understood by a young person and whether they are available in multiple languages.

# Appendices

## Appendix 1. Sex-based Harassment Types and Explanations[67-69]

| Type of sex-based harassment | Formal definition | Youth-friendly explanation |
|---|---|---|
| **Quid pro quo** | A person in power demands a sexual favor in return for an employment action or benefit. Employment benefits could include keeping a job, obtaining a promotion, or receiving other favorable treatment. | Coworkers or managers ask or tell you to do something sexual, or insist that you tolerate sexual behaviors or remarks, in exchange for anything related to your job. This behavior should never occur. Even if it is implied rather than said directly, this behavior is still unacceptable. |
| **Hostile work environment** | Sexual- and sex-related harassment that has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment. Actions that may lead to a hostile work environment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual or non-sexual nature but based on one's sex. | If coworkers or managers are behaving in ways that noticeably disrupt your ability to do your job—and if that behavior is sexual or related to your sex, gender, or sexual orientation—it may be creating a hostile work environment. |
| **Harassment by non-employees** | Sexual- and sex-related harassment that is perpetrated by someone other than an employee (such as a client, customer, or vendor). Harassment by non-employees is the employer's responsibility if they are or should have been aware of its occurrence. | Sex-based harassment at work is never acceptable, even if it is done by people who you don't work with (including if you know them from outside of work). Your employer has a duty to prevent harassment by non-employees, and to meaningfully address it if it does happen. |

# Appendix 2. More Information on Sex-based Harassment

## More about the types of sex-based harassment

**Quid pro quo** harassment is a concept exclusive to sex-based harassment.[70] For victims of quid pro quo harassment, sex-based harassment may involve economic abuse or exploitation, as wages or benefits may become contingent upon tolerating harassing behavior. Notably, quid pro quo harassment also affects other employees besides the specific target of the harassment.[71] This is due to sexual favoritism: When a person in power grants an employment opportunity or benefit based on an employee's submission to implicit or explicit sexual harassment, other qualified employees are then denied that opportunity or benefit as a result of the harassment. In addition to the actual victim of the quid pro quo harassment, these third-party employees may also have grounds to claim sex-based discrimination.[72]

Courts have established a high threshold for proving **hostile work environment** sex-based harassment claims.[73,74] A breadth of legal scholarship chronicles the history and evolution of quid pro quo and hostile work environment harassment jurisprudence since Title VII (for more information on Title VII, see *More about laws and policies related to sex-based harassment* below). Broadly, hostile work environment harassment cases are often viewed as less straightforward, more ambiguous, and overall harder to prosecute than quid pro quo harassment claims.[75,76]

Approximately 24 percent of workplace-based violence (including sexual harassment) is perpetrated by someone with a **personal, not professional, relationship to the victim.**[77] Workplace violence includes verbal, physical, and sexual abuse. A study conducted in 2006 found that, although verbal abuse was the most prevalent form of workplace violence (31%), physical (15%) and sexual abuse (4%) followed respectively.[78]

## More about laws and policies related to sex-based harassment

**Title VII.** Title VII of the Civil Rights Act of 1964 (Title VII) is the landmark federal law prohibiting discrimination in employment based on race, color, sex, religion, or national origin. Title VII is the most commonly discussed legislation in the context of sex-based harassment. Under Title VII, what counts as discrimination related to "sex" is a point of constant discussion. Interpretations have included harassment or discrimination based on real or perceived sexual orientation,[79-81] romantic or sexual desire,[82] gender identity or expression,[83-85] gender presentation,[86,87] and nonconformity with sex stereotypes or gender norms.[88,89]

**Equal Employment Opportunity Commission.** The Equal Employment Opportunity Commission (EEOC) is the main federal entity responsible for enforcing Title VII and other federal laws pertaining to sex-based harassment in the workplace. The EEOC produces official publications related to sex-based harassment.[90-92] Other organizations and experts examine EEOC guidance or recommendations for addressing sex-based harassment or discrimination in the context of specific experiences or sub-topics: domestic or dating violence,[93-95] sexual violence,[96-98] stalking,[99-101] sexual favoritism,[102] mandatory arbitration,[103] recidivist harassment,[104] and employer liability.[105]

**Title IX.** Title IX of the Higher Education Amendments Act of 1972 (Title IX) is the federal law enforced by the U.S. Department of Education and prohibiting sex-based harassment and discrimination in federally funded public education and educational employment settings. Research suggests that courts are divided over whether Title VII, Title IX, or both may apply to workplace harassment or employment discrimination in educational institutions.[106,107]

**State and local policies vary.** Far fewer sources focus on state- and local-level laws, policies, and regulatory entities addressing workplace sex-based harassment. One web source delves into workplace training requirements by state, including anti-sexual harassment training[b] as well as workplace civility and bystander intervention training.[108] Another source directs to local EEOC district or field offices in each state and summarizes notable state-specific policies for filing a workplace harassment claim.[109] Most resources simply mention that some states also have laws and protections against workplace harassment and discrimination, which may apply.

[b] Importantly, there is little evidence that employer-mandated sex-based harassment trainings are effective in preventing harassment. Researchers have suggested that employers do more thorough *education* on harassment, rather than boilerplate trainings that serve to protect employers' interests rather than those of employees (see, for example, Freyd & Smidt, 2019).

## Appendix 3. Considerations for Elements That Influence Workplace Harassment[110-113]

| Workplace element | Relevance to harassment | Questions to consider |
|---|---|---|
| **Sexual harassment policies** | In some workplaces, human resources departments and harassment policies are focused on preventing employer liability rather than preventing or effectively addressing harassment itself. Additionally, policies may be available only in English or written in ways that are not accessible for young workers. | • Can the employer share a copy of its sex-based harassment policy?<br>• How are policies and trainings made accessible to all youth?<br>• Is there a prevention and response plan in place for sex-based harassment? |
| **Culture** | Sex-based harassment may be normalized in workplace cultures that embody masculinity, communicate in sexist or crude ways (including via sexist humor), or bring/encourage alcohol in certain workplace settings including after work hours. | • What is the workplace culture like?<br>• What kind of guidance do employees get for appropriate behavior? |
| **Organizational structure and hierarchies** | Workplaces with strong hierarchies, or where high levels of value are placed on specific employees ("power players" or "rainmakers"), may have more harassment due to perpetrators' feelings of invulnerability and bystanders' belief that they need to tolerate or ignore bad behavior.<br><br>Workplaces with unionized workers may have less harassment due to solidarity and greater perceived or actual power among victims. | • How is the workplace structured?<br>• What protections or supports are in place for junior workers? |
| **Workforce makeup** | Less diverse workplaces may be more tolerant of harassment, particularly harassment of notable "others" (women, LGBTQ+ workers, workers of color).<br><br>Workplaces with many young workers may have more harassment due to generally lower levels of understanding of what sex-based harassment is and what rights workers have to a harassment-free workplace. | • Are efforts in place to support diversity and inclusion in the workplace?<br>• How diverse is organizational leadership? |
| **Wages and benefits** | Workplaces with low-wage workers or that provide needed benefits (health care, retirement) may expect workers to tolerate harassment due to a lack of other immediate options.<br><br>Tipped work can bring the expectation that harassment from customers is or should be accepted. | • Are workers' benefits clearly explained to them?<br>• Do supervisors provide clear explanations for what behavior is allowed from customers and coworkers? |

## Methods Note

The overall approach to developing this resource is described in the *Methods* section; this Methods Note provides more details on how sources for the resource were identified and reviewed for inclusion.

**Initial search of peer-reviewed literature.** We searched the peer-reviewed literature using relevant terms and phrases across four domains: workforce, sex-based/sexual harassment, opportunity youth, and other populations of interest. Peer-reviewed literature databases used for this search were Academic Search Complete, OmniFile Full Text, LGBTQ+ Source, PubMed, and Google Scholar. The full search term used was:

> *Employment OR "Job training" OR WIOA OR Workplace OR Reengagement OR "Workforce Development" OR Occupation* AND "Sex based" OR "Gender based" OR Sexual* OR Consent OR Rape OR Assault OR Battery OR Coercion OR Abuse OR Harassment OR Discrimination OR violence OR Rights OR Exploit* AND OSY OR unemployed OR "drop out" OR "disconnected " OR "opportunity" OR NEET OR "Not in Education, Employment, or Training" OR "out-of-school" AND parent* OR Pregnan* OR Expectant OR Vulnerable OR Victim* OR Survivor OR Gender OR LGBTQ*

**Grey literature search.** We searched for research and resources published by organizations that focus on opportunity youth, employment rights, workplace harassment, and/or employment preparation. These included both nongovernmental and federal government (or federally funded) sources.

Nongovernmental organizations included in the grey literature search were:

- American Association of University Women
- American Public Health Association
- American Youth Policy Forum
- Aspen Institute
- Center for Law and Social Policy (CLASP)
- Dibble Institute
- Futures Without Violence
- Hire Opportunity Coalition
- Institute for Women's Policy Research
- Jobs for the Future
- National Sexual Violence Resource Center
- Project WHEN
- Reproductive Health Equity for Youth
- YouthBuild

Governmental and federally funded pages and initiatives scanned were:

- Apprenticeship.gov
- CDC: Teen Pregnancy
- Family and Youth Services Bureau
- EEOC Youth@Work
- Reproductive Health National Training Center
- Workplaces Respond to Domestic and Sexual Violence
- Youth.gov

**Results from initial searches.** Initial peer-reviewed and grey literature searches resulted in 192 potentially relevant sources. Of these, 124 were found to be relevant to the resource and screened in full. We developed a coding schema to identify the *type of source* (e.g., peer-reviewed article, fact sheet, brief/report, tool), *population of interest* (e.g., opportunity youth, all workers, Black female employees), relevance for broad *topics* (background on sex-based harassment, understanding experiences of sex-based harassment, addressing/preventing sex-based harassment), and relevance for notable emergent *themes* (e.g., equity, policies, employer influence, examples of harassment).

**Targeted searches.** Consultation with seven project advisors resulted in several additional topics for further searches: hospitality and sustenance sex work, relevant approaches to practice engaging opportunity youth, factors influencing reporting of sex-based harassment, and the effectiveness of legal approaches (laws and policies) for preventing sex-based harassment. We conducted supplementary targeted searches by pairing the below terms with "sex based harassment," "sexual harassment," or "sex harassment") and searching in the same peer-reviewed literature databases as the initial search:

- Hospitality and sustenance sex work (e.g., "sex work," "nightlife," "hospitality")
- Assessments (e.g., "life skills assessment")
- Relevant frameworks/approaches for practice (e.g., "strengths based," "relationship based," "trauma informed," "healing centered")
- Factors influencing reporting of sex-based harassment (e.g., "reporting mechanisms," "reporting policies," "reporting challenges" "United States")
- Effectiveness of laws and government policy for preventing sex-based harassment (e.g., "state law" AND "effectiveness," "sexual harassment prevention" AND "effectiveness" AND "law")

Targeted searches resulted in 61 potentially relevant sources, of which 26 were found to be relevant to the resource and screened in full. In total, 150 sources were reviewed and coded for this review. The results of the review were organized around three categories: *what is sex-based harassment*, *sex-based harassment and the law*, and *equity/considerations for opportunity youth*. The results of the search for each category are reported in the tables below.

**Methods Table 1.** Research and resource review: What is sex-based harassment?

| Findings from review |
|---|
| How many sources were identified?<br><br>The majority of sources (117 total) identified in our literature review provided insight into the basic question of "What is sex-based harassment?"<br><br>• 98 sources defined sex-based harassment, provided examples of specific types, or described critical contextual influences on its occurrence (e.g., types of work associated with greater harassment).<br>• 81 sources discussed fundamental background information about sex-based harassment, such as its prevalence or impact on well-being.<br>• 62 sources discussed both. |

| Findings from review |
| --- |
| What types of sources were they?<br>• 31 came from peer-reviewed academic journals and 17 came from law journals.<br>• Grey literature such as briefs, reports, tip sheets, and fact sheets made up 25 sources.<br>• Webpages, blogs, FAQs, and resource collections comprised 19 sources and practice-oriented sources (e.g., handbook chapters, guides, training materials) comprised 14 sources.<br>• There were a small number of miscellaneous sources such as lectures, dissertations, journalism, and opinion articles. |
| What were the focal populations of these sources?<br>• 32 were focused on workers in general.<br>• 31 sources had multiple focal populations (such as employers and practitioners or researchers and policymakers).<br>• A relatively small number (12) were focused on specific demographics, such as female workers, LGBTQ+ workers, or young adults, and a similar number (11) focused on workers in specific industries (such as hospitality and tourism or health care).<br>• 8 were focused on employers, business owners, or managers in general.<br>• The remaining sources were spread across smaller categories. |

**Methods Table 2.** Research and resource review: Sex-based harassment and the law

| Findings from review |
| --- |
| How many sources were identified?<br>• 59 sources identified in our literature review discussed state, local, or national policies relevant to sex-based harassment. |
| What types of sources were they?<br>• 15 were published in academic journals and an additional 14 were law journal articles.<br>• Briefs, reports, and fact sheets made up 11 sources.<br>• 6 of the sources were practice-oriented materials such as training materials, FAQs, and resource collections.<br>• There were 6 blog entries and a handful of additional miscellaneous source types. |
| What were the focal populations of these sources?<br>• The focal populations for these sources were diverse.<br>• Approximately one third of sources (18) discussed workers in general.<br>• 7 sources discussed specific demographics of workers (e.g., female workers, LGBTQ+ workers) and 5 more focused on workers in specific industries or job types.<br>• 15 resources included practitioners in the workforce space (including youth-supporting professionals and workforce consultants) in their likely audience. |

**Methods Table 3.** Research and resource review: Considerations for opportunity youth

| Findings from review |
| --- |
| How many sources were identified?<br>• Equity, or equity-related content (e.g., discussion of different experiences by race, gender, or similar factors), was brought up in nearly half of resources reviewed (77).<br>• However, most of these resources touched on the subject briefly and many fewer brought in-depth discussions of inequities, comparisons across groups, or ways to reduce disparities. |
| What types of sources were they?<br>• 19 were published in academic journals and an additional 10 were law journal articles.<br>• Briefs, reports, and fact sheets made up 19 sources.<br>• 10 sources were practice-oriented materials, including webinars, guides, tip sheets, and tools.<br>• There were 9 blog entries and a handful of additional miscellaneous source types such as book chapters and lectures. |
| What were the focal populations of these sources?<br>• Opportunity youth were the focal population of seven sources. However, all of these resources had tangential rather than direct relevance to sex-based harassment.<br>• 13 sources were largely focused on the general population of workers and 8 focused on demographic subpopulations such as LGBTQ+ workers or youth.<br>• 8 sources were directed toward subject matter experts such as criminologists, public health researchers, and advocates.<br>• The remaining sources had populations of interest outside of the above groupings, or covered multiple populations. |

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