

State laws addressing gender-based violence and harassment in the world of work

1 The ILO Office for the United States and Canada is grateful to the AFL-CIO for its research and drafting of this report.

Workplace Harassment & Domestic Violence State Legislation

Workplace Harassment

In 2022, [16 states and the District of Columbia](#) *introduced* legislation to strengthen protections against workplace harassment: AZ, CA, DC, DE, FL, GA, HI, IL, KY, MA, MD, MN, MS, NJ, NY, VA, WV

5 states and the District of Columbia have *enacted* legislation to strengthen protections against workplace harassment:

- **Arizona** [HB 2679](#) expands protections to more employees by expanding the definition of ‘employer’ to those that employ one or more employees.
- **DC** [B 24-0215](#) requires the Office of Human Rights to collect data regarding the number of sexual harassment complaints raised by employees and their outcomes.
- **Georgia** [HB 1390](#) establishes a cause of action for city and county employees if they are retaliated against for filing a sexual harassment complaint or participating or testifying in any investigation relating to sexual harassment.
- **Hawaii** [HB 2495](#) prohibits employers from requiring an employee to enter into a nondisclosure agreement that would prohibit the employee from publicly disclosing allegations of sexual harassment or sexual assault.
- **Maryland** [SB 450](#) expands the definition of “harassment” to include unwelcome and offensive conduct that does not need to be severe or pervasive.
- **New York** [S 3395A](#) ensures that employers will not be allowed to escape liability for harassment, and that anti-harassment regulations will protect both public and private employees. [S 812](#) created a statewide confidential hotline for complaints of workplace sexual harassment.

In 2021, state legislatures *introduced* [more than 115 pieces of legislation](#) to strengthen protections against workplace harassment and **five states** *enacted* new or expanded protections:

- **California** [SB 331](#) and **Maine** [LD 965](#) prohibit employers or former employers from including language in a nondisclosure agreement that would prohibit an employee from publicly disclosing allegations of workplace harassment.
- **Nevada** [AB 60](#) limits employer’s use of nondisclosure agreements by making contract and settlement provisions of an agreement unenforceable if the provision restricts the

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employee from testifying on criminal offenses, sexual harassment, discrimination, or related retaliation. [SB 51](#) requires the state government to develop a policy on sex and gender-based harassment, provide all executive department employees with a copy of the harassment policy, and develop a policy requiring training for all state executive employees on sex and gender-based harassment.

- **Texas** [SB 45](#) expanded protections to more employees by expanding the definition of ‘employer’ to those that employ one or more employees.
- **Virginia** [SB 1310](#), [HB 1864](#), and [HB 2032](#) expanded the definition of ‘employer’ for all purposes of the Virginia Human Rights Act to protect domestic workers from harassment and other forms of discrimination.

Additionally, 4 states enacted legislation to extend the statute of limitations for sexual harassment claims and further protect workers.

- **California** [SB 807](#) clarified that the time for filing a civil action for a violation of anti-discrimination laws is tolled while the Department of Fair Employment and Housing (DFEH) conducts an investigation.
- **Nevada** [AB 222](#) expands whistleblower protections for employees who report workplace problems internally.
- **Texas** [HB 21](#) extended the statute of limitations for filing a harassment claim from 180 days to 300 days after an incident of sexual harassment has occurred.
- **Washington** [SB 5009](#) anti-SLAPP bill creates the Uniform Public Expression Protection Act (UPEPA) to protect employees from meritless defamation lawsuits.

In 2020, 4 states enacted legislation to strengthen protections against workplace harassment.

- **Hawaii** [HB 2054](#) prohibits all employers in the state from requiring an employee to enter into a nondisclosure agreement in relation to sexual harassment or sexual assault. The law also prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault.
- **New Mexico** [HB 21](#) prohibits private employers from requiring employees to sign a nondisclosure provision of a settlement agreement relating to a claim of sexual harassment in the workplace. The law prohibits private employers from preventing an employee from disclosing a claim of sexual harassment occurring in the workplace or at a work-related event coordinated by or through the employer
- **South Dakota** [HB 1216](#) prohibits discrimination in employment based on sex, including sexual harassment, and applies to all employers in the state.
- **Virginia** [HB 1228](#) requires contracting agencies that employ more than five employees that enter into government contracts of over \$10,000 to include a provision in the contract requiring the contractor to provide annual training on their sexual harassment policy to all supervisors and employees.

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Domestic Violence

In 2022, Connecticut, Delaware, Illinois, Massachusetts, Mississippi, and West Virginia *introduced* legislation to curb the impact of domestic violence and sexual assault on working people:

- **Connecticut** [HB 5355](#) (*Passed House; Tabled in Senate*) would require state agencies that employ one or more employees to provide training and education related to domestic violence and the resources available to victims of domestic violence, including how domestic violence impacts the workplace.
- **Delaware** [HB 409](#) would require employers to provide paid sick time and safety leave to employees to address circumstances arising as a result of domestic violence, sexual offense, or stalking committed against the employee or an employee's family member.
- **Illinois** [HB 4225](#) would allow employees to seek a workplace protection restraining order if there is a credible threat of violence to be carried out at the employee's workplace or outside of the workplace because of the employee's employment duties or place of employment.
- **Massachusetts** [H 4613](#) would require employers to provide accommodations to employees or prospective employees who are experiencing or have experienced abusive behavior, or whose family member is experiencing or has experienced abusive behavior. It would also prohibit employers from discharging or discriminating against any employee who requests accommodation.
- **Mississippi** [HB 1044](#) would require employers to provide paid sick and safe leave time to employees for time off needed when the employee or a member of the employee's family is a victim of domestic violence, sexual assault or stalking.
- **West Virginia** [HB 3092](#) would establish paid sick leave in the state and require employers to provide paid sick leave to employees due to necessary absences, including relocation and legal proceedings, related to domestic violence, sexual assault, sexual abuse or stalking.

Additionally, **DC** and **Oklahoma** passed resolutions to declare the month of April as “Sexual Assault Awareness Month”

In 2021, Alaska, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, and Washington *introduced* legislation to curb the impact of domestic violence and sexual assault on workers and **Maryland and Washington** *enacted* legislation to study and prevent the impact of domestic violence in the workplace.

- **Alaska** [HB 59](#) would have allowed an employer to file a protective order against an individual who committed an act of violence against an employee or made a threat of violence an employee that may be carried out at the employer's workplace.

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- **Illinois** [HB 3898](#) would have established paid sick leave in the state and required employers to provide paid sick leave for employee or a member of the employee's family who are victims of domestic or sexual violence. [HB 4182](#) would have allowed employees to seek a workplace protection restraining order if there is a credible threat of violence to be carried out at the employee's workplace or outside of the workplace because of the employee's employment duties or place of employment.
- **Maryland** [HB 289](#) (Governor signed 5/18/21) allows an employer to petition a court for a peace order on behalf of an employee if they are facing threats or acts of violence in the workplace.
- **Massachusetts** [HD 3740](#) would have required employers to provide accommodations to employees or prospective employees who are experiencing or have experienced abusive behavior, or whose family member is experiencing or has experienced abusive behavior. It would have also prohibited employers from discharging or discriminating against any employee who requests accommodation.
- **Michigan** [HB 4677](#) would have expanded paid leave for victims of domestic violence, sexual assault, and stalking and for victim and witness advocates. [HB 5492](#) would have expanded state sick leave criteria to include stalking.
- **New Hampshire** [HB 590](#) would have required employers to provide paid sick time to employees who require absences due to domestic violence, sexual assault, or stalking.
- **North Carolina** [SB 457](#)/ [HB 596](#) would have established paid sick leave in the state and required employers to provide paid sick leave to employees due to circumstances relating to stalking or domestic violence.
- **Washington** [HB 1315](#) (Governor signed 4/14/21) required the Department of Commerce to create a task force to explore ways the employer and employee community can help curb domestic violence.

In 2020, Colorado, Maryland, Michigan, Mississippi, and Washington introduced legislation to curb the impact of domestic violence and sexual assault on workers and **Colorado enacted** legislation to require employers to provide paid sick leave to employees who are victims of domestic violence.

- **Colorado** [SB 20-205](#) (Governor signed 7/14/20) established paid sick leave in the state and required all employers to provide paid sick leave to employees due to circumstances relating to domestic abuse, sexual assault, or harassment, including relocation, mental health counseling, or seeking legal services for themselves or for a family member.
- **Maryland** [SB 846](#) would have allowed an employer to petition a court for a peace order on behalf of an employee if they are facing threats or acts of violence in the workplace. This piece of legislation was re-introduced in 2021 and signed into law.

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- **Michigan** [SB 961](#) would have expanded the definition of ‘employee’ to include any employee in the state that would qualify for earned sick leave, including for the purpose of obtaining services for victims of domestic violence or sexual assault.
- **Mississippi** [SB 2126](#) would have required employers to provide paid sick and safe leave time to employees for time off needed when the employee or a member of the employee's family is a victim of domestic violence, sexual assault or stalking.
- **Washington** [HB 1056](#) would have created a task force to explore ways the employer and employee community can help curb domestic violence. This piece of legislation was vetoed by the governor, however it was re-introduced in 2021 and signed into law.

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Sexual harassment is a violation of The Civil Rights Act of 1964.

In *Meritor Savings Bank v. Vinson* (1986) the Supreme Court interpreted [Title VII of the Civil Rights Act of 1964](#) to include discrimination based on “sex” as sexual harassment in the workplace. The law recognizing sexual harassment as a form of sex discrimination applies to **private employers with 15 or more employees**, as well as government and labor organizations.

The #METOO Movement Begins October, 2017

On October 15, 2017 actress Alyssa Milano sent out a [tweet](#) encouraging others to share their stories of sexual harassment and sexual assault by responding “Me Too” to the post. The tweet garnered thousands of responses and inspired thousands more original posts on social media, sparking what would evolve into the #MeToo movement.

October 2022 marks the fifth anniversary of the #MeToo movement.

State Legislators Sign #20Statesby2020 Petition

Over 300 state legislators representing 40 states and the District of Columbia [signed a letter of commitment](#) to strengthen protections against sexual harassment and violence at work, and in schools, homes, and communities by 2020, known as the “#20Statesby2020” initiative.

The National Women’s Law Center report [“Progress in Advancing Me Too Workplace Reforms in #20StatesBy2020”](#) highlights legislation from the 2018 and 2019 state legislative sessions that aim to stop and prevent sexual harassment in the workplace.

Ending Forced Arbitration of Sexual Assault and Sexual Harassment in 2022

On March 3, 2022 the [Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021](#) became law. The federal law allows an employee to pursue sexual harassment and sexual assault related litigation in court rather in arbitration if they had previously signed an agreement with their employer to arbitrate claims between the parties.

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