

Judiciary Committee

Public Testimony of the CT Women's Education and Legal Fund (CWEALF)

S.B. 3: *An Act Combatting Sexual Assault and Sexual Harassment*

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The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide nonprofit that advocates for and empowers women and girls in Connecticut, especially those who are underserved or marginalized. For forty-five years, CWEALF has advocated for policies that advance the economic security of women across our state and combat discrimination. CWEALF also provides legal education and legal advocacy services to individuals about family law and civil rights issues, including sexual harassment and assault.

Through CWEALF's Legal Education Program, we educate Connecticut residents, especially low-income women, about their rights and connect them to critical legal advocacy resources and attorneys. We also provide sexual harassment prevention trainings to companies, nonprofit organizations, and educational institutions, to create a safe and respectful work culture.

CWEALF urges the Committee to support S.B. 3: *An Act Combatting Sexual Assault and Sexual Harassment*.

The #MeToo and #TimesUp movements shined a stark spotlight on sexual harassment and its pervasive presence in every sector – from Hollywood movie sets to restaurants and cable newsrooms to hotel housekeeping. Both nationally and in Connecticut, sexual harassment remains a significant problem. According to a 2018 report from Stop Street Harassment, 81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault. Thirty-eight percent (38%) of women reported experiencing sexual harassment at work¹.

Sexual harassment in the workplace threatens workers' economic survival, especially for women, who are disproportionately impacted. It frequently leads to job loss, lost wages, legal fees, exit from the workforce, and less income for families. More than ¼ of sexual harassment charges originate in industries with large numbers of service-sector and low-wage workers, who are predominantly women of color.

Workplace harassment also often affects individuals' physical and emotional wellbeing. According to the International Journal of Public Health, non-physical sexual harassment (such as comments or jokes) is associated with a psychological impact - including anxiety,

depression, negative body image, and lowered self-esteem.² It can also result in physical effects, such as headaches, sleep disorders, weight loss or gain, and nausea.

CWEALF supports S.B. 3: *An Act Combatting Sexual Assault and Sexual Harassment* to modernize sexual harassment training requirements and provide adequate support and protections for victims of harassment and assault here in Connecticut.

Currently, Connecticut law requires employers with 50 or more employees to provide two hours of training to supervisory employees within six months of their hire, but never again. This leaves out many companies and many employees from knowledge of the basics of how to prevent and respond to sexual harassment.

Senate Bill No. 3 would expand sexual harassment training to employers with 3 or more employees, both supervisory and nonsupervisory. Senate Bill No. 3 also requires employers to provide new employees information about sexual harassment and available remedies within their first three months of employment via email.

Senate Bill No. 3 also limits employer's defense to sexual harassment claims. An employer may not defend itself from a complaint of harassment, for example, by saying that the claim was properly investigated, immediate corrective action was taken, and the sexual harassment stopped, or if the complainant did not report the sexual harassment to the employer before filing a complaint with CHRO. An employer may also not defend itself from a complaint of harassment by saying that the sexual harassment was not severe or pervasive – a very high standard that needs further consideration. By limiting an employer's defense to sexual harassment claims, we are one step closer to provide victims adequate support and confidence they need to come forward to report harassment or an assault.

CWEALF also supports S.B. 3's increase of the time limit to file an employment-related discrimination or sexual harassment claim to CHRO from 180 days to 300 days, as well as the bill's extension of the statute of limitations to file a civil employment-related discrimination or sexual harassment lawsuit (after obtaining a CHRO release) from 90 days to 2 years. These timeframes align with other statutes of limitations for civil cases in Connecticut.

Individuals are understandably reluctant to come forward after an assault or harassment. A 2016 study from the EEOC found that 75% of employees who spoke out against workplace mistreatment faced some sort of retaliation³.

Underreporting of sexual harassment and assault in the workplace stems from fear of retaliation from employers or colleagues. Victims also often fear that they be believed or will be subject to professional punishment, including termination. The current 180-day limit to file a complaint limits a victim's ability to process the events that have occurred and decide the best way to take action.

CWEALF also supports S.B. 3's provision to eliminate the statute of limitations for sexual assault. The emotional, mental and physical impact of sexual violence can last a lifetime;

however, Connecticut's criminal justice system severely limits the chance for survivors seek justice.

Connecticut law provides survivors of sexual violence with a 5 year criminal statute of limitations, the window of time in which the state can bring criminal charges against the perpetrator. Connecticut's statute of limitations is the shortest in New England and the third shortest in the country.

Victims of sexual assault often face blame, fear, intimidation and scrutiny that prevents them from coming forward until long after the crime. After an assault, a survivor may face multiple barriers that prevent them from immediately reporting and often must choose carefully if, when, and to whom they will disclose the assault. The elimination of the statute of limitations will remove at least one barrier: time.

Recent high-profile cases of sexual assault and thousands of #MeToo accounts illustrate the ability of perpetrators to escape criminal prosecution because of the expiration of the statute of limitations. We support the elimination of the statute of limitations for sexual assault crimes to give survivors the time they need to seek support and services after an assault, and make an informed decision to report their assault to law enforcement, seek legal counsel, or pursue a case in court.

CWEALF urges the Committee to recognize that the time is now to support S.B. 3 to further prevent sexual harassment and provide survivors of sexual assault with access to justice.

End Notes:

1. Reston, Virginia. 2018. The Facts Behind the #MeToo Movement: A National Study on Sexual Harassment and Assault. Stop Street Harassment. Retrieved from: <http://www.stopstreetharassment.org/wp-content/uploads/2018/01/2018-National-Sexual-Harassmentand-Assault-Report.pdf>
2. Bendixen, M., Daveronis, J. & Kennair, L.E.O. Int J Public Health (2018) 63: 3. <https://doi.org/10.1007/s00038-017-1049-3>
3. U.S. Equal Employment Opportunity Commission. (2016). Select Task Force on the Study of Harassment in the Workplace. Retrieved from: https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf