

**PROGRESS IN  
ADVANCING  
ME TOO  
WORKPLACE  
REFORMS IN  
#20STATESBY2020**

**NATIONAL WOMEN'S LAW CENTER 20 STATES BY 2020**

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# TABLE OF CONTENTS

<b>I. ENSURING ALL WORKING PEOPLE ARE COVERED BY HARASSMENT PROTECTIONS</b>	<b>5</b>
Protecting more workers	5
Covering more employers	5
<b>II. RESTORING WORKER POWER AND LIMITING EMPLOYER-IMPOSED SECRECY</b>	<b>5</b>
Limiting nondisclosure agreements (NDAs)	5
<i>NDAs as a condition of employment</i>	5
<i>NDAs in settlement agreements</i>	6
Prohibiting no-rehire provisions	8
Transparency about harassment claims	8
Stopping forced arbitration	9
<b>III. REMOVING BARRIERS TO ACCESSING JUSTICE</b>	<b>9</b>
Extending statutes of limitations	9
Revising the “severe or pervasive” liability standard	10
Closing a loophole in employer liability	10
Ensuring employer liability for supervisor harassment	11
Redressing harm to victims of harassment	11
<b>IV. PROMOTING PREVENTION STRATEGIES</b>	<b>11</b>
Requiring anti-harassment training	11
Requiring strong anti-harassment policies	12
Requiring climate surveys	13
Requiring notice of employee rights	13

## Introduction

*Since #MeToo went viral in October 2017, state lawmakers across the country have been working to meet the bravery of the survivors coming forward by enacting meaningful, substantive policy reforms to stop and prevent sexual harassment. In 2018, over 100 bills were introduced in state legislatures to toughen protections against harassment in workplaces, and important workplace reforms were enacted in 10 states.<sup>1</sup>*

*As state legislative sessions began in 2019, over 300 state legislators representing 40 states and the District of Columbia came forward and declared that they are committed to supporting survivors and working towards the goal of strengthening protections against sexual harassment in 20 states by 2020. They heard survivors—and voters—demanding change: a poll conducted in January 2019 showed that 90 percent of voters support strengthening protections against sexual harassment and sexual violence in the workplace and in schools.<sup>2</sup> State legislative advancements in 2019 further demonstrated how the power of individuals sharing their Me Too stories has changed the way that women are heard and believed and begun to reshape our institutions, laws, and culture. This report provides an overview of the progress that has been made in advancing workplace harassment reforms in “#20Statesby2020” since #MeToo went viral.*

### **CLOSING IN ON WORKPLACE HARASSMENT LAW REFORM IN #20STATESBY2020**

Catalyzed by the Me Too movement, state legislators have introduced around 200 bills to strengthen protections against workplace harassment in the past two years, and to date, **15 states** have passed new protections. New York City has also been particularly active in strengthening its anti-harassment laws and is thus highlighted in this report.

- **13 STATES LIMITED OR PROHIBITED EMPLOYERS** from requiring employees to sign nondisclosure agreements as a condition of employment or as part of a settlement agreement.
- **5 STATES EXPANDED WORKPLACE HARASSMENT PROTECTIONS** to include independent contractors, interns, or graduate students for the first time.
- **4 STATES AND NEW YORK CITY EXTENDED THEIR STATUTE OF LIMITATIONS** for filing a harassment or discrimination claim.
- **10 STATES AND NEW YORK CITY ENACTED KEY PREVENTION MEASURES**, including mandatory training and policy requirements for employers.

Many of these Me Too workplace reforms have passed with bipartisan support. At a time when partisan politics seems to have reached a fever pitch, the Me Too movement has seen conservative and progressive state legislators alike, in states from Tennessee to Oregon, speaking out and pushing for long overdue reforms to anti-harassment laws, many of them motivated and united by their own Me Too stories.

## OVER 300 STATE LEGISLATORS FROM 40 STATES AND D.C. SIGN THE #20STATESBY2020 PLEDGE

In October 2018, on the one-year anniversary of #MeToo going viral, nearly 300 organizations aligned against sexual harassment and sexual violence came together to call for strengthened protections against sexual harassment and violence at work, and in schools, homes, and communities—demanding concrete advances in “20 states by 2020.”

## ME TOO WORKPLACE POLICY REFORMS MUST BE FURTHER STRENGTHENED AND EXPANDED

These state-level advances are important first steps towards necessary legal reform and encouraging employers to make critical policy and cultural changes. However, many of these reforms need to be further strengthened and more are needed.

## ALL FORMS OF HARASSMENT AND DISCRIMINATION MUST BE ADDRESSED.

For instance, much of the workplace harassment legislation enacted by states in 2018 addresses only sexual harassment. But workplace discrimination and harassment based on race, disability, color, religion, age, or national origin all undermine workers’ equality, safety, and dignity, and are no less harmful—and these forms of harassment and discrimination often intersect in working people’s actual experiences. The sexual harassment a Black woman experiences, for example, may include racial slurs and reflect racial hostility. Lawmakers should craft solutions that recognize these intersections. In 2019, thanks to workers and survivors from Oregon to New York demanding intersectional policy solutions, more Me Too workplace reforms protected against all forms of discrimination and harassment, but all states should craft such solutions.

## COMPREHENSIVE SOLUTIONS ARE REQUIRED.

States also need to ensure that their Me Too workplace policy response is not focused narrowly on a single issue, like nondisclosure agreements, but is comprehensive. The outpouring of Me Too stories has revealed the many ways in which our laws and workplaces have failed to prevent harassment, failed to hold harassers and employers accountable, and failed to allow survivors to obtain justice and relief for the harm they have suffered. To achieve real, structural, and long-lasting change, our Me Too policy response

## 20 STATES BY 2020

### TO ALL WHO HAVE SAID ME TOO AND CALLED OUT FOR CHANGE,

We write as state legislators and legislators-elect from across the United States to say: **We hear you. We are with you. And we commit to fighting for a safer future for everyone.**

We see how sexual violence and other forms of sexual harassment deeply injure our communities by keeping students from succeeding in school, denying women safety and equal opportunity at work, and—as many of us have witnessed firsthand—blocking women from political leadership. No state is immune to this corrosive harm.

On the one-year anniversary of #MeToo going viral, nearly 300 organizations came together to call for strengthened protections against sexual harassment and violence at work, in schools, homes, and communities—demanding concrete advances in “20 states by 2020.”

Now, in the wake of an election where voters demanded leaders who champion safety and dignity for all survivors and historically high numbers of women were elected to state legislatures, we cannot wait for Congress to act.

### STATES MUST LEAD IN THIS FIGHT.

As 2019 state legislative sessions begin, we commit to supporting survivors and working to address sexual harassment and violence in our workplaces, our schools, and every place it occurs.

We will work with survivors and the communities most severely impacted by sexual violence—including women of color, immigrants, and LGBTQIA and gender nonconforming individuals—who are central to creating the solutions this movement demands.

**Together let’s build a better world in the #MeToo Era.**

**We call on all states to join us.**

**The time is now.**

In response to this call to action, in January 2019 state legislators hailing from all corners of the country and both sides of the aisle signed a letter of commitment to strengthen protections against sexual harassment and violence by 2020. In signing on to this “#20Statesby2020” initiative, legislators pledged to work with survivors and the communities most seriously affected by sexual violence—including women of color, immigrants, and LGBTQIA individuals—to create concrete solutions to end sexual abuse.

must be comprehensive.<sup>3</sup> No single policy—whether it be requiring training or increasing transparency by eliminating abusive NDAs—is sufficient to address these shortcomings. Recognizing this, the 2019 state sessions saw several states, including Oregon, New York, Illinois, and Maryland, introduce and pass multi-pronged anti-harassment bills. The 2019 sessions also saw states like New York, Illinois, and Maryland come back and pass additional Me Too reforms after enacting several in the 2018 session.

**REFORMS SHOULD NOT JUST FOCUS ON THE WORKPLACE.** Sexual harassment doesn't just happen in the workplace, and it doesn't just affect adults. Too many students experience sexual harassment in schools and in college. And patients of all ages experience sexual harassment at the hands of health care providers. In each of these contexts, sexual harassment holds women and girls back, threatens their safety and economic opportunities, and excludes them from public life. To prevent sexual harassment at work, we must start by addressing it in schools since the treatment and behavior students experience from their peers, teachers, and administrators ultimately shapes workplace norms about gender, race, respect, and accountability. Harassment also can hurt girls' ability to succeed at school, which, in turn, hurts their future economic opportunities, reinforcing gender and racial inequalities in the workforce and making them more vulnerable to harassment at work.

## THE BE HEARD IN THE WORKPLACE ACT: A FEDERAL BILL AND A MODEL FOR STATE ACTION

In April 2019, U.S. Representative Katherine Clark and Senator Patty Murray introduced in Congress the Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination (BE HEARD) in the Workplace Act—a landmark, comprehensive workplace anti-harassment bill.<sup>4</sup> This bicameral bill has the support of over 100 members of congress and over 50 civil rights, women's rights, and worker's rights organizations. While Congress has yet to move the great majority of anti-harassment reforms that have been introduced since #MeToo went viral, BE HEARD can serve as a legislative model for states looking to carry the torch of Me Too workplace policy reform in the face of congressional inaction.

Specifically, the BE HEARD in the Workplace Act would:

- extend protections against harassment and other forms of discrimination to all workers;
- remove barriers to access to justice, such as short statutes of limitations and restrictively interpreted legal standards;
- promote transparency and accountability, including by limiting the use of abusive NDAs and forced arbitration and requiring companies bidding on federal contracts to report any history of workers' rights violations;
- and require and fund efforts to prevent workplace harassment and discrimination, including by requiring employers to adopt a nondiscrimination policy, requiring the EEOC to establish workplace training requirements and provide a model climate survey to employers, and ensuring that tipped workers are entitled to the same minimum wage as all other workers.

## #20Statesby2020 Advances

### ENSURING ALL WORKING PEOPLE ARE COVERED BY HARASSMENT PROTECTIONS

**PROTECTING MORE WORKERS:** *Legal protections against harassment extend only to “employees” in most states and under federal law, leaving many people unprotected. States have been working to extend protections against harassment and discrimination to independent contractors, interns, volunteers, and graduate students.*

#### 2018

**DELAWARE** enacted legislation to expand employees covered by its sexual harassment protections to include state employees, unpaid interns, applicants, joint employees, and apprentices.<sup>5</sup>

**NEW YORK** enacted legislation to protect contractors, subcontractors, vendors, consultants, and others providing contracted services from sexual harassment in the workplace.<sup>6</sup>

**VERMONT** enacted legislation to prohibit sexual harassment of all people engaged to perform work or services, expanding protections against harassment to independent contractors, volunteers, and interns.<sup>7</sup>

#### 2019

**ILLINOIS** passed legislation to extend protections against all forms of harassment to contractors, consultants, and other individuals who are contracted to directly perform services for the employer.<sup>8</sup>

**MARYLAND** enacted legislation to extend discrimination and harassment protections to independent contractors and the personal staff of elected officers.<sup>9</sup>

**NEW YORK** expanded upon its 2018 legislation by passing legislation to ensure subcontractors, vendors, consultants, and others providing contracted services are protected not just from sexual harassment, but from all forms of discrimination in the workplace.<sup>10</sup>

**COVERING MORE EMPLOYERS:** *In many states, harassment laws do not cover smaller employers, and federal law does not reach employers with fewer than 15 employees. Since October 2017, three jurisdictions have extended anti-harassment protections to smaller employers.*

#### 2018

**NEW YORK CITY** enacted legislation to amend its Human Rights Law to extend gender-based anti-harassment protections to all employers, regardless of the number of employees.<sup>11</sup>

#### 2019

**MARYLAND** enacted legislation to extend protections from all forms of harassment to all employers, regardless of the employer’s size.<sup>12</sup>

**NEW YORK** passed legislation to extend protections against discrimination to all employers, regardless of the employer’s size.<sup>13</sup> Previously, New York had only extended anti-sexual harassment protections to all employers regardless of size.

### RESTORING WORKER POWER AND LIMITING EMPLOYER-IMPOSED SECRECY

**LIMITING NONDISCLOSURE AGREEMENTS (NDAs).** *NDAs can silence individuals who have experienced harassment and empower employers to hide ongoing harassment, rather than undertake the changes needed to end it. Some employers require employees to enter into NDAs when they start a job that prevent them from speaking up about harassment or discrimination. Other times, NDAs are imposed as part of a settlement of a harassment claim. Many states are acting to limit employer power to impose NDAs.*

#### 2018

**ARIZONA** enacted legislation to allow an individual who is bound by an NDA to break the NDA if asked about criminal sex offenses by law enforcement or during a criminal proceeding.<sup>14</sup>

#### **NDAs as a condition of employment**

#### 2018

**CALIFORNIA** enacted legislation to prohibit employers from requiring an employee to sign, as a condition of employment or continued employment, or in exchange for a raise or a bonus, a release of a claim or a right, a nondisparagement agreement, or other document that prevents the employee from disclosing information about unlawful acts in the workplace, including sexual harassment.<sup>15</sup> The law clarifies that these provisions do not apply to NDAs or releases in settlement agreements that are voluntary, deliberate, and informed, and provide consideration of value to the employee,

and where the employee was given notice and opportunity to retain an attorney or was represented by an attorney.<sup>16</sup>

**MARYLAND** enacted legislation to make unlawful NDAs and other waivers of substantive and procedural rights related to sexual harassment or retaliation claims in an employment contract or policy. The law also protects employees from retaliation for refusing to enter into such an agreement.<sup>17</sup>

**TENNESSEE** enacted legislation to make it unlawful to require an employee or prospective employee, as a condition of employment, to execute or renew an NDA regarding sexual harassment. Employees covered by an NDA cannot be fired as retaliation for breaking the NDA.<sup>18</sup>

**VERMONT** enacted legislation to prohibit employers from requiring any employee or prospective employee, as a condition of employment, to sign an agreement that prevents the individual from opposing, disclosing, reporting, or participating in a sexual harassment investigation.<sup>19</sup>

**WASHINGTON** enacted legislation to prohibit employers from requiring an employee, as a condition of employment, to sign an NDA, waiver, or other document that prevents the employee from disclosing sexual harassment or assault occurring in the workplace, at work-related events, or between employees, or an employer and an employee, off the employment premises.<sup>20</sup> Washington also passed a separate law providing that NDAs cannot be used to limit a person from producing evidence or testimony related to past instances of sexual harassment or sexual assault by a party to a civil action.<sup>21</sup>

## 2019

**ILLINOIS** passed legislation to render void any contract provision that would, as a unilateral condition of employment or continued employment, prevent employees or prospective employees from disclosing truthful information about discrimination, harassment, or retaliation. However, these contract provisions are allowed when they are a mutual condition of employment negotiated in good faith and the agreement is in writing; demonstrates actual, knowing, and bargained-for consideration from both parties; and acknowledges the employee's right to report allegations to the appropriate government agency or official, participate in agency proceedings, make truthful statements required by law, and request and receive legal advice.<sup>22</sup>

**NEW JERSEY** enacted legislation to make NDAs in employment contracts that prevent the disclosure of details relating to a claim of discrimination, retaliation, or harassment unenforceable against employees. If the employee publicly reveals sufficient information to identify the employer, the employee will not be able to enforce the employer's non-disclosure obligations. Retaliation against an employee who refuses to enter into an employment contract with an unenforceable provision is prohibited.<sup>23</sup>

**NEW YORK** passed legislation to render void and unenforceable any provision in an agreement between an employer and an employee or potential employee that prevents the disclosure of factual information related to discrimination, unless the provision provides notice that it does not prohibit the employee from speaking with law enforcement, the Equal Employment Opportunity Commission, a state division or local commission on human rights, or an attorney.<sup>24</sup>

**OREGON** enacted legislation to prohibit employers from requiring an employee or prospective employee as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits to enter into an agreement preventing the disclosure of discrimination (including harassment) or sexual assault that occurred in the workplace, at a work-related event, or between an employer and an employee off the employment premises.<sup>25</sup>

**VIRGINIA** enacted legislation to prohibit employers from requiring an employee or prospective employee to sign, as a condition of employment, a nondisclosure or confidentiality agreement that has the purpose or effect of concealing the details relating to sexual assault.<sup>26</sup>

## **NDAs in settlement agreements**

### 2018

**ARIZONA** enacted legislation to prohibit public officials from using public funds to enter into a settlement with an NDA related to sexual assault or sexual harassment.<sup>27</sup>

**CALIFORNIA** enacted legislation to prohibit confidentiality provisions in settlement agreements that prevent the disclosure of factual information related to claims of sexual assault, sexual harassment, or other forms of sex-based workplace harassment, discrimination, and retaliation filed in a civil or administrative action. Claimants can request a confidentiality provision to protect their identity, unless

a government agency or public official is a party to the settlement agreement. This prohibition does not apply to confidentiality provisions regarding the amount paid under a settlement agreement.<sup>28</sup>

**NEW YORK** enacted legislation to prohibit employers from using NDAs in settlement agreements or other resolutions of a claim that prevent the disclosure of the underlying facts and circumstances of sexual harassment claims, unless the condition of confidentiality is the complainant's preference. The complainant must be given 21 days to consider the provision and seven days to revoke the agreement.<sup>29</sup>

**VERMONT** enacted legislation to require that an agreement to settle a claim of sexual harassment explicitly state that it does not prohibit the claimant from: filing a complaint with any state or federal agency; participating in an investigation by a state or federal agency; testifying or complying with discovery requests in a proceeding related to a claim of sexual harassment; or engaging in concerted activities with other employees under state or federal labor relations laws. The agreement must also state that it does not waive any rights or claims that may arise after the settlement is executed.<sup>30</sup>

## 2019

**ILLINOIS** passed legislation to prohibit an employer from unilaterally imposing a provision in a settlement or termination agreement that prohibits the employee, prospective employee, or former employee from disclosing truthful information regarding harassment, discrimination, or retaliation. Such a provision is only allowed if it is the documented preference of the employee and is mutually beneficial to both parties; the employer notifies the employee of their right to have an attorney review the settlement or termination agreement; there is valid, bargained for consideration in exchange for the confidentiality; the provision does not waive any future claims of harassment, discrimination, or retaliation; and the employee is given 21 days to consider the agreement and seven days to revoke the agreement.<sup>31</sup>

**LOUISIANA** enacted legislation to ensure that workers who settle a workplace sexual harassment or sexual assault claim against the state, where public funds are used to satisfy the terms of the settlement, are not prevented from disclosing the underlying facts and terms of the claim.<sup>32</sup>

**NEVADA** enacted legislation to render void and unenforceable provisions in settlement agreements that prevent a party

from disclosing factual information relating to a civil or administrative action for a felony sexual offense, sex discrimination by an employer or a landlord, or retaliation by an employer or landlord for reporting sex discrimination. The law also prohibits courts from entering an order that would prevent disclosure of this information. The amount of a settlement agreement may still be kept confidential and claimants can request a confidentiality provision to protect their identity, unless a government agency or public official is a party to the settlement agreement.<sup>33</sup>

**NEW JERSEY** enacted legislation to make NDAs in settlement agreements that prevent the disclosure of details relating to a claim of discrimination, retaliation, or harassment unenforceable against employees. If the employee publicly reveals sufficient information to identify the employer, the employee will not be permitted to enforce the employer's non-disclosure obligations; and every settlement agreement must include a notice specifying that although the parties may have agreed to keep the settlement and underlying facts confidential, such a provision in an agreement is unenforceable against the employer if the employee publicly reveals sufficient details of the claim so that the employer is reasonably identifiable. The legislation prohibits retaliation against an employee who refuses to enter into an agreement with an unenforceable provision.<sup>34</sup>

**NEW YORK** passed legislation to extend its 2018 law limiting NDAs in sexual harassment settlement agreements to more broadly limit NDAs in settlements relating to all discrimination claims. The 2019 legislation added additional protections for complainant's choosing to enter into an NDA, including requiring the provision be written in plain English and in the primary language of the employee and providing that the provision is void if it prevents the employee from participating with an agency's investigation or from disclosing facts necessary to receive public benefits.<sup>35</sup>

**OREGON** enacted legislation to prohibit an employer from entering into a settlement, separation, or severance agreement with an employee claiming to have been discriminated against (including harassed) or sexually assaulted when the agreement includes a nondisclosure or a nondisparagement provision that prevents the disclosure of factual information relating to discrimination, harassment, or sexual assault. An employer may enter into such an agreement only if the employee requests it and is given seven days to revoke the agreement.<sup>36</sup>

**TENNESSEE** enacted legislation to make void and unenforceable any provision in a settlement agreement entered into by a governmental entity that prohibits the parties from disclosing the details of the claim or the identities of people related to the claim. However, victims of sexual harassment, sexual assault, and other offenses, including sexual exploitation and domestic abuse, retain the ability to keep their identities confidential.<sup>37</sup>

**PROHIBITING NO-REHIRE PROVISIONS.** *No-rehire provisions in settlement agreements bar employees from ever working for their employer again. Such provisions may impact the individual's ability to be employed and disincentivize others from coming forward when they experience harassment. To address this problem, two states have limited the use of no-rehire provisions.*

## 2018

**VERMONT** enacted legislation to prohibit no-rehire provisions in sexual harassment settlements that prevent an employee from working again for the employer, or any parent company, subsidiary, division, or affiliate of the employer.<sup>38</sup>

## 2019

**OREGON** enacted legislation to prohibit no rehire provisions in agreements resolving claims of discrimination (including harassment) or sexual assault, unless the employee requests it and is given seven days after signing to revoke the agreement.<sup>39</sup>

**TRANSPARENCY ABOUT HARASSMENT CLAIMS.** *When employers resolve harassment claims out of public view, the lack of transparency can prevent accountability for broader reform. To remedy this, several jurisdictions have passed laws requiring the reporting or inspection of claims, complaints, investigations, resolutions, and/or settlements involving workplace harassment.*

## 2018

**ILLINOIS** enacted legislation to require reporting of discrimination, harassment, sexual harassment, and retaliation claims involving executive branch employees, vendors and others doing business with state agencies in the executive branch, board members and employees of the Regional Transit Boards, and all vendors and others doing business with the Regional Transit Boards. The reports must be made publicly available on each office's website.<sup>40</sup>

**MARYLAND** enacted legislation to require employers with 50 or more employees to complete a survey from the Maryland Commission on Civil Rights on the number of settlements made by or on behalf of the employer after an allegation of sexual harassment by an employee; the number of times the employer has paid a settlement to resolve a sexual harassment allegation against the same employee over the past 10 years of employment; and the number of sexual harassment settlements that included a provision requiring both parties to keep the terms of the settlement confidential. The aggregate number of responses from employers for each category of information will be posted on the Maryland Commission on Civil Rights' website. The number of times a specific employer paid a settlement to resolve a sexual harassment allegation against the same employee over the past 10 years of employment will be retained for public inspection upon request. Employers are required to submit these surveys by July 1, 2020, and July 1, 2022.<sup>41</sup>

Another new law requires each unit of the executive branch of the state government to submit information about its sexual harassment policies and prevention training and a summary of sexual harassment complaints filed, investigated, resolved, and pending in an annual report to the state Equal Employment Opportunity Coordinator and the Maryland Commission on Civil Rights.<sup>42</sup>

**NEW YORK CITY** enacted legislation to require all city agencies, as well as the offices of the Mayor, Borough Presidents, Comptroller, and Public Advocate, to annually report on complaints of workplace sexual harassment to the Department of Citywide Administrative Services. The Department is required to report the number of complaints filed with each agency; the number resolved; the number substantiated and not substantiated; and the number withdrawn by the complainant before a final determination. Information from agencies with 10 employees or less will be aggregated together. This information will be reported to the Mayor, the Council and the Commission on Human Rights, which will post it on its website.<sup>43</sup>

**VERMONT** enacted legislation to authorize the Attorney General and the State Human Rights Commission<sup>44</sup> to inspect workplaces and examine records upon 48 hours' notice, including records reflecting the number of sexual harassment complaints received and their resolutions, and policies, procedures, and training materials related to the prevention of sexual harassment.<sup>45</sup>

## 2019

**ILLINOIS** passed legislation to require every employer that had an adverse judgment or administrative ruling regarding sexual harassment or discrimination against it in the preceding year to disclose to the Department of Human Rights the total number of adverse judgments or rulings during the preceding year; whether any relief was ordered against the employer; and the number of rulings or judgments broken down by protected characteristic. This information will be published in an annual report available to the public, but the names of individual employers will not be disclosed. If the Department is investigating a charge of harassment or discrimination, it may request the employer provide the total number of settlements from the preceding five years relating to harassment or discrimination. Employers may not report the name of any victims of harassment or discrimination as part of these disclosures. These requirements remain in effect through January 1, 2030.<sup>46</sup>

**STOPPING FORCED ARBITRATION.** *Many employers compel their employees to waive their right to go to court to enforce their rights to be free from harassment and other forms of discrimination. They require employees instead to arbitrate any such disputes. Forced arbitration provisions funnel harassment claims into often secret proceedings where the deck is stacked against employees and can prevent employees from coming together as a group to enforce their rights. While federal law limits states' ability to legislate in this area, some states are working to limit employers' ability to force their employees into arbitration: many of these provisions will no doubt be challenged by employers in the courts.*

## 2018

**MARYLAND** enacted legislation to render void, except as prohibited by federal law, any provision in an employment contract, policy, or agreement that waives any substantive or procedural right or remedy related to a future claim of sexual harassment or retaliation for reporting sexual harassment.<sup>47</sup>

**NEW YORK** enacted legislation to prohibit mandatory arbitration to resolve allegations or claims of sexual harassment.<sup>48</sup>

**VERMONT** enacted legislation to prohibit employers, except as otherwise permitted by state or federal law, from requiring any employee or prospective employee to sign an agreement or waiver as a condition of employment that waives a

substantive or procedural right or remedy available to the employee with respect to a sexual harassment claim.<sup>49</sup>

**WASHINGTON** enacted legislation to make void and unenforceable any provisions requiring an employee to waive their right to publicly pursue a cause of action, or to publicly file a complaint with the appropriate state or federal agencies, relating to any cause of action arising under state or federal anti-discrimination laws, as well as any provision that requires an employee to resolve claims of discrimination in a confidential dispute resolution process.<sup>50</sup>

## 2019

**ILLINOIS** passed legislation to render void any provision that requires, as a condition of employment or continued employment, an employee or prospective employee waive, arbitrate, or diminish any claim of discrimination, harassment, or retaliation, unless the agreement is in writing; demonstrates actual, knowing, and bargained-for consideration from both parties; and acknowledges the employee's right to report allegations to the appropriate government agency or official, participate in agency proceedings, make truthful statements required by law, and request and receive legal advice.<sup>51</sup>

**NEW JERSEY** enacted legislation to make unenforceable provisions in employment contracts that waive any substantive or procedural right or remedy relating to discrimination, retaliation, or harassment claims. The legislation also specifically provides that no right or remedy under the New Jersey Law Against Discrimination or any other statute or case law can be prospectively waived. Retaliation against an employee who refuses to enter into an employment contract with an unenforceable provision is prohibited.<sup>52</sup>

**NEW YORK** passed legislation to extend its 2018 prohibition on forced arbitration to all discrimination claims.<sup>53</sup>

## REMOVING BARRIERS TO ACCESSING JUSTICE

**EXTENDING STATUTES OF LIMITATIONS.** *Short statutes of limitations can hamper the ability of individuals to bring harassment complaints, especially given the trauma of assault and other forms of harassment, which can impact the ability of individuals to take prompt legal action.*

## 2018

**NEW YORK CITY** enacted legislation to extend the statute of limitations for filing claims of gender-based harassment with the New York City Commission on Human Rights from one year to within three years after the alleged harassing conduct occurred.<sup>54</sup>

## 2019

**CONNECTICUT** enacted legislation to allow employees who have been subjected to discrimination, including harassment, 300 days to submit a complaint to the Connecticut Commission on Human Rights and Opportunities where previously they had only 180 days.<sup>55</sup>

**MARYLAND** enacted legislation to extend the statute of limitations for filing workplace harassment claims with the Commission on Human Relations from six months to two years, and from two years to three years for filing workplace harassment claims in court.<sup>56</sup>

**NEW YORK** passed legislation to extend the statute of limitations for filing workplace sexual harassment complaints with the Division of Human Rights from one to three years.<sup>57</sup>

**OREGON** enacted legislation to give employees who have experienced discrimination (including harassment) five years, instead of one, to file a complaint with the Bureau of Labor and Industries or a civil suit.<sup>58</sup>

**REVISING THE “SEVERE OR PERVASIVE” LIABILITY STANDARD.** *The requirement under federal law and most state laws that harassment be “severe or pervasive” in order to establish a hostile work environment claim has been interpreted by courts in such an unduly restrictive manner that only the most egregious conduct qualifies. These interpretations minimize and ignore the impact of harassment and severely undermine harassment victims’ ability to pursue claims, hold employers accountable, and obtain relief for the harm they have suffered. Two states have passed legislation seeking to address and correct these harmful interpretations.*

## 2018

**CALIFORNIA** enacted legislation to clarify the “severe or pervasive standard.” The law states that a single incident of harassment is sufficient to create a hostile work environment if the harassment has unreasonably interfered with the employee’s work performance or created an intimidating, hostile or offensive working environment. Moreover, a victim

need not prove that their productivity declined due to the harassment; it is sufficient to prove that the harassment made it more difficult to do the job. Additionally, the new law clarifies that a court must consider the totality of the circumstances in assessing whether a hostile work environment exists and that a discriminatory remark may contribute to this environment even if it is not made by a decision maker or in the context of an employment decision. Courts are to apply these standards to all workplaces, regardless of whether a particular occupation has been historically associated with a higher frequency of sexually related comments and conduct than other occupations.<sup>59</sup>

## 2019

**NEW YORK** passed legislation to explicitly remove the restrictive “severe or pervasive” standard for establishing a hostile work environment claim. Under the new standard, harassment is an unlawful discriminatory practice when it subjects an individual to inferior terms, conditions, or privileges of employment because of the individual’s membership in one or more protected categories. The law provides that an employee need not compare their treatment to that of another employee in order to state a claim. Employers can assert a defense to such a claim if they can show that the harassing conduct did not rise above what a reasonable person in the same protected class would consider petty slights or trivial inconveniences.<sup>60</sup>

**CLOSING A LOOPHOLE IN EMPLOYER LIABILITY.** *Under federal law and many state laws, employers can avoid liability for a supervisor’s harassment of subordinates if the employer can show that it took steps to prevent and address the harassment and that the employee did not take advantage of the employer’s available preventative or corrective measures, like reporting the harassment to the employer. In practice, this means that employers are able to evade liability by showing little more than they provide training or have a policy on the books, regardless of quality or efficacy. States have been working to close this judicially created loophole that is blocking harassment victims from obtaining justice.*

## 2019

**NEW YORK** passed legislation to provide that the fact that an individual did not make a complaint to the employer about harassment does not determine whether the employer is liable for the harassment.<sup>61</sup>

## **ENSURING EMPLOYER LIABILITY FOR SUPERVISOR**

**HARASSMENT.** *The Supreme Court's 2013 decision in Vance v. Ball State University limited victims' ability to obtain redress under federal law when they experience sexual harassment by low-level supervisors. That case held that when employees with the authority to direct daily work activities—but not the authority to hire, fire, and take other tangible employment action—harass their subordinates, their employers are no longer vicariously liable for that harassment. The Vance decision is grossly out of touch with the realities of the workplace, as supervisors with the authority to direct daily work activities can wield a significant amount of power over their subordinates. Many state courts follow federal law interpretations—and thus the Vance case—in interpreting their own state anti-harassment laws. Since 2018, two states have expanded employer accountability for harassment by lower-level supervisors.*

### **2018**

**DELAWARE** enacted legislation to hold employers responsible for sexual harassment by supervisors when the sexual harassment negatively impacts the employment status of an employee. A supervisor includes any individual who is empowered by the employer to take an action to change the employment status of an employee or who directs an employee's daily work activities.<sup>62</sup>

### **2019**

**MARYLAND** enacted legislation to make employers liable for harassment by individuals who have the power to make decisions regarding employees' employment status or by those who direct, supervise, or evaluate employees. An employer is also liable if its negligence led to the harassment directly or allowed the harassment to continue.<sup>63</sup>

## **REDRESSING HARM TO VICTIMS OF HARASSMENT.**

*Compensatory damages can compensate victims of harassment for out-of-pocket expenses and emotional harm caused by harassment, and punitive damages awarded to victims punish employers who acted maliciously or recklessly in engaging in harassment. However, compensatory and punitive damages are capped in harassment and other discrimination cases under federal law and many state laws; in some states, they are not available at all. Limiting these damages means that individuals who have experienced egregious sexual harassment may not be fully compensated for their injuries, and employers are less incentivized to prevent harassment before it happens.*

### **2019**

**NEW YORK**, which previously provided for uncapped compensatory damages in discrimination claims, but did not authorize punitive damages, passed legislation authorizing punitive damages, without limitation on the amount, for all employment discrimination actions brought against a private employer.<sup>64</sup>

## **PROMOTING PREVENTION STRATEGIES**

*While Title VII has been interpreted to provide employers with an incentive to adopt sexual harassment policies and training, it has created a situation where employers effectively are able to shield themselves from liability by having any anti-harassment policy or training, regardless of quality or efficacy. Employer anti-harassment training and policies have been largely ineffective in preventing harassment in the first instance in part because they are not mandatory, and because they are focused on compliance with the law, instead of preventing harassment.*

**REQUIRING ANTI-HARASSMENT TRAINING.** *Effective training, especially when tailored to the specific workplace and workforce, can reduce workplace harassment. Several jurisdictions have passed legislation requiring training for employees and in some cases mandating the content.*

### **2018**

**CALIFORNIA**, which previously only required employers with 50 or more employees to provide sexual harassment training to supervisory employees once every two years, enacted legislation expanding the requirement so that employers with five or more employees are now required to provide at least two hours of interactive sexual harassment training and education to all supervisory employees, and at least one hour of such training to all nonsupervisory employees in California within six months of their assumption of a position, by January 1, 2020.<sup>65</sup> After January 1, 2020, employers must provide the required training to each employee once every two years.<sup>66</sup> California also enacted legislation that authorizes, but does not require, employers to provide bystander intervention training.<sup>67</sup>

**DELAWARE** enacted legislation to require employers with 50 or more employees to provide interactive sexual harassment prevention training and education to employees and supervisors within one year of beginning employment and

every two years thereafter. Employers are required to provide additional interactive training for supervisors addressing their specific responsibilities to prevent and correct sexual harassment and retaliation.<sup>68</sup>

**ILLINOIS** enacted legislation to require professions that have continuing education requirements to include at least one hour of sexual harassment prevention training in their continuing education requirements.<sup>69</sup>

**MARYLAND** enacted legislation to require the state Ethics Commission to provide a training course for current and prospective regulated lobbyists at least twice each year on the provisions of the Maryland Public Ethics Law, including provisions related to discrimination and harassment, relevant to regulated lobbyists.<sup>70</sup>

**NEW YORK** enacted legislation to require New York's Department of Labor to develop a model sexual harassment prevention training program, and to require all employers to conduct annual interactive training using either the state model or a model that meets state standards.<sup>71</sup>

**NEW YORK CITY** enacted legislation to require employers with 15 or more employees to conduct annual anti-sexual harassment interactive trainings for all employees, including supervisory and managerial employees. The training must include information concerning bystander intervention and the specific responsibilities of supervisory and managerial employees in addressing and preventing sexual harassment and retaliation.<sup>72</sup> New York City also now requires all city agencies, the offices of Mayor, Borough Presidents, Comptroller, and Public Advocate to conduct annual anti-sexual harassment trainings for all employees.<sup>73</sup>

**VERMONT** enacted legislation to provide that, at the Attorney General's or the Human Rights Commission's discretion, an employer may be required, for a period of up to three years, to provide an annual education and training program to all employees or to conduct an annual, anonymous climate survey, or both.<sup>74</sup>

## 2019

**CONNECTICUT**, which previously only required employers with 50 or more employees to train supervisory employees, enacted legislation to require all employers with three or more employees to provide sexual harassment training to every employee and to require those with fewer than three employees to provide training to supervisory employees. Employers must also provide employees with supplemental

training at least every 10 years. The Connecticut Commission on Human Rights and Opportunities (CHRO) is required to create and make available at no cost to employers an online training and education video or other interactive method of training that fulfills these requirements.<sup>75</sup>

**ILLINOIS** passed legislation to require the Department of Human Rights to produce a model sexual harassment prevention training program to be made available to employers and to the public online at no cost. The program must include an explanation of sexual harassment; examples of conduct that qualifies as sexual harassment; a summary of relevant state and federal provisions and remedies; and a summary of employers' responsibility in preventing, investigating, and correcting sexual harassment. All private employers in the state must use this model or create their own program that equals or exceeds the model's standards. Employers must provide this training at least once a year to all employees.<sup>76</sup>

### **REQUIRING STRONG ANTI-HARASSMENT POLICIES.**

***Anti-harassment policies are merely encouraged, not required, by federal law. As a result, many employers lack anti-harassment policies, particularly smaller organizations without the resources to engage legal and human resource experts to develop them. In response, several jurisdictions passed legislation requiring public and private employers to have anti-harassment policies or directing state agencies to develop model policies for broader use.***

## 2018

**ILLINOIS** enacted legislation to require companies bidding for state contracts to have a sexual harassment policy.<sup>77</sup> Additionally, individuals and entities required to register under the Lobbyist Registration Act must file a statement confirming that, among other things, they have a sexual harassment policy.<sup>78</sup>

**NEW YORK** enacted legislation to require its Department of Labor to create and publish a model sexual harassment prevention guidance document and sexual harassment prevention policy that employers may utilize in their adoption of a sexual harassment prevention policy.<sup>79</sup> It also enacted legislation to require bidders on state contracts to certify as part of the bidding process that the bidder has implemented a written policy addressing workplace sexual harassment prevention and provides annual sexual harassment prevention training to all of its employees. If a bidder is unable to make this certification, they must provide a signed statement explaining why.<sup>80</sup>

**VERMONT** enacted legislation to require employers to provide employees with a written copy of any changes to their sexual harassment policies.<sup>81</sup>

**WASHINGTON** enacted legislation to establish a state women's commission to address several issues, including best practices for sexual harassment policies, training, and recommendations for state agencies to update their policies.<sup>82</sup> Additionally, the state equal employment opportunity commission is required to convene a working group to develop model policies and best practices to prevent sexual harassment in the workplace, including training, enforcement, and reporting mechanisms.<sup>83</sup>

## 2019

**NEW YORK** passed legislation requiring the Department of Labor to evaluate the impact of its current model sexual harassment prevention guidance document and sexual harassment prevention policy every four years. After the evaluation, the Department must update the guidance document and policy as needed.<sup>84</sup>

**OREGON** enacted legislation to require all employers to adopt a written policy to reduce and prevent discrimination (including harassment) and sexual assault. The policy must provide, among other things, a process for an employee to report discrimination and sexual assault and statements outlining the statute of limitations and the prohibition on NDAs. Additionally, the law requires the Bureau of Labor and Industry to make model procedures and policies available on its website, which employers may use to establish their own policies.<sup>85</sup>

**REQUIRING CLIMATE SURVEYS.** *A climate survey is a tool used to assess an organization's culture by soliciting employee knowledge, perceptions, and attitudes on various issues. Anonymous climate surveys can help management understand the true nature and scope of harassment and discrimination in the workplace, inform important issues to be included in training, and identify problematic behavior that may be addressed before it leads to formal complaints or lawsuits.*

## 2018

**NEW YORK CITY** enacted legislation to require all city agencies, as well as the offices of the Mayor, Borough Presidents, Comptroller, and the Public Advocate, to conduct climate surveys to assess the general awareness and knowledge of the city's equal employment opportunity

policy, including but not limited to sexual harassment policies and prevention at city agencies. Additionally, the new law requires all New York City agencies and the offices of the Mayor, Borough Presidents, Comptroller, and Public Advocate to assess workplace risk factors associated with sexual harassment.<sup>86</sup>

**VERMONT** enacted legislation to provide that, at the Attorney General's or the Human Rights Commission's discretion, an employer may be required, for a period of up to three years, to provide an annual education and training program to all employees or to conduct an annual, anonymous climate survey, or both.<sup>87</sup>

**REQUIRING NOTICE OF EMPLOYEE RIGHTS.** *No workplace anti-harassment or anti-discrimination law will be truly effective if working people are unaware of the laws and their protections. The stark power imbalances that often exist between an employee and the employer make it difficult for working people to feel safe enough to speak up about workplace abuses. Requiring employers to post or otherwise share with employees information about their rights can help employees better assert those rights.*

## 2018

**CALIFORNIA<sup>88</sup>, DELAWARE<sup>89</sup>, ILLINOIS<sup>90</sup>, NEW YORK CITY<sup>91</sup>, AND VERMONT<sup>92</sup>** all enacted legislation to require employers to post or otherwise share with employees information about employees' rights to be free from sexual harassment.

**LOUISIANA** enacted legislation to require establishments that have been licensed by the state to serve or sell alcohol to distribute an informational pamphlet to their employees with information on identifying and responding to sexual harassment and assault.<sup>93</sup>

## 2019

**CONNECTICUT** enacted legislation to require an employer to either provide its employees, within three months of their start date, with a copy of its sexual harassment policy via email, or to post the policy on their website and provide employees with a link to the Connecticut Commission on Human Rights and Opportunities' sexual harassment website.<sup>94</sup>

**NEW YORK** passed legislation to require employers to provide their employees with the employer's sexual harassment prevention policy and information presented at their sexual harassment prevention training program at the time of hiring and at every annual training. The policy and training

## INDUSTRY-SPECIFIC NEEDS, INDUSTRY-SPECIFIC SOLUTIONS: PANIC BUTTONS FOR HOTEL WORKERS

Some industries may require unique solutions to addressing sexual harassment and violence given the nature of the work or working conditions. For many years, hotel workers and labor unions, like UNITE HERE!, have been organizing and pushing for policies that take into account how the often isolated nature of hotel work leaves workers particularly vulnerable to sexual harassment and assault, including by hotel guests. This organizing has led cities across the country to pass ordinances requiring hotels to provide workers with panic buttons that they can use to call for help if sexually harassed or assaulted or otherwise put in danger.<sup>97</sup>

Since #MeToo went viral, several states, including **Washington, Illinois, and New Jersey** in 2019, have now passed legislation requiring hotels to provide employees panic buttons.<sup>98</sup> Washington's law also applies to retail, security guard entity, and property services contractors and Illinois' law also covers casinos.

information must be presented in English and in the employee's primary language if the commissioner on labor offers model policies in the employee's primary language.<sup>95</sup>

**OREGON** enacted legislation to require employers to make their discrimination and sexual assault policies available to employees in the workplace and provide a copy at the time of hire and when an employee discloses information about discrimination and harassment to the employee authorized to receive complaints.<sup>96</sup>

## THE FIGHT FOR JUSTICE AND ACCOUNTABILITY IS FAR FROM OVER

As the Me Too movement has made clear, the laws and systems in place designed to address harassment have been inadequate. While much progress has been made in the last nearly two years, policymakers must continue to strengthen protections and fill gaps in existing law and policy to better protect working people, promote accountability, and prevent harassment.<sup>99</sup>

- 1 At the time we published our last report on workplace harassment reforms, *#MeTooOneYearLater: Progress in Catalyzing Change to End Workplace Harassment*, 11 states had enacted MeToo workplace reforms in 2018. However, the Michigan legislature's adoption in September 2018 of an initiative raising the state tipped minimum wage to be equal to the regular minimum wage by 2024 proved to be designed solely to prevent this initiative from being on the November 2018 ballot. After the November election, the legislature amended the legislation so that Michigan's tipped minimum wage will remain equal to 38 percent of the regular minimum wage.
- 2 PERRY UNDEM RESEARCH/COMM. and GBA STRATEGIES, *Voters' Priorities for the New Congress* (Mar. 14, 2019), <https://nwl.org/resources/nwlc-survey-finds-overwhelming-support-for-gender-justice-policies/>.
- 3 See NAT'L WOMEN'S LAW CTR., *State Playbook for Gender Equity, Advance Workplace Equality in Your State* (July 2018), <https://nwl.org/resources/advance-workplace-equality-in-your-state>.
- 4 BE HEARD IN THE WORKPLACE ACT, S. 1082, 116th Cong. (2019).
- 5 H. Substitute No. 1 for H.B. 360, 149th Gen. Assemb., Reg. Sess. (Del. 2018).
- 6 S.B. 7507C, § 296-d, subpart F, 2017-2018 Leg. Sess. (N.Y. 2018).
- 7 VERMONT ACT 183, H.707, § 1, 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 8 S.B. 0075, 101st Gen. Assemb. (Ill. 2019).
- 9 H.B. 679, 2019 Reg. Sess. (Md. 2019).
- 10 A. 8421, § 4, 2019-2020 Reg. Sess. (Ny. 2019).
- 11 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. No. 657-A (2018).
- 12 H.B. 679, 2019 Reg. Sess. (Md. 2019).
- 13 A. 8421, § 1, 2019-2020 Reg. Sess. (Ny. 2019) (amended by S. 6594, 2019-2020 Reg. Sess. (Ny. 2019)).
- 14 H.B. 2020, 53rd Leg., 2nd Reg. Sess. (Ariz. 2018).
- 15 S.B. 1300, § 4(a), 2017-2018 Reg. Sess. (Cal. 2018).
- 16 *Id.* at § 4(c).
- 17 DISCLOSING SEXUAL HARASSMENT IN THE WORKPLACE ACT OF 2018, S.B. 1010, § 1, 2018 Gen. Assemb., Reg. Sess. (Md. 2018).
- 18 H.B. 2613, 110th Gen. Assemb., Reg. Sess. (Tenn. 2018).
- 19 VERMONT ACT 183, H.707, § 1, 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 20 S.B. 5996, 65th Leg., 2018 Reg. Sess. (Wash. 2018).
- 21 S.B. 6068, 65th Leg., 2018 Reg. Sess. (Wash. 2018).
- 22 S.B. 0075, 101st Gen. Assemb. (Ill. 2019).
- 23 S. 121, § 2, 2018-2019 Reg. Sess. (Nj. 2019); see also N.J. STAT. § 10:5-12.8 (2019).
- 24 A. 8421, § 7, 2019-2020 Reg. Sess. (Ny. 2019).
- 25 S.B. 726, § 2, 80th Leg., Reg. Sess. (Or. 2019).
- 26 H.B. 1820, 2019 Reg. Sess. (Va. 2019); see also VA. CODE ANN. § 40.1-28.01 (2019).
- 27 H.B. 2020, 53rd Leg., 2nd Reg. Sess. (Ariz. 2018).
- 28 S.B. 820, 2017-2018 Reg. Sess. (Cal. 2018).
- 29 N.Y. C.P.L.R. 5003-b (McKinney).
- 30 VERMONT ACT 183, H.707, § 1(h), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 31 S.B. 0075, 101st Gen. Assemb. (Ill. 2019).
- 32 H.B. 197, 2019 Reg. Sess. (La. 2019); see also LA. REV. STAT. § 13:5109.1 (to be enacted Aug. 2019).
- 33 A.B. 248, 80th Leg. (Nv. 2019).
- 34 S. 121, § 2, 2018-2019 Reg. Sess. (Nj. 2019); see also § 10:5-12.8.
- 35 A. 8421, § 7, 2019-2020 Reg. Sess. (Ny. 2019).
- 36 S.B. 726, § 2, 80th Leg., Reg. Sess. (Or. 2019).
- 37 H.B. 594, 111th Gen. Ass. (Tn. 2019).
- 38 VERMONT ACT 183, H.707, § 1(h), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 39 S.B. 726, § 2, 80th Leg., Reg. Sess. (Or. 2019).
- 40 H.B. 138, 100th Gen. Assemb., 2nd Reg. Sess. (Ill. 2018); see also State Officials and Employees Ethics Act, 5 Ill. Comp. Stat. Ann. 430/20-10(c) (Ill. 2003).
- 41 DISCLOSING SEXUAL HARASSMENT IN THE WORKPLACE ACT OF 2018, S.B. 1010, § 2, 2018 Gen. Assemb., Reg. Sess. (Md. 2018).
- 42 H.B. 1228, 2018 Gen. Assemb., Reg. Sess. (Md. 2018).
- 43 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. No.653-A (2018).
- 44 Additionally, every person who files a claim of sexual harassment must notify the Attorney General and the Human Rights Commission of the action within 14 days of filing the complaint. VERMONT ACT 183, H. 707, § 7(a), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 45 VERMONT ACT 183, H. 707, § 1 (i)(1)(A); 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 46 S.B. 0075, 101st Gen. Assemb. (Ill. 2019).
- 47 DISCLOSING SEXUAL HARASSMENT IN THE WORKPLACE ACT OF 2018, S.B. 1010, § 1(A), 2018 Gen. Assemb., Reg. Sess. (Md. 2018).
- 48 S.B. 7507C § 296-d, subpart B, 2017-2018 Leg. Sess. (N.Y. 2018).
- 49 VERMONT ACT 183, H. 707, § 1(g), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 50 S.B. 6313, 65th Leg., 2018 Reg. Sess. (Wash. 2018).
- 51 S.B. 0075, 101st Gen. Assemb. (Ill. 2019).
- 52 S. 121, § 1, 2018-2019 Reg. Sess. (Nj. 2019); see also § 10:5-12.7.
- 53 A. 8421, § 8, 2019-2020 Reg. Sess. (Ny. 2019).
- 54 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. No. 663-A (2018).
- 55 S.B. 3, § 6, 2019 Gen. Assemb. (Conn. 2019).
- 56 H.B. 679, 2019 Reg. Sess. (Md. 2019).
- 57 A. 8421, § 13, 2019-2020 Reg. Sess. (Ny. 2019).
- 58 S.B. 726, § 5, 80th Leg., Reg. Sess. (Or. 2019).
- 59 S.B. 1300, § 1, Reg. Sess. 2017-2018 (Cal. 2018); see also CAL. GOV'T CODE § 12923 (2018).
- 60 A. 8421, § 13, 2019-2020 Reg. Sess. (Ny. 2019).
- 61 A. 8421, § 2, 2019-2020 Reg. Sess. (Ny. 2019).

- 62 H. Substitute No. 1 for H.B. 360, 149th Gen. Assemb., Reg. Sess. (Del. 2018).
- 63 H.B. 679, 2019 Reg. Sess. (Md. 2019).
- 64 A. 8421, § 5, 2019-2020 Reg. Sess. (Ny. 2019).
- 65 The California Department of Fair Employment and Housing must develop or obtain two online, interactive training courses on the prevention of sexual harassment in the workplace and make them available on the Department's website. S.B. 1343, 2017-2018 Reg. Sess. (Cal. 2018).
- 66 S.B. 1343, 2017-2018 Reg. Sess. (Cal. 2018).
- 67 S.B. 1300, § 3, 2017-2018 Reg. Sess. (Cal. 2018).
- 68 H. Substitute No. 1 for H.B. 360, 149th Gen. Assemb., Reg. Sess. (Del. 2018).
- 69 H.B. 4953, 100th Gen. Assemb., Reg. Sess. (Ill. 2018).
- 70 H.B. 1342, 2018 Gen. Assemb., Reg. Sess. (Md. 2018).
- 71 S.B. 7507C § 296-d, subpart E, 2017-2018 Leg. Sess. (N.Y. 2018).
- 72 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. 632-A (2018).
- 73 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. 612-A (2018).
- 74 VERMONT ACT 183, H.707, § 1 (i)(2), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 75 S.B. 3, § 15, 2019 Gen. Assemb. (Conn. 2019).
- 76 S.B. 0075, 101st Gen. Assemb. (Ill. 2019).
- 77 S.B. 405, 100th Gen. Assemb., Reg. Sess. (Ill. 2018).
- 78 S.B. 402, § 20, 100th Gen. Assemb., Reg. Sess. (Ill. 2017). The policy must be made available to any individual within two business days upon written request. Additionally, any person may contact the authorized agent of the registrant to report allegations of sexual harassment, and that the registrant recognizes the Inspector General has jurisdiction to review any allegations of sexual harassment alleged against the registrant or lobbyists hired by the registrant. *Id.*
- 79 S.B. 7507C § 296-d, subpart E, 2017-2018 Leg. Sess. (N.Y. 2018).
- 80 *Id.* at § 296-d, subpart A.
- 81 VERMONT ACT 183, H.707, § 1(c)(2), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 82 H.B. 2759, 65th Leg., 2018 Reg. Sess. (Wash. 2018).
- 83 S.B. 6471, 65th Leg., 2018 Reg. Sess. (Wash. 2018).
- 84 A. 8421, § 14, 2019-2020 Reg. Sess. (Ny. 2019).
- 85 S.B. 726, § 3, 80th Leg., Reg. Sess. (Or. 2019).
- 86 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. No.613-A (2018).
- 87 VERMONT ACT 183, H.707, § 1(i)(2), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 88 S.B. 1343, § 1(a)(1), 2017-2018 Reg. Sess. (Cal. 2018).
- 89 H. Substitute No. 1 for H.B. 360, 149th Gen. Assemb., Reg. Sess. (Del. 2018).
- 90 2018 Ill. Legis. Serv. P.A. 100-588 (H.B. 138).
- 91 NEW YORK, N.Y., STOP SEXUAL HARASSMENT IN NYC ACT, Int. No. 614-A. (2018).
- 92 VERMONT ACT 183, H.707, § 5(a), 2017-2018 Gen. Assemb., Reg. Sess. (Vt. 2018).
- 93 LA. ACT 706, H.B. 899, 2018 Reg. Sess. (La. 2018).
- 94 S.B. 3, § 15, 2019 Gen. Assemb. (Conn. 2019).
- 95 A. 8421, § 11, 2019-2020 Reg. Sess. (Ny. 2019).
- 96 S.B. 726, § 3, 80th Leg., Reg. Sess. (Or. 2019).
- 97 Julie Jacobs, *Hotels See Panic Buttons as #MeToo Solution for Workers. Guest Bans? Not So Fast.*, N.Y. TIMES (Nov. 11, 2018), <https://www.nytimes.com/2018/11/11/us/panic-buttons-hotel-me-too.html>
- 98 S.B. 5258, 66th Leg., Reg. Sess. (Wa. 2019); S.B. 0075, 101st Gen. Assemb. (Ill. 2019); S. 2986, 2018-2019 Reg. Sess. (Nj. 2019).
- 99 Maya Raghu & JoAnna Suriani, NAT'L WOMEN'S LAW CTR., *#MeTooWhatNext: Strengthening Workplace Sexual Harassment Protections and Accountability*, Dec. 2017, <https://nwlc.org/resources/metoowhatnext-strengthening-workplace-sexual-harassment-protectionsand-accountability>.