



FOR GENDER EQUITY

PREVENT SEXUAL HARASSMENT IN YOUR STATE

As the Me Too movement has made clear, sexual harassment is widespread, affecting working women in every state, in nearly every kind of workplace setting and industry, and at every level of employment. But sexual harassment, which includes sexual violence, 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. For women of color, immigrants, and LGBTQ people who experience harassment based on multiple intersecting identities, harassment perpetuates inequality along multiple dimensions.

Our communities want policies that prevent and redress sexual harassment so everyone can succeed in school, get good jobs, and lead healthy and productive lives. The demand for change has never been more urgent; the Me Too movement has sparked immense energy and momentum to transform our laws, institutions, and culture. Recent polls show that high percentages of voters, and millennial women in particular, see sexual harassment in the workplace as a serious problem and want leaders who make addressing sexual harassment a priority.

Women and Girls Need Policies That Will Allow Them to Live, Learn, and Work Safely and With Dignity

Sexual harassment stands in the way of equal opportunity and economic stability, and the right to live with dignity and autonomy. Sexual harassment in school and at work makes its targets, the overwhelming majority of whom are women and girls, feel unsafe and unwelcome, interferes with their ability to be productive and successful, and hurts their short- and long-term mental and physical health. Sexual harassment, and schools and employers failing to address harassment or retaliating against victims, contribute to women and girls being pushed out of school and out of their jobs. And it can lead women and girls to avoid or leave a profession or industry altogether—often times higher-paying, male-dominated professions—which perpetuates the gender wage gap. Harassment and assault by health care providers can result in physical and psychological harm and prevent patients from accessing the health care they need.

Gaps in state and federal laws have left many of those most vulnerable to sexual harassment without meaningful legal protections. And the legal protections that do exist have frequently been inadequate to incentivize schools and employers to take steps to prevent and promptly address harassment. Too often, harassers are not being held accountable by schools, employers, or health care

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institutions. Instead, the survivor suffers retaliation for reporting the harassment and is pushed out of school or work or left unable to access health care. This leads high percentages of working people and students not to report harassment.

A legislative agenda that addresses sexual harassment at school, at work, and in health care can harness the energy of the Me Too movement to make real, lasting change. 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.

Policies that will work together to combat sexual harassment and increase equality and opportunity for women and girls include:

Stopping and Preventing Workplace Sexual Harassment:

Everyone deserves dignity, respect, and safety at work. But sexual harassment is widespread—at least 25 percent, and as many as 85 percent, of women surveyed report having experienced sexual harassment at work. Longstanding gaps in federal and state law, and judicial decisions undermining existing protections and their enforcement, have stymied efforts to address and prevent persistent workplace sexual harassment. These gaps put certain workers—particularly those in low-wage jobs, women, and immigrants—at increased risk of harassment and retaliation with little or no legal recourse. States can take the lead in protecting more workers, increasing victims' access to justice, promoting accountability, and preventing harassment. These reforms should expand anti-harassment protections to independent contractors and employees of small employers; improve victims' access to justice and ability to hold employers and individual harassers accountable; redress the harm caused by harassment by improving recovery of monetary damages; restrict employers' efforts to impose secrecy regarding harassment, such as through nondisclosure agreements; and emphasize prevention strategies, including mandatory sexual harassment training and ensuring tipped workers are entitled to the same minimum wage as other workers, so women do not have to tolerate harassment as the price of tips.

Preventing Sexual Harassment and Assault in K-12 and Higher Education: Prevention is key to stopping sexual harassment and violence before it becomes an issue.

Learning whether students feel safe, welcome, and valued in school is key to identifying what a school is doing right to prevent a hostile environment and where there is room for improvement.

Students should be taught about consent and healthy relationships from an early age. And because victim-blaming norms may be ingrained in educational institutions, educators must be taught to unlearn certain behaviors and biases. States can help schools prevent harassment and assault by promoting the use of regular school climate surveys, requiring age-appropriate consent and healthy relationship education in K-12, and requiring educators to receive ongoing training to recognize implicit biases and implement trauma-informed approaches in the classroom.

Ending School Discipline Practices That Blame Girls for the Harassment They Experience:

No student should have to put up with harassment to get a good education. Yet, too many schools maintain policies that have the effect of punishing students for reporting harassment or that seem to hold girls responsible for preventing others from harassing them. For example, dress codes that regulate clothing based on the assumption that girls' bodies are a "distraction" to boys not only send the message that what students look like is more important than what they think, but also that students that dress a certain way are somehow asking to be harassed or assaulted. States should restrict schools' use of strict and gendered dress codes. States should also ensure schools apply amnesty policies for students who may fear reporting harassment or an assault when doing so would reveal they violated a student code, such as a rule against drinking, or a rule prohibiting consensual sexual contact between students. Finally, states should ensure harassment investigations and disciplinary hearings are fair and equitable for both those alleging harassment and those who are the subject of complaints.

Ensuring Patients are Protected from Sex Discrimination, Including Sexual Assault and Sexual Harassment:

All patients should be able to get the care they need free from discrimination, which includes being free from sexual harassment and sexual assault by their health care providers. But across the country, patients are saying Me Too and sharing their stories of sexual assault and harassment. Sexual assault and sexual harassment by health care providers is devastating to patient health and well-being, and also constitutes unlawful sex-discrimination in health care. States can step up and put patients first by enhancing protections for patients and explicitly prohibiting health care providers from sexually harassing or assaulting their patients.