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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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February 7, 2018

Mr. Ted Stark III
President
ISSA - The Worldwide Cleaning Industry Association
3300 Dundee Road
Northbrook, IL 60062

Dear President Stark:

I write to your association with deep concern regarding harassment in the workplace. In recent months, stories of sexual harassment have dominated the headlines and sparked a national conversation about change, power dynamics, and equality in the workplace and beyond. Workers across the country are speaking out about their experiences, and their stories have made clear that we all have a great deal of work to do to address this pervasive, systemic, and longstanding issue. Although we are seeing headlines about powerful and famous people being called to account for their actions, we are seeing far less action in industries outside of the spotlight. Therefore, I hope and expect that you are taking steps to address concerns about misconduct in your industry and to ensure your members' workplaces are free from harassment.

The management, administrative, and waste services industry employs over 7 million workers and has some of the highest rates of reported sexual harassment in the country.¹ According to data collected by the Equal Employment Opportunity Commission ("EEOC") from 2005 to 2015, the management, administrative, and waste services industry accounted for the fifth greatest portion of sexual harassment claims filed.² Janitorial staff are particularly vulnerable to harassment and abuse. A high percentage of janitorial staff do not speak English, many are undocumented, and the vast majority are women.³ Further, janitorial staff often work at night in isolated environments without much security.⁴

Sadly, sexual harassment in the cleaning industry should not come as a surprise. Since 2000, the EEOC has sued ABM Industries Inc. of New York, one of the largest janitorial companies in the nation, three times for mishandling complaints of sexual harassment or assault. An investigative

¹ *Labor Force Statistics from the Current Population Survey*, Bureau of Labor Statistics (January 2018), <https://www.bls.gov/cps/cpsaat18.htm>.

² Jocelyn Frye, *Not Just the Rich and Famous: The Pervasiveness of Sexual Harassment across Industries Affects All Workers*, Center for American Progress (November 2017), <https://www.americanprogress.org/issues/women/news/2017/11/20/443139/not-just-rich-famous/>.

³ Sasha Khokha, *Working Alone, at Night, Janitors Risk Sexual Violence*, KQED (June 2015), <https://www.kqed.org/news/2015/06/23/working-alone-at-night-janitors-risk-sexual-violence/>.

⁴ Sasha Khokha, *Working Alone, at Night, Janitors Risk Sexual Violence*, KQED (June 2015).

nation, three times for mishandling complaints of sexual harassment or assault. An investigative report found 42 lawsuits in the past twenty years in which ABM janitors alleged that they had been sexually harassed, assaulted, or raped while on the job.⁵ In 2007, the EEOC sued ABM Industries for mishandling sexual harassment claims after 21 female janitors alleged they had been harassed or assaulted by male supervisors. The company admitted no wrongdoing and settled the suit for \$5.8 million.⁶

While the EEOC's dataset as well as firsthand stories from the field contextualize the crisis of sexual harassment in the janitorial services industry, these accounts likely underestimate the magnitude of sexual harassment in the industry. Women in low-wage jobs often do not report harassment in fear of retaliation that may affect their earnings or their ability to keep the job. The EEOC estimates that 85 percent of all workers who are subjected to harassment never file a formal legal charge, and 70 percent of all workers never file a complaint internally.⁷ It has long been clear that the magnitude of the problem in your industry should not be ignored, and I am hoping that the recent focus on this issue will provide the needed push to make real progress.

As the Ranking Member of the U.S. Senate Committee with jurisdiction over issues of workplace harassment, I am extremely concerned about this issue and am seeking an update on efforts to prevent and address harassment in workplaces across the country.

As part of that effort, I am interested in the ongoing discussions, plans, and actions within the ISSA - Worldwide Cleaning Industry Association ("Association") aimed at protecting employees and establishing an equal and harassment-free workplace. I request a briefing with my staff within the next three weeks to discuss any recent efforts you have undertaken to assess and address workplace harassment in your industry.

I also request the following information:

1. Any polling, surveys, or research the Association has conducted in order to understand the scope of the problem within the industry;
2. Any research or actions the Association has undertaken to assess and address risk factors specific to the industry;
3. Any surveys the Association has conducted to solicit feedback from employees about how to best address harassment in the industry and the results of the surveys;
4. Any steps the Association has taken to ensure its associated employers are fully and properly educating their employees about workplace harassment policies and rights;
5. Any best practices the Association has identified among its associated employers to accurately assess and address workplace harassment; and

⁵ Bernice Yeung, *Under cover of darkness, female janitors face rape and assault*, The Center for Investigative Reporting (June 2015), <https://www.revealnews.org/article/under-cover-of-darkness-female-janitors-face-rape-and-assault/>.

⁶ Nathan Olivarez-Giles, *ABM settles sexual harassment suit for \$5.8 million*, Los Angeles Times (September 2010), <http://articles.latimes.com/2010/sep/02/business/la-fi-0903-harass-suit-20100902>.

⁷ Chai R. Feldblum & Victoria A. Lipnic, *Select Task Force on the Study of Harassment in the Workplace: Report of the Co-Chairs*, U.S. Equal Employment Opportunity Commission 16 (June 2016), https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf.

6. Any suggestions you may have about how to strengthen and improve legal protections and processes in the workplace.

Studies have shown that workplaces that tolerate harassment have more of it, while workplaces that intentionally act to address issues of harassment have less of it.⁸ Employers and employees in your industry are undoubtedly looking to you for leadership in how to tackle this persistent problem with the urgency it requires. I appreciate you taking this matter seriously, and I look forward to our continued discussions. If you have any questions regarding this letter please contact Carly Rush or Joe Shantz at 202-224-0767 with my Health, Education, Labor, and Pensions Committee Staff.

Sincerely,



Patty Murray
United States Senator
Ranking Member, Senate Committee on
Health, Education, Labor, and Pensions

cc: Lamar Alexander, United States Senator,
Chairman, Senate Committee on Health, Education, Labor, and Pensions

⁸ Feldblum & Lipnic at 32.