

Labor & Public Employees Committee

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

H.B. 7044: *An Act Concerning Sexual Harassment in the Workplace*

Submitted by: Madeline Granato, Policy Manager

March 5, 2019

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 promote gender equity in the workplace.

Through CWEALF's Legal Education Program, we educate Connecticut residents, especially low-income women, about their rights and connect them to legal 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 supports H.B. 7044: *An Act Concerning Sexual Harassment in the Workplace*.

While the recent high-profile allegations of sexual harassment can be shocking, the pervasive nature of sexual harassment across every industry is not surprising. Both nationally and in our own Connecticut workforce, sexual harassment remains a significant problem. According to a recent report from [Stop Street Harassment](#), 81% of women and 43% of men reported experiencing some form of sexual harassment and/or assault. The report also found that 38% of women reported sexual harassment at their workplace.

Sexual harassment also persists here at the State Capitol and Legislative Office Building. An anonymous survey conducted by the Office of Legislative Management in 2018 found that at least 22% of employees, legislators, and lobbyists experienced some type of sexual harassment at the State Capitol or Legislative Office Building. The report also showed that some survey respondents experienced quid pro quo sexual harassment where someone in authority offered job related benefits in exchange for sexual favors.ⁱ

Sexual harassment in the workplace threatens workers' economic survival. It frequently leads to job loss, lost wages, legal fees, detachment 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.

Moreover, sexual harassment and assault is so common for women that most differences by race are statistically insignificant. One exception, however, is disability status: 40% of

women with disabilities reported experiencing sexual harassment compared to 23% of women without disabilities.

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

CWEALF supports H.B. 7044 to clarify provisions regarding sexual harassment prevention training, permitted defenses regarding sexual harassment complaints, and calculation of damages and corrective action in sexual harassment complaint proceedings.

House Bill No. 7044 will limit 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 sexual harassment by saying they have a policy prohibiting sexual harassment or recently provided training on the meaning and effect of sexual harassment. By limiting an employer's defense to sexual harassment, we are one step closer to provide victims adequate support and confidence they need to come forward to report harassment in the workplace.

CWEALF also supports language in H.B. 7004 that clarifies if an employer takes immediate corrective action in response to a complaint of sexual harassment, such corrective action shall not modify the terms and conditions of employment without the complainant's express written agreement. Too often, those who suffered harassment are forced out of a job or career, or lose the opportunity to work on certain projects. It is critical that victims of sexual harassment do not risk their employment status after they come forward with a complaint of sexual harassment.

Survivors are often reluctant to come forward after an assault or harassment. Underreporting of sexual harassment and assault in the workplace stems from fear of retaliation from employers or colleagues: a 2016 study from the EEOC found that 75% of employees who spoke out against workplace mistreatment faced some sort of retaliation. Victims also often fear that they won't be believed or will be subject to professional punishment, including termination.

To strengthen H.B. 7004, CWEALF recommends language to increase the time limit to file an employment discrimination or sexual harassment claim with the Commission on Human Rights and Opportunities from 180 days to 3 years. 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 urges the Committee and General Assembly to approve legislation this year to require employers with three or more employees to provide at least two hours of training on sexual harassment to all employees within six months of employment. Training must include bystander intervention skills and discussions regarding workplace civility, as well as acceptable and expected behavior in the work place. CWEALF also recommends legislation require employers with three or more employees to provide new employees information about sexual harassment and available remedies within their first three months of employment.

CWEALF urges the Committee to support H.B. 7044 to further prevent sexual harassment in the workplace, and support women's economic security.

ⁱ Survey Finds Legislators Responsible for Most Sexual Harassment at the Capitol. CT News Junkie. Sep. 2018.

https://www.ctnewsjunkie.com/archives/entry/20180921_survey_finds_legislators_responsible_for_most_sexual_harassment/.

ⁱⁱ Bendixen, M., Daveronis, J. & Kennair, L.E.O. Int J Public Health (2018) 63: 3. <https://doi.org/10.1007/s00038-017-1049-3>