

Google Employees Confront Widespread Sexual Harassment and Discrimination

December 18, 2018

The MeToo movement has led to a much-needed reckoning with the effects of misogyny and unchecked power in a variety of sectors across the country, from Hollywood to political institutions. As part of this movement, technology giants have been forced to face the conditions of their industry, which is rife with sexism, sexual harassment, a gender pay gap, and a lack of opportunities for women. However, the attention drawn to [problems within the industry](#) has prompted the question for employees - what does it look like for a company situated in the male-dominated, sexist, and often toxic technology industry to take meaningful action to combat and prevent sexual harassment? On November 1, 2018 over 20,000 Google employees started to give their own answers to this question by participating in a [walkout](#) to protest the company's practices related to sexual harassment and systemic discrimination. The employees' protest was sparked by a report published by the New York Times in October revealing that Google had given a \$90 million severance package to executive Andy Rubin after he was forced to step down for sexual misconduct toward a subordinate.

Allegations of Sexual Harassment at Google

On October 25, 2018, the New York Times [reported](#) that Mr. Rubin, the creator of the Android mobile software, had left Google in 2014 not to pursue other ventures, as Google had previously claimed, but because Google's then-CEO Larry Page asked him to resign. Mr. Page made that demand after Google investigated and found credible a complaint from a female employee that Mr. Rubin coerced her into performing oral sex on him in a hotel room. The Times report further revealed that Google previously had docked Mr. Rubin's bonus but had taken no other disciplinary action after its security staff discovered that Mr. Rubin kept sexually graphic videos on his work computer. Google's decision to terminate Mr. Rubin was an essential step in offering protection to its employees, but revelation of Google's decision to protect his reputation and pay him a \$90 million severance outraged the public, and especially Google employees, who rightly questioned the company's commitment to supporting victims of sexual harassment.

The report also offered a broader analysis of Google's struggle to enforce its rules governing [workplace relationships](#) and sexual misconduct, as many executives carried on relationships with subordinates, which usually negatively impacted the subordinate rather than the executive. For instance, Google had quietly paid out millions of dollars in severance to two executives over the past decade after employees filed sexual misconduct claims against them. Additionally, the company retained another highly paid executive accused of similar conduct. The New York Times spoke to more than three dozen current and former Google executives and employees, including some who were directly involved in handling these claims. Most asked to remain anonymous because they were bound by confidentiality agreements or feared retaliation for speaking out. These employees confirmed that Google was more generous to Mr. Rubin than other employees because of the tremendous success and profit Google owed Mr. Rubin for creating Android.

Google's Response to Workplace Sexual Harassment

The aftermath of the New York Times report has been jarring for the tech company, as it has been forced to reconcile its CEO Sundar Pichai's professed "[hard line](#)" approach to inappropriate conduct with its actions when actually faced with such conduct. Mr. Pichai's memo to staff following the report stated: "We are dead serious about making sure we provide a safe and inclusive workplace. We want to assure you that we review every single complaint about sexual harassment or inappropriate conduct, we investigate and we take action." The memo mentioned that 48 people had been terminated for sexual harassment, including 13 who were senior managers and above, and that none of them received exit packages.

Mr. Pichai's memo was insufficient to placate all of Google's 94,000 employees. To ensure that Google actually engaged in meaningful action, Google employees staged a walkout on November 1, 2018, to protest the company's favorable treatment of sexually harassing executives. [More than 20,000 employees](#) from almost two dozen company offices around the world participated in the walkout.

Changing the Tech Industry's Culture of Sexual Misconduct

The walkout reflects a changing culture amongst Silicon Valley tech employees in response to the negative spotlight recently focused on the tech industry for rampant sexual misconduct and discrimination against women. Only 31% of Google's workforce are women, and women hold only 25.5% of executive roles. Coupled with the internal document issued by Google engineer James Damore last year - arguing that women are biologically less adept at engineering - Google workers questioned the company's attitude toward women and commitment to creating an equitable workplace. The employees who organized the walkout called on Google for specific action, including ending its practice of private [arbitration](#), publishing a report on sexual harassment complaints within the company, disclosing salaries and other compensation, providing a safe and anonymous global process for reporting sexual misconduct, and promoting the chief diversity officer to answer directly to the CEO and to make recommendations to the board. Organizers stated on their internal website, "While Google has championed the language of diversity and inclusion, substantive actions to address systemic racism, increase equity and stop sexual harassment have been few and far between. ENOUGH . . . Time's up at Google."

Ending Mandatory Arbitration for Sexual Harassment and Assault Claims

Google has attempted to rise to the occasion. Over the past six weeks, Mr. Pichai and Mr. Page, a co-founder of Google and the CEO of its parent company, Alphabet, have taken steps to address the growing internal unrest of its work force. Mr. Pichai outspokenly supported those who participated in the walkout and the company has capitulated to some of the demands made by its employees. Most notably, on November 8, Google announced that it would end its practice of forced arbitration for claims of sexual harassment or assault. Google's employment contract had required employees to address all workplace grievances through private arbitration. Arbitration, a common practice among technology companies, largely happens behind closed doors and can involve confidentiality clauses. Mr. Pichai also promised to overhaul Google's reporting procedure for harassment and assault and provide more transparency to employees about internally reported misconduct. The decision to end forced arbitration for sexual harassment and assault claims had an almost immediate effect on the tech community. Days after Google's announcement, Facebook, Airbnb, and eBay followed suit by ending their own forced arbitration agreements for sexual harassment claims.

While ending forced arbitration for sexual harassment claims is an important step toward creating a flourishing workplace for female employees, it is only a first step. A more impactful move would be for these companies to end forced arbitration for all employment-related disputes as the protesting

employees had demanded. Forced arbitration is a [coercive practice](#) that, more often than not, [disadvantages](#) workers asserting their rights. Employees win less often in arbitration and, when they do win, they tend to receive lower payouts than if they had proceeded in court. Furthermore, the process shields companies from publicity or public acknowledgment of the alleged wrongdoing. While forcing victims of sexual harassment into arbitration is especially objectionable, sexual harassment shares a root with all forms of discrimination – an imbalance and abuse of power.

On a more practical level, in tandem with a sexual harassment claim, plaintiffs often assert related claims, such as retaliation or other claims of discrimination in pay and other terms of employment. Under Google's revised policy, employees will still have to arbitrate their related claims. Furthermore, Google [did not include](#) in its policy change temporary workers, vendors, or contractors, an especially vulnerable group largely composed of women and people of color, and one that constitutes half of Google's workforce. Given the sheer number of companies that contract with Google, requiring vendors and contractors to abolish their forced arbitration policies could have an impact on corporate culture at large.

Google employees remain vigilant to see more changes come out of the walkout. As of December 10, a group of Google employees have [formed a coalition](#) called "Googlers for Ending Forced Arbitration," which aims to connect workers across the tech industry to fight to end forced arbitration. The organizers of the walkout have also continued to advocate for Google to address its other original demands. The biggest potential impact of the Google walkout, however, can span well beyond the company itself; Google employees are creating a blueprint for grassroots mobilization around workers' rights that could result in definitive, high-level corporate change.