

2020 NYC Sexual Harassment Complaint Report

in compliance with Local Law 97 of 2018



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Introduction

On May 9, 2018, Mayor de Blasio signed into law the Stop Sexual Harassment in NYC Act, expanding current New York City (NYC) laws against sexual harassment. As part of that act, Local Law 97 of 2018 (LL97) was enacted mandating the Department of Citywide Administrative Services (DCAS), in partnership with all City agencies, submit a compiled report on sexual harassment complaints filed within City agencies each fiscal year. The transparency in the data conveys the City's efforts to prevent and effectively address sexual harassment in the workplace. The fiscal year 2020 (FY20) report represents the third time the City is reporting on sexual harassment complaints.

Overview

The complaints in this report cover any City job/internship applicant, current/former employee, intern, independent contractor, or volunteer entered into an agency's official complaint process in FY20. The number of complaints in this report are listed in the following manner, in accordance with the requirements of LL97¹:

1. filed;
2. resolved;
3. substantiated;
4. not substantiated; and
5. closed in the agency's official discrimination claim process because the complaint was withdrawn by the reporting individual prior to a final determination.

¹ To protect the personal privacy of employees, in a cell for which the number to be reported is between zero (0) and five (5), the number is replaced with a "-" symbol.

For additional information, we have also included cases that have been resolved regardless of when the case was filed. This enables us to capture cases filed in previous fiscal years but were closed in FY20.

2020 NYC Sexual Harassment Complaint Report

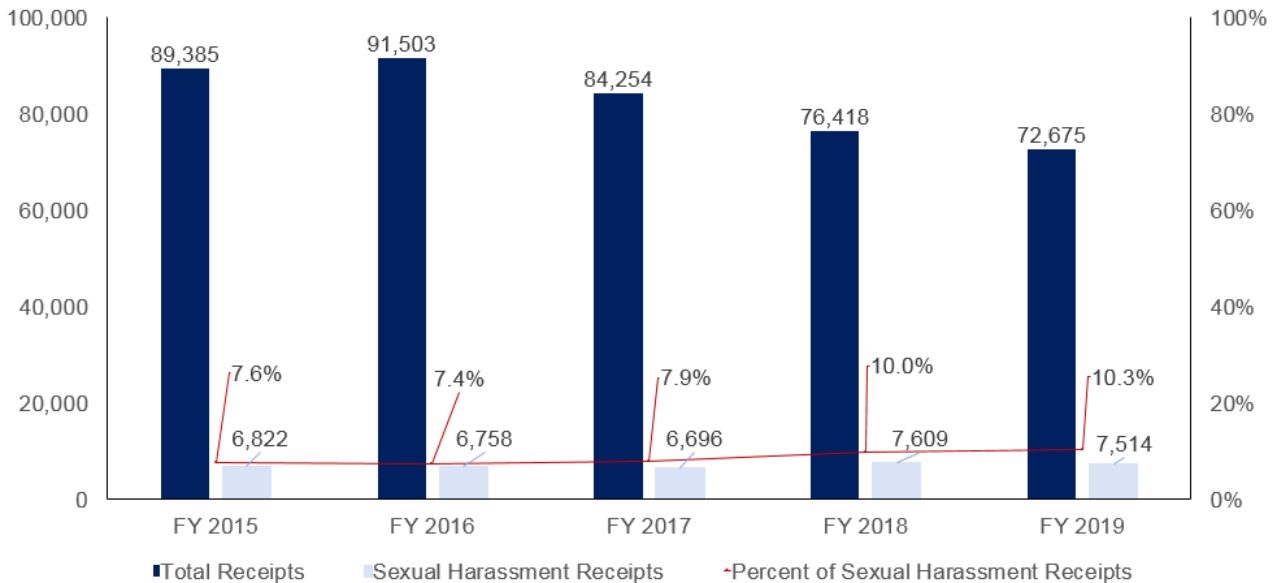
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Sexual Harassment Trends

According to nationwide data from the Equal Employment Opportunity Commission (EEOC), in fiscal year 2019 (FY19) 7,514 complaints on sexual harassment were filed with the commission, a 1.2% decrease from the 7,609 complaints filed in fiscal year 2018 (FY18).² No data is available for FY20 at the time of publication of this report.

EEOC Sexual Harassment Complaints Total

**Total Charge Receipts Versus Sexual Harassment Charge Receipts
FY 2015 - FY 2019**



Source: EEOC²

The City of New York also saw a downward trend, with 310 sexual harassment complaints filed in FY20, a 46% decrease from the 578 sexual harassment complaints in FY19 and a 34% decrease from the 472 sexual harassment complaints in FY18. The FY20 City data appears on the last page of this report.

The observable 46% decrease in the number of sexual harassment complaints from 578 in FY19 to 310 in FY20 can generally be rationalized in three contexts.

² <https://www.eeoc.gov/statistics/data-visualizations-sexual-harassment-charge-data>

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First, in light of the COVID-19 pandemic, it is possible that the last four months of the FY20 reporting period, since the onset of the pandemic from March 2020 through June 2020, impacted the reduction of registered complaints. The sudden shift from workplace presence, due to telework and some portion of the workforce utilizing leaves of absence, served to minimize in-person interactions, which can reasonably be considered to contribute to a drop in complaints. It must be recognized that a telework environment does not eradicate the possibility that complaints can arise because subtle acts with fewer witnesses to report can still occur, and the City plans to continue its work to educate agency employees, and increase their awareness about resources, their rights, and the complaint process.

Second, it would be necessary to take into consideration FY18 data in analyzing the significance of the shift downward from FY19 to FY20. The citywide increase in FY19 presents the immediate stark contrast to FY20 but is an outlier highly attributable to the City's aggressive training stance, especially after Local Law 92 of 2018 (LL92) was instituted. As indicated in the FY19 report, the increase in complaints for that reporting period is attributable to increased awareness. Likewise, in FY20, DCAS's citywide sexual harassment prevention training and agency-specific training efforts reinforced awareness of inappropriate interactions. In addition, educating employees about the consequences of sexual misconduct (i.e., disciplinary action, personal legal liability, and even potentially criminal liability) also serve as a deterrent. Agencies have also posited that effective training coupled with agency-specific initiatives have contributed to a reduction in complaints (e.g. the Department of Parks and Recreation cites that an employee accountability program, report cards, and a marketing campaign may have contributed to the downward trend in complaints).

Third, the Department of Education's (DOE) case count in FY20 is markedly down from previous reports for an additional reason. In FY20, DOE worked to align data-keeping practices with citywide practice. Therefore, inquiries that did not advance to complaint investigations were no longer tabulated as complaints.

While FY19 was an outlier, the downward trend in the City from 472 (FY18) to 310 (FY20) is also supported by the recent FY19 EEOC statistics cited above.

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Finally, the rationale of increased awareness through training and agency outreach initiatives can also be applied to any FY20 agency-specific increase in complaints. The trend of increased reporting of concerns or complaints related to sexual harassment is considered a positive one because employees feel more comfortable in raising allegations to the proper workplace resources and know how, when, and where to file complaints. In fact, the EEOC has noted that, “if employees are filing complaints of harassment, that means the employees have faith in the system.”³

The City provides resources to agencies in support of their EEO enforcement programs. For example, DCAS engages EEO professionals from over 80 agencies through monthly best practices meetings, offer direct consultation on correctly conducting EEO complaints, provide training for newly appointed EEO Officers, and advise on creative recruitment strategies.

DCAS has also provided agencies with various tools including ongoing assessments of risk factors associated with sexual harassment in order to provide a fair and safe work environment, as well as an EEO Complaint Process at a Glance flowchart that agencies can publish to continue raising awareness about employee protections and resources available.

Lastly, with the appointment of a Chief Citywide Equity and Inclusion Officer in March of 2019, DCAS has increased communications and engagement with agency EEO professionals in order to ensure standardization and consistency in the execution of the City’s non-discrimination policies and practices. This has resulted in a renewed focus and investment in the City’s objective to become a global leader in equitable, diverse, and inclusive employment practices.

The City of New York remains firmly committed to preventing all forms of workplace discrimination, including sexual harassment, and looks forward to continuing our important work with City agencies in this area.

³ The EEOC’s June 2016 *Report of the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the Workplace*, p.43

Complaint Type: Sexual Harassment

Summary Period of EEO Complaints: FY20 (07/01/2019-06/30/2020)

Agency	Complaints Filed in FY20	Complaints Filed and Resolved in FY20	Complaints Resolved During Summary Period	Probable Cause/ Substantiated Complaints Filed and Resolved in FY20	Probable Cause/ Substantiated During Summary Period	No Probable Cause/Not Substantiated Complaints Filed and Resolved in FY20	No Probable Cause/Not Substantiated During Summary Period	Withdrawn Complaints Filed and Resolved in FY20	Withdrawn Complaints During Summary Period
DCAS	15	10	10	7	7	-	-	-	-
DEP	9	-	6	-	-	-	-	-	-
DHS	10	-	11	-	-	-	-	-	-
DOC	35	22	39	6	9	13	25	-	-
DOE	22	6	92	-	25	-	20	-	-
DOHMH	7	-	-	-	-	-	-	-	-
DPR	14	9	14	-	8	-	-	-	-
FDNY	16	7	10	-	-	-	-	-	-
H+H	45	24	35	7	10	15	22	-	-
HRA	18	-	31	-	9	-	13	-	-
NYCHA	54	47	71	-	-	20	35	-	-
NYPD	30	13	39	-	6	-	-	-	-
Total*	310	172	387	44	103	71	144	-	13

Dash (-) indicates 0-5 incidents of sexual harassment complaints.

*Agencies with 0-5 incidents of sexual harassment complaints are not shown but are included in the totals.