

United States Senate

WASHINGTON, DC 20510

April 30, 2018

The Honorable R. Alexander Acosta
Secretary of Labor
Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Mr. William J. Wiatrowski
Acting Commissioner
Bureau of Labor Statistics
Postal Square Building
2 Massachusetts Avenue NE
Washington, DC 20212

Dear Secretary Acosta and Acting Commissioner Wiatrowski,

Thank you for the response from Acting Commissioner Wiatrowski to our letter urging the Department of Labor (the Department), Bureau of Labor Statistics (BLS) to collect data on the prevalence and cost of sexual harassment in the workplace. While your letter indicated the Department takes workplace sexual harassment “very seriously,” your lack of commitment to collect this data undermines your assurances. We originally wrote to you because we believe a greater understanding of the extent and cost of sexual harassment in the workplace is a necessary step in preventing and addressing the scourge of sexual harassment in workplaces around the country. We continue to believe that BLS is uniquely situated to assume this role given its mission to “collect, analyze, and disseminate economic information to support public and private decision making.”

Your justifications for not pursuing such an effort were disappointing, and we ask that you reconsider. We would certainly hope that the Department would always use rigorous methods inherent in data collection, as articulated in your response letter; therefore, the notion that this work is complex by nature does not seem to be a sufficient justification to decline this request. The Department’s reply also indicated that requesting additional data may negatively impact survey response rates. This speculation does not reflect our intention, which is to strengthen the quality and utility of BLS data, not inhibit it. In light of our shared recognition of the importance of this data, the Department’s justifications for declining the request are wholly inadequate.

Another federal agency dedicated to the federal workforce, the U.S. Merit Systems Protection Board (MSPB), was in fact able to conduct this type of data collection and analysis starting in the 1980s. In an update to this study in 1994, the MSPB conservatively estimated that over the course of two years, sexual harassment in the federal workforce cost the government a total of \$327.1 million as a

result of job turnover, sick leave, and decreased productivity.¹ Federal agencies were able to continue conducting surveys after this time. Surely the government's capacity to collect data has only become more sophisticated over the past several decades.

Although we appreciate the Department's suggestions for alternate sources of information, the Department is uniquely situated to collect the data we have requested. For example, while the National Crime Victimization Survey is a vital resource, the Department is surely aware that not all sexual harassment rises to the level of a violent criminal act and therefore would not be captured by this survey. If a worker were to be repeatedly asked for dates from a supervisor or punished for declining to perform sexual favors, such behavior would undoubtedly constitute sexual harassment, but would not be included in a survey of violent crime. Furthermore, it is the economic consequences of these violations for which we were requesting information. Again, comprehensive data on this issue is vital, yet currently unavailable elsewhere.

Secretary Acosta acknowledged that sexual harassment has an economic cost while testifying before the Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies. He went on to say that it is possible to measure the economic costs associated with harassment and he is committed to looking into this effect. We hope the Secretary will examine this important issue more fully and reexamine the capacity of his department to play an important role in addressing it.

Sincerely,



Kirsten Gillibrand
United States Senator



Patty Murray
United States Senator



Jack Reed
United States Senator

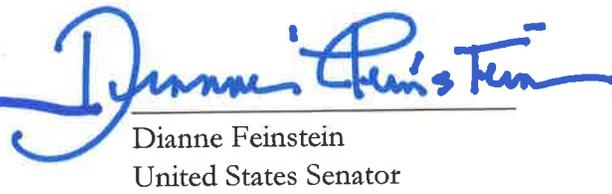


Edward J. Markey
United States Senator

¹ U.S. Merit Systems Protection Board Office of Policy and Evaluation. (n.d.). *Sexual harassment in the federal workplace*. Washington, DC.



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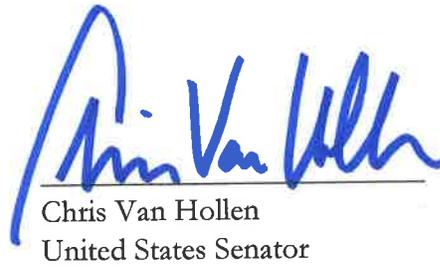
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United States Senator



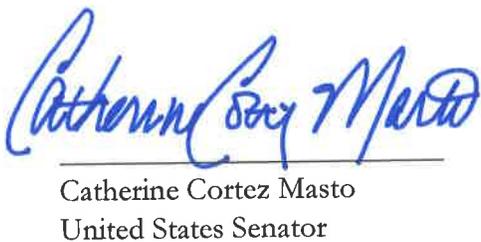
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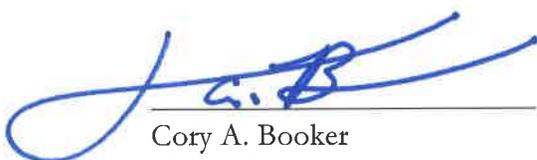

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