

ENSURE SAFE AND THRIVING WORKPLACES

THE PROBLEM

As the #MeToo 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. 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 and Latina women](#); [LGBTQIA+ people](#); [immigrant workers](#); and [people with disabilities](#).

Massive [gaps in state and federal anti-harassment laws](#) have long made it extremely difficult for people experiencing workplace harassment to obtain relief and justice. These gaps include laws that carve out certain workers from anti-discrimination protections; fear of retaliation and the dire consequences that can arise due to employers' power over their workers; a costly, opaque legal process that imposes outdated legal standards and offers little chance of meaningful relief; and the ease with which employers can sweep harassment claims under the rug and write off the financial and reputational consequences as the cost of doing business.

On top of these shortcomings, the Trump administration has made it their mission to roll back decades of civil rights progress at all levels of government by [gutting federal anti-discrimination investigative power](#), threatening state governments and community workers' rights organizations with [loss of funds](#), subjecting businesses to [intrusive investigations](#) under threat of [civil and criminal liability](#), and [attacking](#) policies and practices designed to address inequality and prevent workplace harassment in the name of combating "illegal DEI" ([Diversity, Equity, and Inclusion](#)). The Equal Employment Opportunity Commission (EEOC), the federal agency tasked with enforcing existing anti-harassment protections, is currently led by individuals handpicked to carry out the administration's anti-civil rights agenda. For example, the agency has [stopped pursuing harassment charges based on gender identity](#), and it [rescinded](#) critically important guidance that helped employers and workers

understand how federal anti-harassment protections apply in practice. States must stand up to the administration's bullying tactics by refusing to back down from their commitment to ensure that all workers, regardless of identity, can enjoy safe and thriving workplaces.

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 discrimination claims, including harassment, 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 workplace 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 discrimination from retaliatory defamation suits by 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 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, in a manner that protects the privacy of those who have faced discrimination, the number of claims, complaints, judgments, and settlements involving discrimination and the amounts paid, with the aim of improving transparency and encouraging employers to implement proactive prevention efforts.
- Fully fund [enforcement agencies](#), legal services, and community-based organizations that serve survivors of harassment and gender-based violence.

TALKING POINTS ON THE SOLUTION

- We all want to be safe and respected at work, but sex harassment holds women and LGBTQIA+ 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.

Additional Messaging Resources

- A 2020 survey revealing how employers [fail to take robust action](#) to protect workers who report wrongdoing from retaliation.
- A 2024 study outlining the [harmful impacts](#) of NDAs on survivors of workplace harassment and other forms of discrimination.

Public Popularity

- In a January 2026 poll, 61% of adults said [strengthening protections](#) against race and sex discrimination at work and at school would help them and their families. Over four out of five adults support policies that would guarantee the right to be free from sex-based discrimination, including harassment, at work and in school.
- Fifty-nine percent of adults support ensuring schools and workplaces are diverse, [equitable and inclusive](#).
- Three-quarters of adults support [removing barriers](#) to women's participation in the workforce.
- A summer 2023 poll showed [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.
- A March 2024 poll showed 84% of adults believe that victims of discrimination deserve to be fully compensated by their employer for the harm they experienced, and [a majority](#) (53%) supports removing limits on the amount of money plaintiffs can be awarded in anti-discrimination suits.

State-Specific Data

- Map showing [number of workplace harassment claims per capita](#) by state.

Examples of State and Local Policies

- In the nine years since #MeToo went viral, [27 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 other forms of 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.