



POLICY AGENDA

STOP SEX HARASSMENT

As the Me Too movement has made clear, [sex harassment is widespread](#), affecting working people in every state, in nearly every kind of workplace setting and industry, and at every level of employment. [Low-paid workers](#) and those holding one or more marginalized identities—Black women and other women of color; LGBTQI+ people; migrant and immigrant women; and disabled women—are at the greatest risk of harassment.

In addition, sex harassment, which includes sexual violence, doesn't just happen in the workplace, and it doesn't just affect adults. Patients experience sex harassment at the [hands of health care providers](#). And too many students experience sex harassment in [elementary and secondary schools](#) and [in college](#)—on campus, off campus, and online. Indeed, the treatment and behavior students experience from their peers, teachers, and administrators ultimately shape workplace norms about gender, race, consent, and accountability.

In each of these contexts, sex harassment threatens the safety and health of women and girls and limits their economic opportunities. Sex harassment can hurt girls' ability to [succeed at school](#) and lead women and girls to [avoid or leave a field of study, profession, or industry](#) altogether—which perpetuates the gender wage gap. These impacts are especially felt by women and girls of color, LGBTQI+ people, and disabled women and girls who are [more likely](#) to experience sex harassment, and yet too often are not provided adequate support from schools or employers because of discriminatory stereotypes that suggest they are less credible and deserving of care and protection. And [sexual harassment by health care providers](#) damages the patient-provider relationship, can create long-lasting trauma and mental health harms, and can prevent women, girls, and LGBTQI+ people from seeking care in the future.

WOMEN AND GIRLS NEED POLICIES THAT WILL ALLOW THEM TO LIVE, LEARN, AND WORK SAFELY AND WITH DIGNITY

Gaps in state and federal laws have left many of those most vulnerable to sex harassment without meaningful legal protections. And the legal protections that do exist have frequently been inadequate to incentivize schools, employers, and health care institutions to take steps to prevent and promptly address harassment. Too often, as a result, harassers are not held accountable. Instead, the survivor suffers retaliation for reporting the harassment and is pushed out of school or work or left unable to access health care. Fear of retaliation is a [leading reason](#) why people do not report harassment.

Workers, students, and patients are organizing and demanding better of employers, schools, and health care providers—and our state policymakers must do the same. [Polling shows](#) that 65% of people feel the government is doing too little or at least somewhat too little to address the problem of sexual misconduct. Workers and communities want policies that prevent and redress sex harassment so everyone can learn, work, and live in a healthy and respectful environment.

POLICIES THAT WILL WORK TOGETHER TO COMBAT SEX HARASSMENT AND INCREASE EQUALITY AND OPPORTUNITY FOR WOMEN AND GIRLS INCLUDE:

Stopping Workplace Sex Harassment. Everyone deserves dignity, respect, and safety at work. But workplace sex harassment is [widespread](#), and longstanding gaps in federal and state laws have stymied efforts to address and prevent it. These gaps put women—particularly those in low-paid jobs, women of color, disabled people, and migrants—at increased risk of harassment and retaliation with little or no legal recourse. **States can take the lead** in protecting more workers, increasing survivors' access to justice, promoting accountability, and preventing harassment. These reforms should expand anti-harassment protections to independent contractors,

employees of small employers, and other excluded workers; strengthen protections against retaliation so that survivors can come forward without risking their jobs or their safety; increase funding for state enforcement agencies, legal services, and community-based organizations that serve survivors; extend the statute of limitations for bringing harassment and discrimination claims to at least four years; improve survivors' ability to hold employers and individual harassers accountable; increase monetary damages; restrict employers' efforts to hide harassment and avoid accountability, such as through nondisclosure agreements; and emphasize prevention strategies, including mandatory anti-harassment training and ensuring tipped workers are entitled to the same minimum wage as other workers, so workers do not have to tolerate harassment as the cost of tips.

Stopping Sex Harassment in Schools. Sex harassment and assault should never be the end of anyone's education. [Prevention is key](#) to stopping sex harassment and violence before it becomes an issue. **States should require schools** to have a comprehensive sex education curriculum that includes consent and healthy relationships, including sexual relationships, from an early age. [Research has shown](#) that comprehensive sex education for students starting at a young age provides youth with necessary education surrounding consent and healthy sexual relationships, which decreases the likelihood of young people experiencing and perpetrating sexual harassment, sexual violence, and dating violence. And because victim-blaming norms may be ingrained in educational institutions, educators must be trained to understand how sex harassment impacts students, to unlearn biases, and respond appropriately when students ask for help.

In addition, states can improve school responses to harassment by passing a [state SAFER Act](#), which would address gaps in Title IX and other federal civil rights laws. A state SAFER Act would require schools to respond whenever a school employee knows or should have known about harassment that negatively affects a student's ability to participate in school, regardless of where the underlying incident occurred. In these cases, schools would be required to offer supportive measures (regardless of whether there is an investigation by the school), investigate the harassment if requested, and take any other necessary actions to address the effects of the harassment (e.g., facilitate a [restorative process](#), conduct a school climate survey). If a school fails to take these basic steps, the survivor could bring a claim in state court to hold the school accountable.

Protecting Survivors From Abusive Defamation Lawsuits. Survivors should never be punished for coming forward or asking for help. Yet abusers, including harassers, are increasingly [weaponizing defamation lawsuits](#) against victims of harassment to prevent them from speaking out, to retaliate against them after they have spoken out, or to further harass and control them in the wake of an ended relationship. Retaliatory lawsuits that aim to stop people from speaking out about misconduct are known as Strategic Lawsuits Against Public Participation (SLAPPs). People who file SLAPPs do not necessarily expect to win in court, but SLAPPs are still effective at silencing victims because defending against even the most baseless lawsuit can still require considerable time and money, and SLAPP filers tend to be wealthier and more powerful than their victims. **States should enact or amend their anti-SLAPP laws** or [pass other types of laws against retaliatory and abusive lawsuits](#) to ensure that victims of sex-based misconduct are protected from SLAPPs when they speak out about the abuse, when they file complaints with authorities (including schools and employers), and when they sue their abusers in court.

Ending School Discipline Practices That Punish Survivors. Students deserve to receive a high-quality education in an environment that is safe and affirming. 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 their education, but also that students who dress a certain way are somehow "asking" to be harassed or assaulted. **States should encourage** schools to [eliminate dress codes](#) and require schools that choose to have a dress code to implement a universal, inclusive, and gender- and race-neutral dress code that does not perpetuate discriminatory stereotypes. **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 another student conduct code (e.g., underage drinking, previously engaging in consensual sexual acts at school) and for students who violate a school code because of the harassment or assault they faced (e.g., missing school to avoid a harasser, "acting out" in an age-appropriate way due to trauma). 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 Sex Harassment and Assault. All patients should be able to get the care they need free from discrimination, which includes being free from sex harassment and sexual assault by their health care providers. But across the country, patients continue to experience sex harassment and sexual assault by health care providers, which is devastating to patient health and well-being. **States should ensure** strong state anti-discrimination protections that explicitly protect patients against health care provider harassment and sexual assault.



Cassenda Nelson, 9to5 Georgia member and Respect GA Workers Alliance fellow, and Jasmine Bowles, Executive Director of 9to5 Georgia, testify in support of HB 381, legislation to add protections against workplace harassment to Georgia's law. The Respect GA Workers Alliance fellowship is an organizing and skill building 6-month paid fellowship for people directly impacted by workplace discrimination and harassment. Fellows directly support the workplace protection campaign and become leaders of the campaign after graduating from the program.