THE EVOLUTION OF LEGISLATIVE WORKPLACE HARASSMENT POLICIES

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When was your sexual harassment policy last updated or adopted?

2019 SURVEY RESULTS ON SEXUAL HARASSMENT PREVENTION POLICIES AND PROCEDURES
CLEAR THEMES IN POLICY CHANGES 2018-2019

- Minor changes to existing policies
- Clarify definitions and procedures
- Expand coverage to third parties
- Expand reporting structure
- Increase sexual harassment training requirements for legislators and staff
A policy that applies to legislators and staff, as well as nonemployees, such as lobbyists and outside vendors

A diversity of contacts within the legislature to whom sexual harassment can be reported, allowing the complainant to bypass reporting to his or her direct supervisor

A clear statement prohibiting retaliation for the filing of any claim

A statement providing for confidentiality, to the extent possible, for all parties involved

Specific examples of potential discipline, if warranted

The possibility of involving parties outside the legislature to assist in the investigation, if it is warranted or requested

An appeal procedure

A statement informing the complainant that she or he can also file a complaint to the Equal Employment Opportunity Commission and/or the state’s Human Rights Commission
IN THE 2019 SURVEY, WE FOUND THAT MOST RESPONDENTS DO HAVE A TRAINING REQUIREMENT INCLUDED IN THEIR POLICY
IN THE 2019 SURVEY, WE FOUND THAT MANY RESPONDENTS HAVE SEPARATE TRAINING FOR LEGISLATORS AND LEGISLATIVE STAFF.

- Separate Trainings for Legislators: 64%
- Do Not Have Separate Trainings for Legislators: 36%
WE ALSO FOUND THAT ALMOST ALL POLICIES CONTAIN A REPORTING STRUCTURE FOR REPORTING A SEXUAL HARASSMENT COMPLAINT

- 37 of 39 respondents have a policy with a reporting structure in place for complaints
- Reporting structures allow complainants to bypass reporting to direct supervisors
- Expanded list of contact persons or mandated reporters
- Separate reporting procedures for staff or legislator; claimant and management in most states
- Managers who witness or know of harassment must report to HR Manager in some states
- Provides clear and direct authority for HR Director to work with Senate or House Counsel and entities to handle investigation
MOST OF THE POLICIES CONTAIN LANGUAGE THAT REFERS TO THE CONFIDENTIALITY OF THE COMPLAINANT

- 35 of 39 policies from the 2019 survey include language on the confidentiality of the complainant
- 34 of the 35 policies do not mention how long the report must be kept confidential
- Few policies state that complaints are confidential until investigation is complete
- Other policies state complaint is confidential for no longer than 75 days after complaint is made
- Disclosure limited to “need to know parties”
- Many policies inform all people interviewed or involved with investigation informed of confidentiality policy
POLICY APPLIES TO THIRD PARTIES BEYOND MEMBERS AND LEGISLATIVE STAFF

Yes

No

N/A

0  5  10  15  20  25
- Right to harassment free workplace
- No retaliation permitted
- Report may be written or oral to supervisor, director, leg EEO officer, or designated staff in chamber
- Complaints investigated

- Goal to maintain workplace free of illegal discrimination; similar to 2000 language
- Lists examples of harassment and retaliation
- May be single incident; may be of same gender; may occur outside of work if affects workplace
- May also report to manager, supervisor, Leg Affairs Agency HR Manager, or designated staff
- Investigation procedures more specific
- Training required by statute covering legislative ethics
- Provide work environment free from sexual harassment
- Applies to legislators and employees
- Deliberate, repeated, continued unwelcome comments or behavior
- Investigated immediately

- Prohibits harassment of employee by legislator, supervisor, lobbyist, contractor, etc.
- Definition provides list of examples
- Robust reporting procedure
- No retaliation
- HR Director investigates
- Discipline may include termination
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