



Pennsylvania's Sexual Harassment Protections are Inadequate: Our Recommendations for a #MeToo Policy Agenda in PA

Sexual harassment encompasses a broad range of behaviors which, at their worst, involve felonious sexual assault in the workplace, but also include offensive and humiliating words and gestures.

Sexual harassment violates civil laws that apply to the workplace and it could also violate criminal laws. For example, a sexual assault committed by a co-worker that an employer knew or should have known about and ignored violates Title VII of the Civil Rights Act of 1964; it also may be a crime.

There are many differences between civil and criminal laws. How a person reports the sexual harassment, the enforcement, and the remedies (how the harassment gets addressed) are different. It is important to note that if the harassment violates both civil and criminal laws, as in the case of sexual assault, the victim does not have to report the violation to police in order to obtain civil remedies.

The legal definition of sexual harassment was established in 1979. However, the #MeToo movement has helped expose the many gaps, loopholes, and shortcomings of current policy protections.

In Pennsylvania, we know sexual harassment is a pervasive problem, and that current policy protections are woefully inadequate. In Fiscal Year 2017, 4,516 allegations of workplace sexual harassment were filed with the Equal Employment Opportunity Commission from Pennsylvania.

The good news is that legislation has already been drafted and introduced that can be advanced today in order to better protect workers.

Many of these policy proposals are simple and already overdue. For example, we have known for years that the [Pennsylvania Human Relations Act](#) (PHRA) only applies to employers with 4 or more employees. The employee thresholds for coverage by local anti-discrimination laws in Pennsylvania vary from 1 to 5. Independent contractors, interns, and volunteers are not protected. This means some people have no statutory remedy for harassment because of geography and/or size of or relationship to the employer. As the state law that covers all Pennsylvanians, the PHRA's employee threshold should be reduced to one and coverage expanded.

Additional barriers and limitations should be removed.

The Women's Law Project urges our General Assembly to promptly vote these bills into law:

[House Bill 1965](#) will provide protection from harassment for employees in the Pennsylvania General Assembly.

[House Bill 2280](#) will extend Pennsylvania Human Relations Act (PHRA) coverage to employees of employers with less than 4 employees, independent contractors, and domestic and agricultural workers. All of these individuals have been excluded from the protection offered by the PHRA and are equally vulnerable to sexual harassment and all forms of discrimination.

[House Bill 2282](#) will protect agricultural and domestic workers, interns, and volunteers from discrimination and harassment and require training of employees on discrimination, harassment, and retaliation.

[House Bill 2283](#) requires employers to post fair practices notices in the workplace that include descriptions and examples of unlawful acts of discrimination, harassment, and retaliation.

[House Bill 2286](#) expands the time allowed to file a complaint with the Pennsylvania Human Relations Commission from 180 days to two years and provides a right for a jury trial, punitive damages, and attorneys' fees and costs for a prevailing party.

[House Bill 2284](#) amends the Whistleblower Law to expand the time for filing a complaint from 180 days to two years, and provides for a right to jury and punitive damages.

[House Bill 2475](#) expands the PHRA to cover interns, volunteers, and domestic and agricultural workers and requires employers to adopt written policies and procedures to prevent and address harassment, discrimination, and retaliation.

These reforms will appropriately apply to all types of harassment and discrimination, including race, color, religion, ancestry, age, national origin, handicap or disability, as these types of discrimination are all equally pernicious and often interrelate.

Addressing Sexual Harassment is Essential for Workplace Equality for Women

Despite holding public hearings in April 2018 on the importance of improving sexual harassment protections in Pennsylvania, the state Legislature has not yet passed legislative solutions. The Legislature has also refused to advance bills that would help rectify pay discrimination, raise the minimum wage, and address discrimination against pregnant workers. This refusal to support working women harms Pennsylvania's children and their families.

For more information about sexual harassment in Pennsylvania and these bills, contact Tara Murtha at tmurtha@womenslawproject.org and 215.928.5766.