



POLICY BRIEF

ENSURE SAFE AND THRIVING WORKPLACES

THE PROBLEM

As the Me Too movement has made clear, workplace harassment, [including sex harassment](#), is a widespread form of discrimination, affecting working people in every state, in every kind of workplace setting and industry, and at every level of employment. Although people of all genders experience sex harassment and assault, women, including trans and cisgender women, as well as gender-nonconforming and nonbinary people are disproportionately affected. Workplace harassment holds women and gender-nonconforming and nonbinary people back, threatens their safety, health, and economic opportunities, and excludes many from public life. Workers who are less economically secure are at the greatest risk of facing harassment, especially those holding one or more marginalized identities: workers in [low-paid jobs](#); Black women and other women of color; LGBTQI+ people; immigrant workers; and people with disabilities.

[Gaps in state and federal laws](#), as well as judicial misinterpretation, have left many of those at the greatest risk of workplace harassment without meaningful legal protections, made it difficult for survivors to hold employers and individual harassers accountable, and allowed the proliferation of employer-driven agreements that help hide the true extent of harassment and shield serial harassers from accountability. Federal law and most state laws also focus largely on remedying harassment after the fact, with little emphasis on preventing harassment in the first instance. Broader structural reforms are also needed to correct the power imbalances that enable harassment in the first place.

THE SOLUTION

Policy initiatives to address workplace harassment and discrimination, like those below, must address all forms of harassment, not only harassment based on sex (which includes sexual orientation and gender identity). Harassment based on sex often intersects with, and reinforces, discrimination based on other protected characteristics, like race, disability, religion, age, or national origin. For example, a Black woman may experience harassment based on specific, hypersexualized stereotypes that are unique to Black women and are not imposed on women generally or Black people generally. And she might be the target of sexual comments interlaced with racial epithets. Policies that single out or remedy one form of harassment therefore leave workers holding multiple marginalized identities without adequate protection.

- **Amend anti-discrimination laws, including laws prohibiting harassment, to protect independent contractors, interns, graduate students, and guestworkers, in addition to employees.** Reduce the employer size thresholds for such laws so that workers in all workplaces with at least one employee are protected.
- **Extend the statute of limitations for workplace harassment and discrimination claims to at least three years,** so that victims dealing with the trauma and other impacts of harassment and/or the fear of reporting do not lose the opportunity to seek justice because of a short time limit.
- **Address the judicially created “severe or pervasive” liability standard for establishing a hostile work environment claim** to correct and prevent unduly restrictive court interpretations and ensure that legal protections align with the reality of workplace behavior.
- **Allow complete redress of the harm caused by harassment and discrimination** by removing predetermined caps on the amount of compensatory and punitive damages a plaintiff can recover in a lawsuit.
- **Strengthen protections against employer retaliation**—for example, by shifting the burden of proof onto employers to show that an adverse action was not motivated by retaliatory intent; codifying specific actions that constitute retaliation, such as contacting or threatening to contact immigration authorities or assessing demerits; and requiring anti-retaliation training for employees and supervisors.
- **Enact or strengthen laws that protect survivors who speak up about harassment** from retaliatory defamation suits from their employers, also known as [Strategic Lawsuits Against Public Participation \(SLAPPs\)](#).
- **Prohibit employers from requiring employees to sign nondisclosure or nondisparagement agreements** that prevent employees from speaking about harassment and discrimination in the workplace as a condition of employment, and limit the use of such clauses in settlement agreements.
- **Eliminate the tipped minimum wage to ensure tipped workers are entitled to the same minimum wage** as other workers, so workers do not have to tolerate harassment as the price of tips.
- **Require employers to regularly report to a state or local enforcement agency the number of claims, complaints, judgments, and settlements** involving harassment and discrimination and the amounts paid, to alleviate secrecy around harassment and discrimination and encourage employers to implement prevention efforts proactively.
- **Fully fund enforcement agencies, legal services, and community-based organizations** that serve survivors.

TALKING POINTS ON THE SOLUTION

- **We all want to be safe and respected at work**, but sex harassment holds women and LGBTQI+ people back, threatens their safety, health, and [economic security and opportunities](#), and excludes them from public life.
- **Harassment is about power and control and is a product of systemic power imbalances in the workplace.** By protecting workers who speak out, holding harassers accountable, and increasing workers' economic security, we can begin to correct the power disparities that allow harassment to go unchecked.
- **Harassment harms women, families, businesses, and the broader economy.** Sex harassment leads to reduced employee job satisfaction, increased absenteeism, and deterioration of co-worker relationships. Harassment and retaliation can push women out of their jobs or lead them to avoid or leave a profession or industry altogether. This, in turn, exacerbates the gender wage gap and limits women's ability to provide for their families, build wealth and plan for the future.

PUBLIC POPULARITY

- Nearly half (46%) of voters in a [national poll](#) said that efforts to address sexual harassment in the workplace have made progress but haven't achieved their goals.
- [Six out of 10](#) (62%) U.S. adults have a favorable view of legislation to allow workers who signed an NDA to speak out about sexual misconduct, and [most adults](#) (53%) support removing limits on the amount of money plaintiffs can be awarded in anti-discrimination suits.

STATES THAT HAVE PASSED THESE POLICIES

- Since 2018, [25 states and the District of Columbia](#) have enacted legislation that closes loopholes in existing harassment laws or creates new protections for victims of harassment and discrimination, including Tennessee, Kentucky, Virginia, Utah, Maryland, Vermont, and California. These reforms have taken critical steps toward expanding protections to more workers, making it easier to file claims, and strengthening safeguards against retaliation—but there is still much more work to be done.