

ASIAN AMERICAN AND PACIFIC ISLANDER WOMEN¹ AND SEXUAL HARASSMENT IN THE WORKPLACE

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Sexual harassment in the workplace is a pervasive issue for AAPI women. Studies show that women of color are significantly more likely to experience workplace sexual harassment.² Immigrant AAPI women employed in low-wage jobs are especially vulnerable to sexual harassment and violence. Moreover, AAPI women experience sexual harassment unique to their intersectional identities and face significant barriers to reporting harassment.

Sexual harassment can have a devastating impact on an AAPI woman's bodily autonomy, dignity, economic security, and ability to live free from sexual violence and discrimination. Those who are harassed at work are often denied or deterred from promotions, fired, or forced to leave their jobs. Moreover, sexual harassment causes negative physical and mental health effects, leading to depression and causing trauma.³ For AAPI women and other women of color, these effects can be compounded by the negative health effects of racial harassment and racialized sexual harassment.⁴

While the issue of sexual harassment in the workplace has gained widespread attention in the past few years, the voices and experiences of AAPI women and other women of color, who are disproportionately impacted by sexual harassment, have often been excluded from the public conversation. In order to bring about broader, systemic change for all, it is vital that efforts to address sexual harassment center the experiences of women of color workers.

AAPIs in the Workforce

Workplace sexual harassment is a pervasive problem in a variety of industries. People working in low-wage jobs tend to be the most vulnerable to sexual harassment, because they experience severe power imbalances, lack resources, and

cannot afford to risk losing hours, a paycheck, or their jobs.⁵ In addition, many low-wage jobs have working conditions that increase the risk of harassment, such as requiring workers to work alone, in isolated areas, at night, and for tips, among other exacerbating conditions.

AAPI women make up a disproportionate share of the low-wage workforce, comprising 4.1 percent of the low-wage workforce, which is 1.4 times their share of the overall workforce.⁶ One in five AAPI women work in service occupations, such as home health aides, nail salon technicians, restaurant workers, massage therapists, and personal appearance workers.⁷ Many make low wages and live in poverty.⁸

AAPI women in the low-wage workforce are particularly vulnerable to harassment as they are more likely to work in jobs that require them to work alone and in isolated areas, work at night, and work for tips, among other exacerbating conditions.

Many AAPI women working as domestic workers, such as nannies, housecleaners, and caretakers, face significant sexual harassment. The vast majority of the domestic worker population, at least 95 percent, are women, and over half are women of color.⁹ Almost half of domestic workers are foreign-born and 35 percent are non-citizens.¹⁰ In a national survey of live-in domestic workers conducted in 2011-2012, 36 percent of the respondents reported that they had been verbally harassed in the past year, and many others reported that they had been threatened, subjected to racial slurs, or sexually abused by their employers.¹¹ Of the 2.1 million home care workers¹² in the United States, 8 percent are Asian and Pacific Islander and 87 percent are women. Roughly 30 percent of home care workers report experiencing sexual harassment.¹³

AAPI women working in factories, such as meat-packing and processing plants, also frequently experience sexual harassment. As of 2016, 8 percent of poultry workers were AAPI. In a 2016 study of poultry workers in Arkansas, 25 percent of Asian and Pacific Islander respondents, largely Marshallese American, reported experiencing verbal or sexual harassment at work.¹⁴ However, due to underreporting, the percentage is likely higher.

Many AAPI women working in the restaurant industry also face pervasive sexual harassment. 7.6 percent of waiters are Asian American, and 69.9 percent are female.¹⁵ Two out of three female restaurant workers are tipped workers – employees who are paid a sub-minimum wage and expected to earn the remainder of their wages from customer tips. This arrangement means tipped workers must often tolerate inappropriate advances from customers, co-workers, and management in order to earn their incomes. Nearly 90 percent of tipped women restaurant workers have experienced some form of sexual harassment or assault in the workplace.¹⁶ From 2005 through 2015, workers in the accommodations and food services industry accounted for the highest number of sexual harassment claims to the U.S. Equal Employment Opportunity Commission.¹⁷

AAPIs and Sexual Harassment

While there is a critical need for more comprehensive data on the incidence of workplace sexual harassment for AAPI women, existing research confirms that it is a prevalent problem. In a 2017 national survey of American women, 23 percent of AAPI women respondents reported that they or a family member had been sexually harassed because they are women.¹⁸ In a 2017 survey of AAPI women in the Chicagoland area, 17.3% reported that they had experienced sexual harassment at work or school. Importantly, due to the prevalence of underreporting among AAPI women, the actual rate is likely much higher. In an informal survey conducted in 2019 of over 200 AAPI women between the ages of 18 and 34 years old, 71 percent reported that they had “experienced/witnessed

racism, sexism, homophobia, and/or other forms of discrimination at work,” and 68 percent responded that “they had not reported these issues with higher-ups.” Many responded that they “experienced racial and sexist microaggressions on a regular basis” at work.¹⁹

AAPI women workers are particularly at risk of sexual harassment for a number of reasons:

AAPI women confront racialized sexual harassment based on stereotypes about AAPI women. For instance, stereotypes about AAPI women, such as the geisha, the prostitute, and the “mail-order bride,” sexualize and exoticize AAPI women. A recent study found the following prevailing stereotypes about AAPI women - “not a leader,” “submissive and passive,” “cute and small” and “invisible and silent,” and assumptions that all AAPI women are “service workers,” such as nannies, nail salon workers, and maids.²⁰ These stereotypes impact the ways that AAPI women experience sexual harassment and likely increase the risk that they are targeted for harassment.

AAPI women face power imbalances and race and gender inequities in their workplaces that increase the risk of harassment. Because workplace sexual harassment is an “expression of power” that is “used to reinforce cultural norms about appropriate roles, behavior, and work for women and men, and to exert control over people with less power and status in society,” the risk of harassment is greater in work environments with significant power imbalances and issues of gender inequity and other inequities such as racial inequities. Data show that AAPI women workers in a variety of industries confront power imbalances and issues of gender/race inequities in the workplace.²¹ As discussed above, low-wage workers face higher rates of sexual harassment due to inherent power imbalances and often feel that they must endure it out of financial necessity.²² Moreover, AAPI women face gender and racial bias and discrimination that prevent advancement and promotion, often referred to as the bamboo

ceiling.

AAPI immigrant workers may be at increased risk of sexual harassment. 73 percent of Asian American adults are foreign-born.²³ AAPI immigrant workers face other types of discrimination, such as language and accent discrimination and xenophobia; these inequities may increase the risk of sexual harassment. **AAPI immigrant workers who are undocumented are especially at risk of harassment, because immigration status creates an additional power dynamic between the worker and the harasser due to the fear of retaliation: being reported to ICE and deported.** For example, in the national survey of live-in domestic workers, 85 percent of undocumented immigrants did not complain about problems with their working conditions because they feared their immigration status would be used against them.²⁴

AAPI transgender and gender non-conforming people are also at increased risk of sexual harassment. In the 2015 U.S. Transgender Survey, 13 percent of AAPI transgender and gender non-conforming respondents reported being harassed or assaulted at work within the past year.²⁵ Of all racial groups, AAPI respondents were the most likely to report being sexually assaulted at work because they were transgender.²⁶

Barriers to Reporting

70 percent of individuals who experience harassment never tell a supervisor, manager, or union representative about the conduct.²⁷ However, data suggests that AAPI women are even less likely to report sexual violence and assault than women in other racial groups²⁸ due to particular barriers that AAPI women face.²⁹

Social stigma and victim-blaming are significant barriers for AAPI women targeted by sexual harassment. The 2017 Chicagoland survey found that victim-blaming attitudes were prevalent in the AAPI community.³⁰ The majority of the respondents stated that they would not or were unsure that they would tell anyone if they experienced

sexual violence, citing concerns about how disclosure would affect their own reputation and their family's reputation.³¹

Victim-blaming attitudes in AAPI communities are shaped in part by traditional Asian cultural beliefs that “tend to adhere to the patriarchal hierarchy that endorses a dominant role for males and a submissive role for females. Women are expected to practice modesty and sexual restraint and are held responsible for sexual activities outside of marriage.”³²

AAPI women also have difficulty or are unwilling to identify conduct that constitutes sexual harassment as sexual harassment. A 2018 study of Asian American college students found that “relatively few women were willing to label behaviors consistent with sexual and racial harassment as such.”³³ This barrier may be even greater for immigrant Asian Americans: in a 2017 survey, immigrant Asian Americans were four times less likely to report that they or a member of their family had experienced sexual harassment because they are Asian, compared to their non-immigrant counterparts³⁴.

AAPI women workers also face language barriers in reporting sexual harassment. 1 in 3 Asian Americans are limited English proficient (LEP).³⁵ Language barriers may make AAPI's reluctant to report a complaint and may create difficulties for workers in learning about their rights and ways to enforce their rights.

The Need for an Intersectional Approach

Because the issue of sexual harassment for AAPI women and other women of color is intersectional in nature, policymakers, employers, and enforcement agencies must approach this issue with an intersectional framework. They must implement reforms in ways that reflect an understanding of the lived experiences of women of color workers, the intersectional discrimination they face, and the particular barriers they face in addressing harassment. For AAPI women, this approach must begin

with research and the collection of disaggregated data regarding the prevalence and nature of workplace sexual harassment for AAPI's across industries. Other steps that employers and enforcement agencies should take include:

- Education and training of workers, employers, and enforcement agencies on racialized sexual harassment and intersectional stereotypes;
- Making educational and training materials for workers available in primary languages spoken by immigrant workers;
- Ensuring access to interpreters and translators throughout complaint processes;
- Training of enforcement agency personnel and managers on cultural competency and trauma-informed care;
- Implementing a variety of reporting mechanisms other than formal complaint processes, particularly more informal mechanisms that guarantee anonymity for complainants; and
- Implementing culture change strategies in workplaces from the top-down that systematize accountability, reduce power imbalances, increase engagement of employees, and root out institutional inequities.

ENDNOTES

1 NAPAWF embraces fluid and evolving concepts of "women and girls" to welcome an expansive circle of people who see themselves as better able to thrive under the reproductive justice and human rights frameworks that we use in our work.

2 See, e.g., Nancy Chi Cantalupo, *And Even More of Us Are Brave: Intersectionality and Sexual Harassment of Women Students of Color*, 42 Harv. J.L. & Gender (forthcoming 2019); Nancy Krieger et al., *Social Hazards on the Job: Workplace Abuse, Sexual Harassment, and Racial Discrimination—A Study of Black, Latino, and White Low-Income Women and Men Workers in the United States*, 36 Int'l J. Health Serv. 51, 63 (2006).

3 Elyse Shaw, Ariane Hegewisch, & Cynthia Hess, *Sexual Harassment and Assault at Work: Understanding the Costs*, Inst. for Women's Policy Research 4 (Oct. 2018).

4 Nicole T. Buchanan et al., *Sexual Harassment, Racial Harassment, and Well-being among Asian American Women: An Intersectional Approach*, 41 Women & Therapy 261 (2018).

5 See Fatima Goss Graves et al., *Reality Check: Seventeen Million Reasons Low-wage Workers Need Strong Protections From Harassment*, Nat'l Women's Law Center (2014).

6 *Equal Pay for Asian American Women*, Nat'l Women's Law Center (Mar. 2016).

7 *Labor force characteristics by race and ethnicity*, 2017, Bureau of Labor Statistics (August 2018); *Labor Force Statistics from the Current Population Survey*, Bureau of Labor Statistics (Jan. 18, 2019), <https://www.bls.gov/cps/cpsaat10.htm>.

8 See, e.g., *U.S. Home Care Workers: Key Facts* (2018), PHI (home care workers typically make \$15,100 annually), <https://phinational.org/resource/u-s-home-care-workers-key-facts-2018/>; ZipRecruiter (national average salary for restaurant workers is \$19,982), <https://www.ziprecruiter.com/Salaries/Restaurant-Worker-Salary>; Patricia Tate, *Focusing on style: Careers in personal appearance*, United States Dep't of Labor, Bureau of Labor Statistics (Apr. 2018) (median annual salary for hairdressers and cosmetologists is \$24,850; for nail technicians, \$23,230; for barbers, \$25,650), https://www.bls.gov/careeroutlook/2018/article/personal-appearance-workers.htm?view_full.

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10 *Id.* at 41.

11 *Id.* at 33.

12 The term "home care workers" refers to those "who provide personal assistance and health care support to older adults and people with disabilities." PHI, *supra* note 8.

13 Hanson et al., *Workplace violence against homecare workers and its relationship with workers health outcomes: a cross-sectional study*, 15 BMC Public Health 1, 3 (2015). However, estimates are likely low due to the prevalence of underreporting.

14 *Wages and Working Conditions in Arkansas Poultry Plants*, Northwest Arkansas Workers' Justice Center 10 (Feb. 1, 2016).

15 *Labor Force Statistics from the Current Population Survey*, Bureau of Labor Statistics (Jan. 18, 2019), <https://www.bls.gov/cps/cpsaat11.htm>.

16 *The Glass Floor: Sexual Harassment in the Restaurant Industry*, Restaurant Opportunities Centers United et al. (Oct. 2014).

17 Jocelyn Frye, *Not Just the Rich and Famous: The Pervasiveness of Sexual Harassment Across Industries Affects All Workers*, Ctr. for Am. Progress (Nov. 20, 2017).

18 *Discrimination in America: Experiences and Views of American Women*, Nat'l Pub. Radio, Robert Wood Johnson Found., & Harv. T.H. Chan Sch. of Pub. Health 14-23 (Dec. 2017).

19 *We talked to 200 Asian women about their work and salary — here's what we found*, Cosmos (Apr. 12, 2019), <https://www.jointhecosmos.com/blog/2019/4/12/work-salary-asian-women>.

20 Shrutti Mukkamala & Karen L. Suyemoto, *Racialized Sexism/Sexualized Racism: A Multimethod Study of Intersectional Experiences of Discrimination for Asian American Women*, 9 Asian Am. J. Psychol. 32, 33 (2018). See also Joan C. Williams, *Double Jeopardy? An Empirical Study with Implications for the Debates over Implicit Bias and Intersectionality*, 37 Harv. J.L. & Gender 185, 213-214 (2014).

21 See, e.g., U.S. Equal Emp't Opportunity Comm'n, *A Practical Guide to Addressing Common Issues and Possible Barriers which Asian and Native Hawaiian or Other Pacific Islander Employees May Face in the Federal Work Force* 4 (Sept. 2012); Joan C. Williams, Katherine W. Phillips & Erika V. Hall, *Worklife L., Double Jeopardy? Gender Bias Against Women in Science* 5-7 (2014).

22 Shaw, Hegewisch, & Hess, *supra* note 3; Alana Semuels, *Low-Wage Workers Aren't Getting Justice for Sexual Harassment*, Atlantic (Dec. 27, 2017).

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24 Burnham & Theodore, *supra* note 9 at 34.

25 James et al., *The Report of the 2015 U.S. Transgender Survey*, Nat'l Ctr. for Transgender Equality 153 (2016).

26 *Id.* at 153.

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28 Nat'l Pub. Radio, Robert Wood Johnson Found., & Harv. T.H. Chan Sch. of Pub. Health, *supra* note 18, at 14-23.

29 Cathy Hu, *What we know about intimate partner violence in Asian American and Pacific Islander communities*, Urban Inst.: Urban Wire Blog (May 31, 2018).

30 KAN-WIN, *Community Survey Report on Sexual Violence in the Asian American/Immigrant Community* 15 (May 2017).

31 *Id.* at 12.

32 Yuying Tsong & Sarah E. Ullman, *Asian American Women Sexual Assault Survivors' Choice of Coping Strategies: The Role of Post-Assault Cognitive Responses*, 41 Women & Therapy 298 (2018).

33 Buchanan et al., *supra* note 4.

34 Nat'l Pub. Radio, Robert Wood Johnson Found., & Harv. T.H. Chan Sch. of Pub. Health, *supra* note 18, at 9-10.

35 López, et al, *supra* note 22.