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February 12, 2019

Testimony in Support of Senate Bill 726
Oregon Workplace Fairness Act
Submitted by Lili Hoag on behalf of Family Forward Oregon

Thank you for the opportunity to provide testimony in support of Senate Bill 726 and the Oregon Workplace Fairness Act. Family Forward Oregon is committed to advancing policies that support women and families and help them succeed, including policies to better protect them from sexual harassment in the workplace. Unfortunately, sexual harassment remains a persistent and widespread problem impacting women in nearly every workplace setting and industry and at every level of employment; we commend the committee and bill sponsors for introducing this legislation and we support this critical step to better protect workers against sexual harassment.

We know workplace sexual harassment is widespread. A recent report from the Equal Employment Opportunity Commission (EEOC) found that anywhere from a quarter to more than eight in ten women experience sexual harassment in their lifetimes.¹ This can have serious implications for women and for their employers. Women who are targets experience a range of negative consequences, including physical and mental health problems, career interruptions, and lower earnings. It can force women to leave a job and experience a period of unnecessary unemployment, it can cause them to abandon well-paying careers or to forgo career advancements and training opportunities. A recent study finds a high correlation between harassment and job change: eight in ten women who experienced sexual harassment began a new job within two years after experiencing harassment (compared with just over half of other working women). The study found considerable financial stress as a result of such job change, highlighting likely long-term consequences of harassment for earnings and career attainment. Harassment contributed to financial strain even when women were able to find work soon after leaving their previous employment.²

For women of color, immigrants, and LGBTQ people who experience harassment based on multiple intersecting identities, harassment perpetuates inequality along multiple dimensions; by limiting or discouraging women from advancing into higher paid careers sexual harassment contributes to the persistent racial and gender wage gap.

¹ Feldblum, Chai and Victoria Lipnic. 2016. *EEOC Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic*. https://www.eeoc.gov/eeoc/task_force/harassment/

² McLaughlin, Heather, Christopher Uggen, and Amy Blackstone. 2017. "The Economic and Career Effects of Sexual Harassment on Working Women." *Gender & Society* 31(3): 333-58. <https://doi.org/10.1177/0891243217704631>

Ultimately, we must change the culture that allows sexual harassment to persist in the workplaces, where it is tolerated or covered up, where harassors act with impunity and where women do not feel safe in bringing complaints forward. SB 726 is a critical step in this process. The report from the EEOC found that as many as 94% of employees experiencing harassment do not file a formal complaint.³ We know targets of sexual harassment often do not feel safe bringing a formal complaint; they fear retaliation or that they may not be believed. They may also feel differently about bringing a complaint after learning about others experiencing similar issues with the same individual; and this may not be immediate, it may take a couple years. Extending the statute of limitations for discrimination complaints will allow victims additional time to determine if a formal complaint is the right step for them.

We support the restrictions on non-disclosure agreements, which can be used to silence women, protect repeated harassors and prevent employees from joining together to counter a predator. Pushing sexual harassment into the shadows, which is what non-disclosure agreements can do, perpetuates a culture that accepts and tolerates sexual harassment. We do think it is appropriate, as proposed in SB 726, to allow a victim to request a non-disclosure agreement; we understand that a victim may have many reasons for wanting a non-disclosure agreement. But an employer should not be able to require one as a condition of hire or during settlement negotiations. We also support the provision in SB 726 that precludes employers from requiring as a part of a settlement a prohibition on an employee seeking reemployment with that employer. This will protect victims in jobs and industries that are dominated by only a few very large employers; they shouldn't be shut out of their industry as part of a settlement agreement.

Last, we support extending personal liability to owners, presidents and corporate officers. These individuals have a responsibility to their workforce and obligation to take action when they are aware of sexual harassment. Strengthening accountability for employers will help ensure that meaningful remedies are available for those who are victims of sexual harassment.

We appreciate this committee's attention to this important issue. Sexual harassment in the workplace has been tolerated long enough and it is time to strengthen and update these protections for workers. Everyone should be safe from harassment at work, regardless of their gender, race, color, religion, sexual orientation, national origin, marital status, age or disability. Please support Senate Bill 726.

³ Feldblum, Chai and Victoria Lipnic. 2016. *EEOC Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic*. https://www.eeoc.gov/eeoc/task_force/harassment/