

**Testimony before the Pennsylvania House Committee on Labor and Industry
Public Hearing on Harassment and Sexual Misconduct in the Workplace
By Donna Greco, Policy Director, Pennsylvania Coalition Against Rape
Tuesday, April 24, 2018**

Thank you, Chairmen Kauffman and Galloway, and members of the Committee for convening this hearing on sexual harassment and misconduct in Pennsylvania's workplaces. My name is Donna Greco. I am the policy director at the Pennsylvania Coalition Against Rape. PCAR represents a network of 50 rape crisis centers. Together, we work to eliminate all forms of sexual harassment, abuse, and assault and to advocate for the needs of women, men, and children throughout the Commonwealth.

I have had the privilege of working on this mission for over 20 years. Much progress has been made, but there's still much to be done. Sexual assault is at the forefront of the news, pending legislation, and our public conversations—thanks to courageous victims and many panelists and legislators in this very room. And more victims are beginning to feel comfortable sharing their experiences. That's the good news.

Yet we also see a backlash of scrutiny unfolding against these victims, despite research that shows a consistently low rate of false reporting.¹ We face barriers to taking action, especially when offenders are in positions of trust, authority, and power. We misplace our focus on the actions of victims—whether they reported, whether their actions line up with the way we think they should feel, why they waited so long to come forward—when real change requires us to place our focus on the actions of the persons causing harm, where they received messages in their lives that such behaviors are acceptable, and how our workplaces may (intentionally or unintentionally) allow those actions to go unaddressed.

Sexual harassment is pervasive and unlawful. It encompasses a continuum of acts and behaviors including unwelcome sexual advances, unwanted contact and touch, offensive remarks and name-calling, lewd gestures, sexually explicit emails and images, and other behaviors that target a person's sex or gender. Its effects reach beyond victims to coworkers, families, and our Commonwealth that misses out the productivity and innovations undermined by sexual harassment.

- 81% of women and 43% of men have experienced sexual harassment at some point in their lives²
- Up to 85% of women and 19% of men have experienced these assaults in the workplace³

¹ National Sexual Violence Resource Center, *False Reporting Overview* (Harrisburg, PA: 2012)

² Stop Street Harassment, Raliance, & Center on Gender Equity and Health, *A National Study on Sexual Harassment and Assault* (Reston: SSH, 2018)

- The costs of sexual harassment are estimated at \$300 million in job turnover, sick leave, and decreased productivity⁴
- In 2015 alone, the EEOC recovered \$165 million for workers reporting sexual harassment⁵

Victims of sexual harassment are often in Catch-22 situations with virtually no good outcomes:

1. endure harassment or lose a client, get demoted, or lose your job;
2. keep your job, but you better find ways to avoid the harasser and to cope in a hostile environment;
3. report the harassment, but risk retaliation from your coworkers or employer.

These are very real struggles, backed by research showing retaliation is experienced by employees who speak out about mistreatment in the workplace.⁶ And despite the prevalence of sexual harassment, we know that most people suffer in silence. In fact, 85% of sexual harassment victims never file a formal legal charge and 70% never make a formal complaint through their employer.⁷ Instead of reporting, most victims either quit their jobs or find ways to alter their schedules to avoid the harasser. The most common barriers victims express are rooted in fear and shame⁸:

- No one will believe them
- There won't be any action
- They will be blamed for causing the harassment
- They will face humiliation and social retaliation from their peers
- They will face professional retaliation, such as damage to their careers or reputations

Whether or not a victim takes formal action, the impacts of sexual harassment are real and damaging. Sexual harassment can derail a person's psychological, physical, and economic stability.

- It is linked to Post Traumatic Stress Disorder and Major Depressive Disorder as well as fear, anxiety, reduced self-esteem, exhaustion, and drug and alcohol abuse.⁹
- Sexual harassment is also linked to physical health struggles, such as chronic headaches, interrupted sleep, and gastric, respiratory, and cardiovascular problems.¹⁰

³ Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace: Report of Co-Chairs* (Washington, D.C.: EEOC 2016)

⁴ EEOC, 2016

⁵ *ibid*

⁶ Lilia Cortina & Vicki Magley, *Raising Voice, Risking Retaliation* (Journal of Occupational Health Psychology: 2003)

⁷ EEOC, 2016

⁸ *ibid*

⁹ *ibid*

- Sexual harassment undermines the economic stability of victims and their families: women report significantly greater financial stress and career disruption as a result of sexual harassment and are 6.5 times more likely to change jobs to escape further harm.¹¹

No one should have to choose between their livelihood and their safety. Every Pennsylvanian deserves a workplace free from harassment, assault, and abuse—whether they are serving tables, fighting fires, building roads, trying cases, treating patients, caring for children, or making laws. Our workforces, businesses, and communities thrive when every individual is able to work at their full potential, in environments where they are respected and equitably treated.

We have an unprecedented opportunity to make this a reality in every workplace. PCAR applauds bipartisan efforts to address sexual harassment in our Commonwealth. There is urgency surrounding this issue, as individuals' safety and well-being are at stake. While ongoing assessment will be needed to implement certain policies and practices, there are also actions we can take today.

PCAR recommends trauma-informed approaches that are reflected in many of the legislative proposals being considered by this Committee and the larger legislature:

1. Strengthen and expand anti-harassment and anti-retaliation policies. All employees deserve protections from harassment. Such policies must apply to all workplaces and industries and clearly convey the rights of employees, how to make a report, the steps that will be taken to address a hostile environment, the proportionate sanctions for harassing behaviors, and that complaints will be promptly, thoroughly, and fairly investigated and resolved.
2. Encourage employees to report sexual harassment through regular training and by creating multiple reporting avenues. Reporting mechanisms must be impartial and seen as safe options to victim. To these ends, they must be staffed by neutral professionals with appropriate training in sexual harassment and its prevention.
3. Support formal collaborations across workplaces and confidential community-based legal and sexual assault counseling/advocacy organizations that can work to support victims in navigating their options and accessing services.
4. Elevate and safeguard victim privacy, safety, and choice—all-or-nothing approaches and forced public disclosures can be problematic and deter reporting.
5. Enable victims to access civil and criminal justice options as well as leverage economic settlements and compensation for the harm caused to them and their families.

¹⁰ EEOC, 2016

¹¹ Heather McClaughlin, Christopher Uggen, & Amy Blackstone, *The Economic and Career Effects of Sexual Harassment on Working Women* (Gender & Society, 2017)

6. Implement best practices in prevention and training that are tailored to the specific workplace and provided regularly—including Civility and Bystander Intervention approaches that equip employees in identifying and interrupting problematic behaviors in the workplace.

Trauma-informed practices are not at odds with fairness and impartiality. In fact, we can often measure the well-being of our larger workforces by how we treat victims who come forward with a complaint.

Thank you for inviting PCAR to submit testimony today. I look forward to working with the Committee, fellow-panelists, and members of the General Assembly in strengthening options available to victims and in preventing sexual harassment in our workplaces.

About PCAR: *Founded in 1975, PCAR works to eliminate all forms of sexual violence and to advocate for the rights and needs of victims of sexual assault throughout the Commonwealth. Our Coalition represents 50 rape crisis centers that serve women, men, and children in all 67 of Pennsylvania’s counties. PCAR operates the National Sexual Violence Resource Center, which is a partnership with the Centers for Disease Control and Prevention. Recently, PCAR launched Preventing Sexual Harassment at Work: A Holistic Approach, which is available to workplaces throughout the Commonwealth through partnerships with rape crisis centers. Recently, the NSVRC partnered with Stop Street Harassment and the Center on Gender Equity and Health to conduct a nationally representative study on sexual harassment and assault. We hope these resources will be useful to the Committee’s efforts to address sexual harassment.*