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Testimony before the Pennsylvania House Committee on Labor and Industry  
Public Hearing on HB 1965, HB 2280, HB 2282, HB 2283, HB 2284, HB 2286 and HB 2475  
Workplace Harassment and Sexual Misconduct  
By Donna Greco, Policy Director of the Pennsylvania Coalition Against Rape  
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Thank you, Chairmen Kauffman and Galloway, and members of the House Labor and Industry Committee for convening this hearing on pending legislation that would address and prevent sexual harassment and misconduct in Pennsylvania's workplaces. I am grateful to have been invited to testify again on this important issue, as the policy director at the Pennsylvania Coalition Against Rape. PCAR represents a network of rape crisis centers. Together, we apply best practices in preventing sexual harassment, abuse, and assault and in helping survivors navigate their options throughout the Commonwealth.

PCAR supports the legislative package being considered today. We ask for this Committee's support in scheduling and passing these bills before the end of the legislative session. The nation is watching us here in Pennsylvania, where Bill Cosby will face sentencing later this month and reforms are expected in the wake of the Grand Jury report on child sexual abuse. We have enough information about the magnitude of sexual violence to act now. We have an opportunity to pass legislation that will bring about critical protections for victims of sexual harassment, abuse, and assault and strengthen workplaces throughout our Commonwealth.

We all can agree on certain principles: It should not matter what type of industry you work in, how big or small your workplace is, whether you are paid or unpaid, or which department or caucus you work in. Every person deserves a workplace free from harassment, retaliation, and discrimination. Every person deserves to know where to go for help and to feel confident that action will be taken if warranted. Every workplace is obligated—legally and/or ethically—to make sure their employees are safe at work. We all create the climate in our workplace and are therefore part of making it safe and respectful for all people.

Last April, this Committee heard testimony about the well-researched and documented magnitude of sexual harassment: 81% of women and 43% of men have experienced sexual harassment. You heard that sexual harassment costs our nation \$300 million in job turnover, sick leave, and decreased productivity. You heard how important it is that we—as policymakers, advocates, employers, coworkers, friends, and

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family—believe victims. In fact, rates of false reporting are very low and it is more common that victims suffer in silence, delay reporting, or quit their jobs—undermining the economic stability of themselves and their families. PCAR shared the reasons sexual harassment is underreported last April, but I think they may bear repeating. Victims suffer in silence because they fear:

*No one will believe them.*

*There won't be any action.*

*They will be blamed for causing the harassment.*

*They will face humiliation or retaliation from their peers.*

*They will face professional retaliation or damage to their careers or professional standing.*

If we are to be successful in addressing sexual harassment throughout the Commonwealth's workplaces, we must center the voices of victims and address these barriers to reporting.

Our reforms must be responsive to the continuum of acts that comprise sexual harassment—from degrading and offensive verbal remarks, to repeated sexual advances, to workplace decisions that hinge on demands for sexual favors or acts, to unwanted physical contact including rape.

If we are to be successful, our reforms must elevate the safety and well-being of every employee, including those victimized by sexual harassment, abuse, and assault. Our reforms must create mechanisms to hold offenders accountable through timely and thorough investigations and proportionate sanctions. Our reforms must incorporate best practices in workplace training and prevention—implemented with adequate dosage, by skilled trainers, in an interactive format, and clearly conveying the expectations of all employees and the ways in which sexual harassment, abuse, and assault will be addressed.

Every workplace benefits when these core priorities are infused into the day-to-day operations of “doing business.” Collectively, the package of bills being considered today puts us on the right path toward doing just that.

**HB 1965:** Establishes a centralized system within the General Assembly for reporting, investigating, and resolving sexual harassment complaints involving Members, employees, and staff. HB 1965 would benefit victims in several ways:

- It would establish clear and consistent policies and procedures for reporting sexual harassment within the General Assembly, safeguarding victim privacy and providing options to maximize their safety.

- It would ensure individuals who are responsible for receiving, investigating, and resolving such reports are adequately trained and equipped to respond to victims in a trauma-informed manner, in collaboration with rape crisis centers and other subject matter experts.
- The bill ensures that those who are found responsible for sexual harassment are held accountable to not only address the harm they already caused, but hopefully to also stop them from harassing again.
- Finally, HB 1965 would establish effective prevention and response training within the General Assembly. For example, the bill would establish bystander intervention training—a strategy that has been evaluated to show positive outcomes in increasing the skills of workers to speak up and interrupt harmful behaviors and in reducing sexual harassment, abuse, and assault.

**HB 2280:** Expands the PA Human Relations Act to ensure workplaces with one or more employee comply with anti-discrimination requirements. Currently, protections are only required in workplaces with four or more employees. The size of your workplace should not determine whether or not you are protected from discrimination and harassment. This bill would also extend such protections to certain domestic workers. Domestic workers are often most vulnerable to sexual harassment and abuse, given the power differential that often exists between them and their employers and the isolated nature of their work environments and conditions. Protecting the most vulnerable Pennsylvanians will benefit us all and ensure our workplaces are free from harassment for every worker, regardless of the size of their workplace or their industry.

**HB 2282:** Expands the PA Human Relations Act protections to interns and volunteers and establishes interactive training programs to prevent and address workplace sexual harassment. Our workplaces thrive with the expertise and efforts of interns and volunteers. Volunteering one's time or joining a workplace as an unpaid intern should not carry with it a vulnerability for harassment and discrimination. This bill closes that loophole. Adherence to and implementation of workplace policies will only be effective if all employees are provided with high quality training that follow best practices in adult learning and prevention. This bill outlines a training program that is reflective of these practices identifying bystander intervention and the importance of delineating specific roles expected of leadership and staff.

**HB 2283:** Establishes consistency in how fair practice notices are worded and disseminated. This would help to enhance transparency and consistency in the information that is provided to employees throughout Pennsylvania. Your ability to mobilize your rights and resources is dependent on knowing what options are available to you. This bill would ensure consistency in what is conveyed throughout workplaces. More specifically, such notices would include definitions of harassment, discrimination, and retaliation; examples of such behaviors and acts; and the process for reporting such acts.

**HB 2284 & HB 2286:** Amend the Whistleblower Law and Human Relations Act to extend the Statute of Limitations for filing a complaint to two years (from 180). This is responsive to the fact that most victims delay reporting due to the many barriers already outlined in this testimony. These bills also establish the option of a jury trial and provide for punitive damages.

**HB 2475:** Expands protections from discrimination, harassment, and retaliation to certain domestic workers as well as interns and volunteers. This bill would also establish transparency and consistency in workplace policies and procedures to address and prevent sexual harassment, discrimination, and retaliation.

It is often said, you can tell a great deal about a community by how well it treats its most vulnerable and marginalized of members. PCAR urges members of the Committee to support this package of bills, which would create important protections and options for women and men who are subjected to sexual harassment far too often. On behalf of PCAR, the network of rape crisis centers, and victims served by this network—I thank you for allowing me time to testify today in support of this important legislative effort.