



Date: February 12, 2019

To: Chair Taylor, Vice-Chair Knopp, Members of the Senate Committee on Workforce

From: Amy Beard, J.D., M.S.W.

Executive Director of the Sexual Assault Resource Center (“SARC”), Washington County, OR

RE: SARC’s Support for SB 726, The Oregon Workplace Fairness Act

Chair Taylor, Vice Chair Knopp and members of the Senate Workforce Committee:

The mission of the Sexual Assault Resource Center, or SARC, is to promote social justice by eliminating sexual violence in our community through education, support and advocacy. At SARC, we use the word survivor, rather than victim, to describe someone who has been sexually assaulted in order to reflect the person’s strength and healing capacity.

SARC supports SB 726, which would better protect workers that have faced discrimination in the workplace. We know that current laws don’t go far enough to protect survivors of sexual harassment or assault at work, and we support SB 726 because we know that it often takes more than a year for most survivors to come forward and report the harassment or assault they endured. This delay may be due to the survivor’s feelings about the incident, which can include deep feelings of shame, anxiety, and fear, or because they do not know their rights or how to assert them, or because they are afraid of retaliation. With 75% of women facing retaliation from a sexual harassment claim¹, this is a legitimate fear. Workers in low-wage industries are especially vulnerable, because they are most likely to face discrimination at work, least likely to know what recourse they have, and most afraid of retaliation that could cause them to lose their jobs or inhibit their ability to find other work, placing them in the uncomfortable position of having to choose between asserting their basic rights to fairness and dignity in the workplace and maintaining their source of income. By expanding the time that harassment allegations can be brought forward from one year to seven, we will give Oregon workers a fair shot at justice by giving them the time they need to cope with their trauma, understand and assert their rights, and hold accountable those with power to address abuse.

Our country is engaging in a much-needed national conversation on sexual assault and harassment and our cultural understanding on just how widespread these problems are continues to grow. At SARC, we have seen first-hand the impact of this national conversation. In 2017, we fielded 849 calls on our crisis support line, but in 2018, that number increased by 17%, to 995. In fact, in one critical day in 2018, September 27, the day of the Brett Kavanaugh hearing before Congress, we saw an increase of 166% in calls to our support line; 38% of those callers that day told us that the Kavanaugh hearing was what inspired their call to us. Comparing the period of October through December 2017 to October through

¹ https://www.eeoc.gov/eeoc/task_force/harassment/upload/report.pdf

December 2018, calls to our crisis line increased 14%. The more we as a nation acknowledge the widespread problems of assault and abuse, the safer survivors will feel coming forward.

Being able to come forward and share one's personal experience with harassment and assault, however, remains for now an act of nearly superhuman courage. Sexual assault and harassment are acts that devalue the survivor because of their gender or sexual orientation, steal the survivor's sense of personal empowerment, and attack their most basic rights to bodily autonomy and safety. By committing acts of harassment and assault, perpetrators tell survivors, "You do not belong here. I have power over you. I can hurt you." As a result, survivors often feel shame, self-blame, and fear, particularly when harassment is paired with assault that drives home the perpetrator's message that the perpetrator, not the survivor, is in control of the survivor's body and can touch them or hurt them at will. The distress survivors experience following harassment and assault is compounded when they see newscasters and commentators, lawmakers and celebrities, and friends and family make comments or ask questions about sexual assault that suggest that survivors invited the abuse, or could have stopped it, or are lying for attention or money or fame, or are otherwise somehow responsible for the perpetrator's crime.

The mental health impacts of experiencing sexual assault can be severe. According for the Rape, Abuse, and Incest National Network², 94% of women who survive rape report symptoms consistent with post-traumatic stress disorder two weeks after the attack, and 30% report experiencing symptoms nine months later. 70% of all sexual assault survivors experience moderate to severe psychological distress other than PTSD, a larger percentage than any other violent crime, and one-third of rape survivors report contemplating suicide.

The trauma survivors experience and fears of retaliation or victim-blaming keep many survivors from coming forward because precisely because they are not easily overcome. To ask survivors to learn about their workplace rights and seek justice – a process which necessarily will involve the survivor having to revisit what for many was the worst experience of their lives over and over by telling their story to strangers in an HR department or law office or government agency – while simultaneously coping with recently inflicted intense mental trauma is asking survivors to engage in a task of Herculean proportions.

Survivors need time to cope with their trauma, time to be ready to share their experiences without experiencing retraumatization, and time to find their courage to come forward. SB 726 gives survivors that time by allowing survivors seven years, rather than only one, to bring forth allegations of harassment and seek justice.

SARC respectfully requests the committee to support SB 726 and commends Sen. Taylor and the committee for giving this legislation due consideration in service to your constituencies and Oregonians from across the state. Furthermore, SARC commends Vice Chair Knopp for his leadership on this issue. This bill is critical to the workplace safety of all Oregonians. Thank you.

² All data in this paragraph is available at this website: <https://www.rainn.org/statistics/victims-sexual-violence>.