

Analysis of trends in federal workplace harassment litigation with respect to the #MeToo movement

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CONCLUSIONS

- *These results are only preliminary and this research project is still ongoing
- Thus far, the #MeToo movement appears to have minimal influence on punitive awards of workplace harassment cases, as seen in Figures 1 and 2.
- The numbers of cases filed alleging workplace harassment peaked in 2015 (Figure 3), before the height of the #MeToo movement, which suggests that there is not a correlation between the two.
- Of the workplace harassment lawsuits that went to trial from 2018-2020, the number of plaintiff verdicts remained constant (Figures 4, 5).

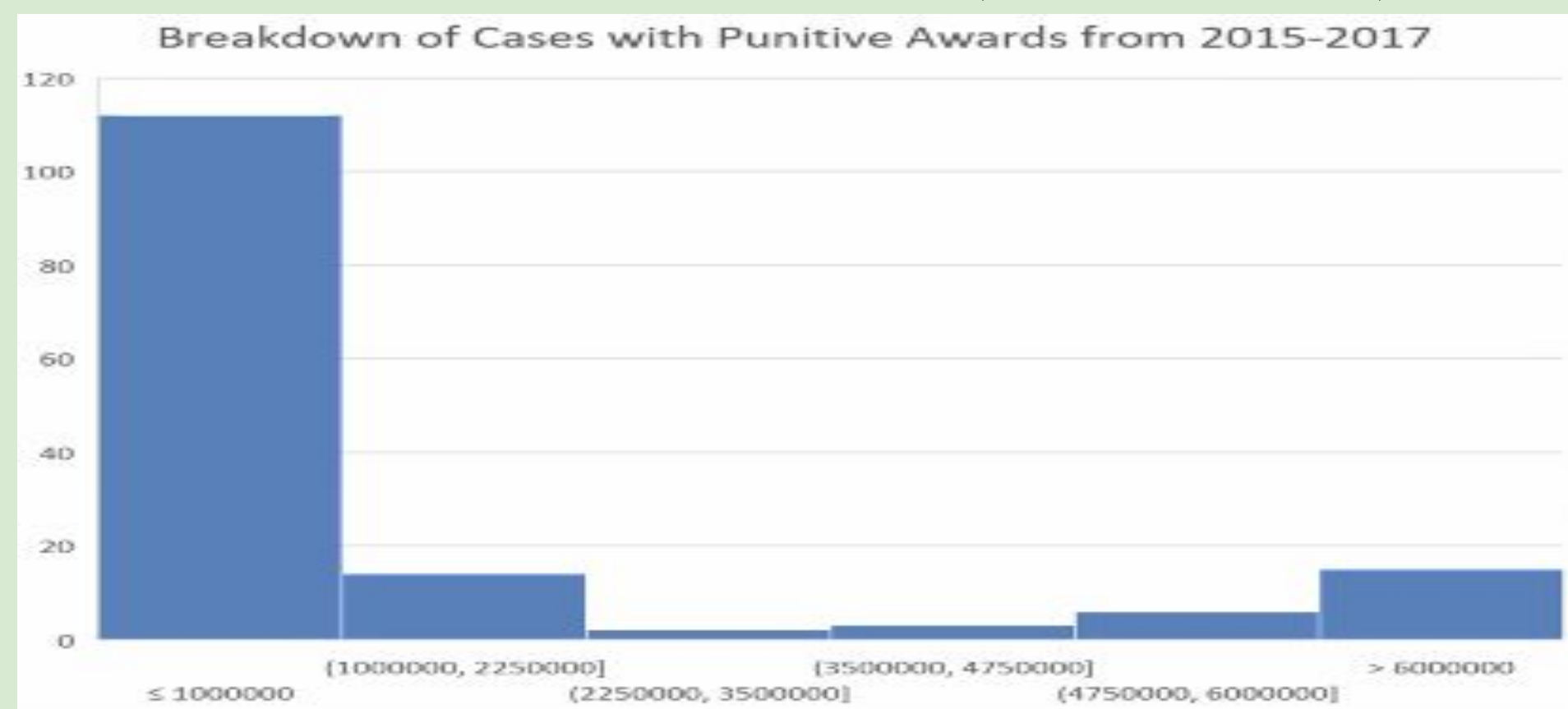


Figure 1. Workplace harassment cases with punitive awards from 2015-2017

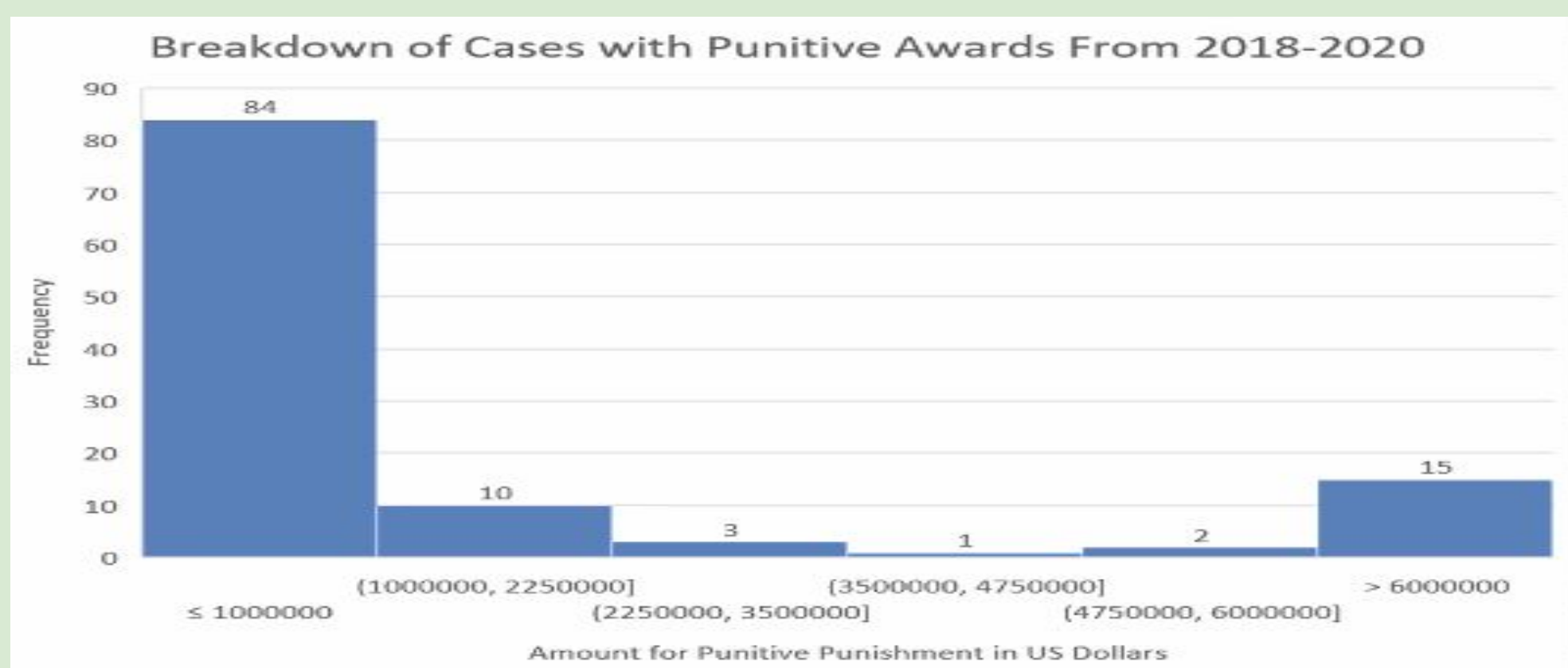


Figure 2. Workplace harassment cases with punitive awards from 2017-2020

INTRODUCTION

Since the height of the #MeToo movement in October of 2017 and the subsequent prosecution of Harvey Weinstein, workplace harassment has been brought to public attention. This project seeks to understand whether the #MeToo movement influenced the way workplace harassment is punished in the United States.

METHOD

- Utilize WestLaw Database to download jury reports of sexual harassment lawsuits filed in federal courts from 2015-Present
- Document case components in Excel such as filing date, verdict, damages awarded, judge gender, plaintiff gender, etc.
- Analyze data

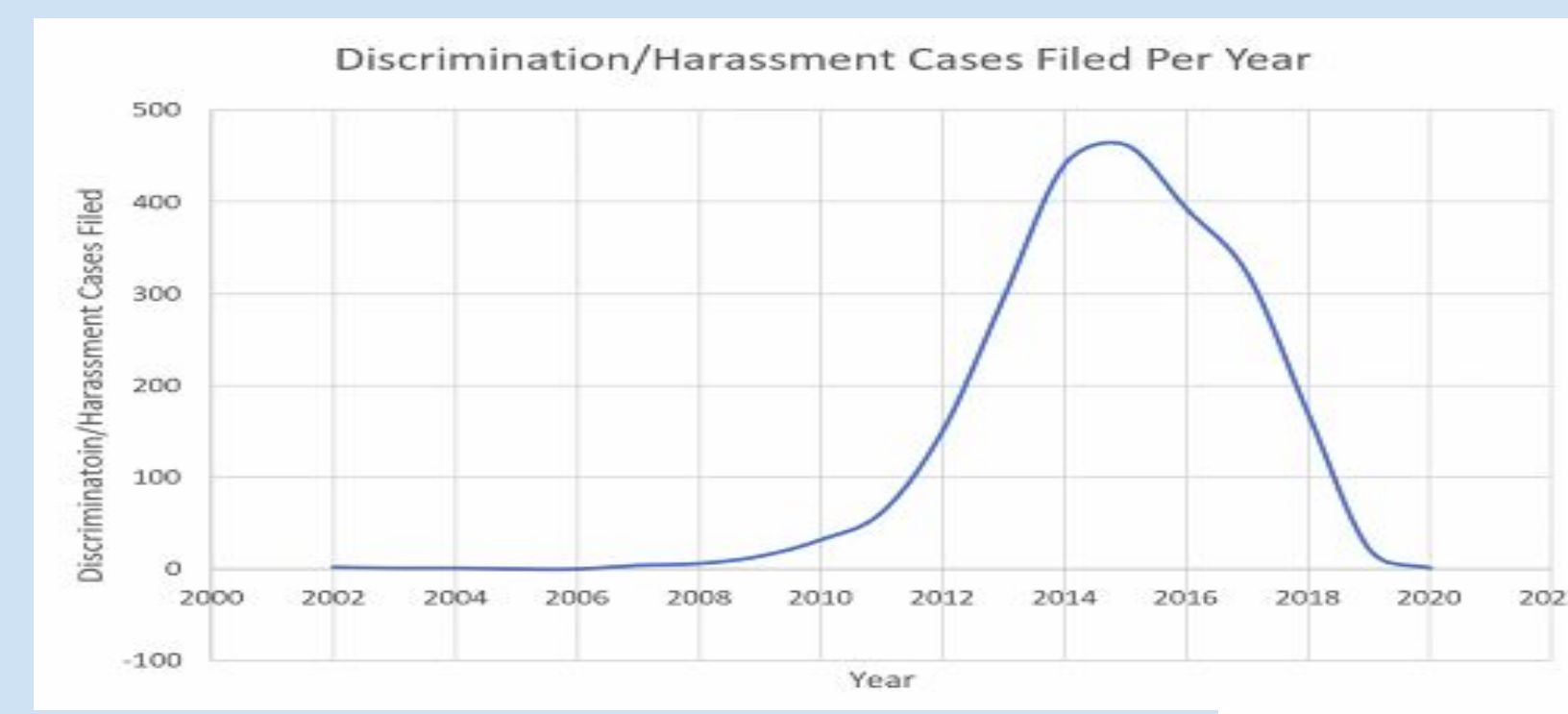


Figure 3. Number of workplace harassment cases filed from 2002-present

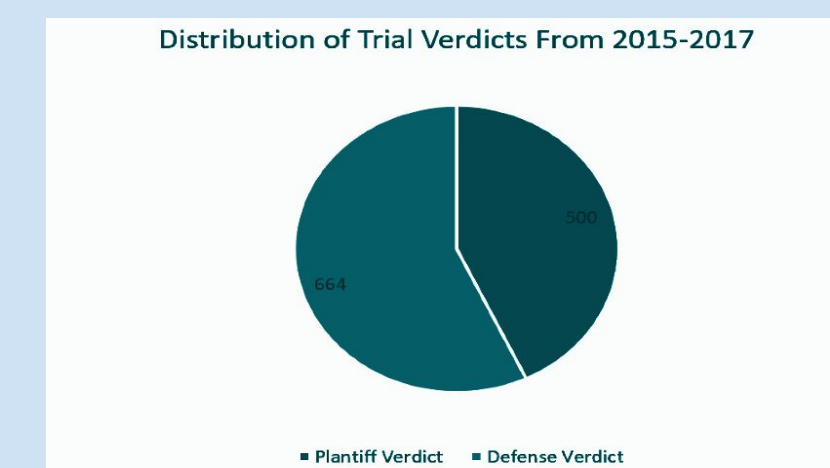


Figure 4. Distribution of Trial Verdicts From 2015-2017

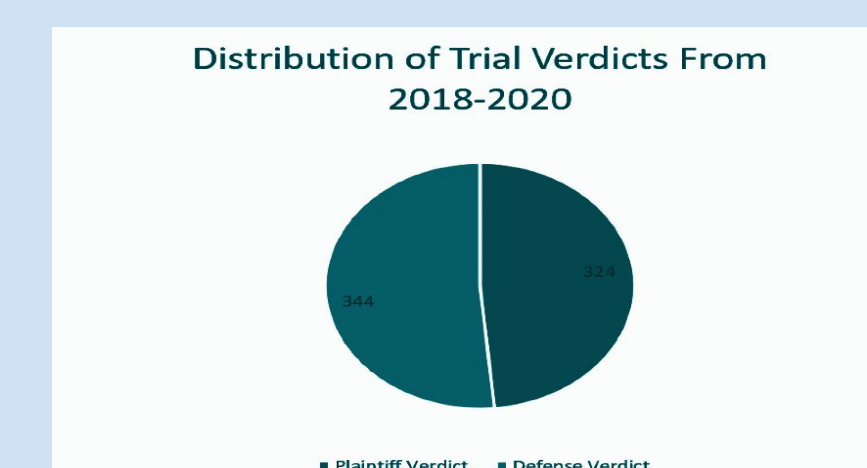


Figure 5. Distribution of Trial Verdicts From 2018-2020

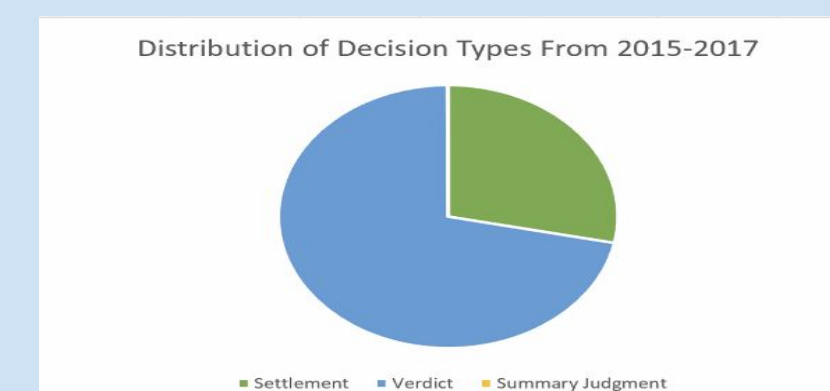


Figure 6. Distribution of Decision Types from 2015-2017

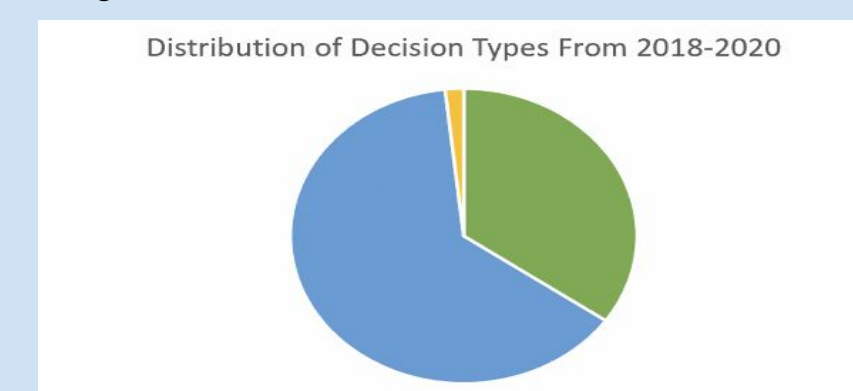


Figure 7. Distribution of Decision Types from 2018-2020

DISCUSSION

Anatomy of a Case

Case is filed

- Must allege discrimination on the basis of a recognized identity category
- Will take years before a settlement/trial date
- Case can be dismissed if inadequate evidence (summary judgment)
- Can choose to file the case with an individual lawyer or with the EEOC

Opportunity to Settle

- Settlement amounts are generally smaller than what a plaintiff could have won at a trial
- Defendant will sometimes insist as part of the settlement that they are not to blame for an action
- Usually no punitive damages

Trial and Verdict

- Plaintiff can decide to proceed with a bench trial or jury trial. A bench trial is in front of a judge
- Trials can be lengthy and expensive
- Jury determines the damages that the plaintiff may receive from the defendant, while the judge has the opportunity after to reduce those damages

Defendant Types

- Corporation
- Government Entity
- University
- Private Individual

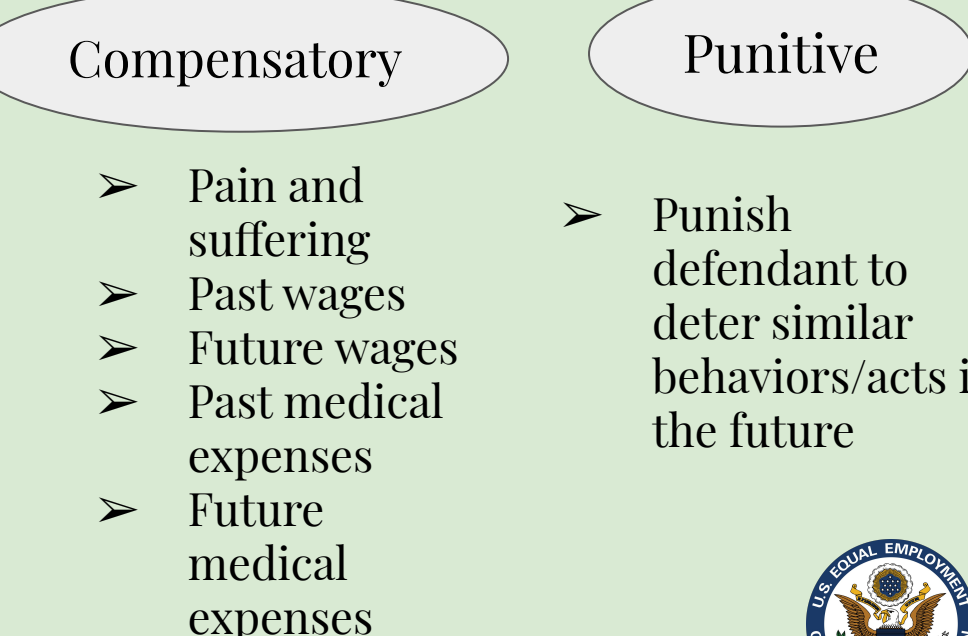
Recognized Identity Categories

- Race Gender Military Status Pregnancy
- Age Disability Religion National Origin
- Sexual Orientation

AEA

Failure to Hire	Failure to Promote
Suspension	Reassignment
Retaliation	Restrictions
Failure to Take Preventative Measures	
Harassment	Sexual Harassment
Termination	Emotional Distress
Fraud	
Intentional Infliction of Emotional Distress	
Failure to Accommodate	Pay Increase Denial
Hostile Work Environment	Demotion
Negligent Hiring or Supervision	Defamation
Negative Evaluation	Loss of Benefits or Pay
Violation of Public Policy	Failure to Train
Closer Supervision	Reprimands or Insubordination
False Imprisonment	Breach of Contract
Aggravation of a Physical Injury	Falsifying Time Sheet

Damages Award



Major regulator: EEOC

ACKNOWLEDGEMENTS

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