

LKB Testimony – HB1965
4/24/2018

I want to start by thanking the Majority Chairman for scheduling this important hearing on sexual harassment. April is Sexual Assault Awareness Month and this is an issue that Pennsylvanians are following closely, especially since news stories of tax-payer funded sexual harassment claims against legislators became public at the end of last year.

I am here today to testify on HB1965, also known as the #MeToo PA General Assembly Act. Representative Tara Toohil has joined me as prime co-sponsor and we both are working hard to advance this legislation. We currently have 66 co-sponsors, including Republicans and Democrats, and both the Majority and Minority Chairmen of this Committee have signed onto this bill.

While some of the other bills that we'll hear testimony on today focus on issues of sexual harassment in the broader environment, our bill is focused on how we address these issues at our State Capitol.

As we heard from an earlier panel today of experts who work with victims and survivors, certain kinds of workplaces have higher rates of sexual harassment: those that are highly male-dominated, those with hierarchical structures, and those with stark power differences. By all those measures, our State Capitol is a high-risk workplace for sexual harassment.

I started working on this bill six months ago after publicly sharing that I am one of the 81% of women who have experienced sexual harassment. After I shared my own story, women who work in this Capitol started to come to me to share their stories, and I learned that many of the alleged perpetrators were legislators. I heard stories from women who were discouraged from ever filing a complaint in the first place, stories from women who faced retaliation, and stories from women who believed legislators would never be held responsible for their actions.

House Bill 1965 is modeled after a Federal Bill that passed Congress in February with overwhelmed bipartisan support. We then went through seven different drafts of this bill before it was introduced, with significant changes made based on feedback from Pennsylvania Coalition Against Rape, Women's Law Project, and Pennsylvania Coalition Against Domestic Violence.

House Bill 1965 does the following:

- For the first time, define sexual harassment in state statute
- It takes the politics out of the process for victims and survivors to file a complaint. Under our current system, there are four different policies for four different caucuses and elected Caucus leaders have the final say in how complaints are resolved
- This bill creates a new Office of Compliance, where trained professionals are in charge of the investigation, not politicians, and creates a clear complaint process for all victims and survivors, no matter which legislative agency they work for
- Creates due process for the alleged harasser through a confidential investigation process
- Prevents retaliation against an employee who makes a complaint

- Creates a new provision where, if there is an investigation against an elected official and the complaint is found credible, the elected official can no longer be shielded by a non-disclosure agreement. The victim, though, could still choose to remain anonymous
- Creates a new provision where, if there is a violation by an elected official and the resolution includes a settlement payment, the elected official would have to reimburse the state for any settlement award and legal fees
- Creates an ongoing report for the legislature that gives us clear data on the number and nature of complaints filed and how they were resolved

In closing, I am grateful that the Labor and Industry Committee is making the time to explore this issue and I'm hoping that the next step after this hearing will be a vote on the resolutions and bills before us today. We need to change the culture at the Capitol and these bill deserve a vote.