

To effectively address sexual harassment in the workplace, we need to lower the cost of speaking up.

In the wake of several high profile news reports and a wave of allegations that highlighted widespread sexual harassment and retaliation in the workplace, the pressure is mounting to transform the workplace into an environment that is safe and respectful for all employees. But how?

We need to start by coming to understand why, despite great efforts from human resources, advancements in training and skill development, anti-harassment policies and clear legal definitions, some people in positions of power are able to repeatedly disregard what is considered unacceptable - even illegal - behavior. Why? Perhaps the answer has something to do with the potentially high cost of coming forward.

In our experience, people will try to avoid conflict until the cost of avoidance is greater than the cost of addressing the issue. There is often no option to come forward – or even discuss your available options – without putting the organization, or in Congress’ case the public, on notice and therefore risking retaliation, disregard, or loss of agency. Scholar and former MIT Ombuds Mary Rowe theorizes that “most people who feel harassed and bullied require informal as well as formal options—and a choice of options—if they are to consider taking action.” The same, she believes, is true for responsible bystanders.

You might be thinking, “What about human resources (HR)? Aren’t they an option for employees?” Yes (and a great one!). However, due to HR’s basic compliance function—to ensure a company doesn’t violate the law—there are some things that they cannot legally keep off the record. And when it comes to allegations of sexual harassment HR is required by law to act. In other words, human resources – by design – cannot always serve as an informal option.

What has been missing from the equation is a confidential resource that is independent of management and functions informally – an organizational ombuds. The ability of the ombuds to provide a place perceived as safe — which can offer a ready, responsive, and respectful hearing and credible options — is critical to systemic change.

Having conducted the most [comprehensive study of federal ombuds to date](#), I know that ombuds are uniquely qualified to serve as a conduit for change through their ability to bring significant and/or repetitive topics to management’s attention in a safe and confidential way—particularly with controversial issues that might not otherwise come forward—and raising issues to leadership others cannot or will not discuss - such as harassment in the workplace. In other words, ombuds function as an independent “voice” for those unable to face the difficult challenge of coming forward directly to managers and leaders so that employee concerns are raised to leadership. At the same time, ombuds listen and guide people to their own empowering resolutions.

Ombuds function as an “early warning system” and could provide senior leaders with an opportunity to hear about alleged complaints before or instead of through the media. As an informal resource, ombuds are able to effectively and expeditiously address issues without public embarrassment to the aggrieved persons, their families, as ill as the alleged harassers and their families.

Handling matters in this way improves both relationships and the public or private organizations involved, because the systemic feedback the ombuds passes along to the organization can ultimately improve it, as well as enhance its image, legitimacy, and commitment to accountability for, and transparency of, its operations. It is no surprise that in his report to the Uber Board of Directors, former U.S. Attorney General Eric Holder recommended the creation of an ombuds program to improve internal control mechanisms.

The National Park Service (NPS) is a great example of the importance of the ombuds as part of a comprehensive approach to address sexual harassment in the workplace. Here are two links describing NPS' approach. [Secretary Zinke outlines action plan to combat harassment](#) and [NPS ombuds appointed](#).

This will not be easy, but change rarely is. Nor will it happen overnight. However, instituting workplace ombuds offices demonstrates a clear commitment to a culture of continuous improvement at all levels of the organization, and promotes a conflict culture of proactively managing or resolving differences, and treating all employees with respect and support. And that is the first step.

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