



Women's Rights and Sexual Harassment Position

Proposed Position in Brief:

CURRENT

Support for the legal recognition of marriage as an equal partnership, including policies that recognize nonmonetary as well as monetary contributions to a marriage by each partner; surviving spouse policies that specify that if one spouse dies without a will, the surviving spouse should inherit all property; divorce policies that recognize separately acquired property before marriage and during marriage through gifts or inheritance; elimination of the concept of “fault” in the court’s division of marital property; and legal recognition of valid prenuptial contracts.

NEW

It is the position of League of Women Voters that sexual harassment is defined as *any unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion toward a person of any gender on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability that has the purpose or effect of creating an environment that a reasonable person would consider intimidating, hostile, or abusive; and that these same terms apply in the workplace and in all areas outside of the including but not limited to all levels of public and private institutions of learning, for profit and non-profit commercial establishments, places of worship, public and private medical facilities, and public grounds and institutions operated and protected by State or Local government. Further, it is the position of the League of Women Voters that this definition should be codified by the Commonwealth of Virginia.*

THE LEAGUE’S HISTORY

A study of women's rights and Virginia law, adopted by a large majority at the 1979 convention, through the not recommended program process, was an outgrowth of interest in the Equal Rights Amendment and legal rights seminars held statewide by local Leagues the preceding year. The 1981 convention expanded the study to include divorce laws in Virginia because at that time, Virginia laws governing women’s rights in the event of death of the husband or divorce were disadvantageous to women in the state. This position was moved from the “Social Policy” category when the LWV-VA positions were reviewed and reorganized in the 1999- 2001 biennium. 2013 Note: Since 1981, many of the League’s recommendations outlined in this position have been accomplished through legislation. In 2012, society’s definition of marriage, divorce and property rights has expanded to encompass the definition of marriage and civil unions between same sex couples, alimony for the partner earning less money (whether male or female), inheritance for children of previous marriages, etc. [both in Virginia and on a federal level]. Notwithstanding Virginia

amending its constitution to ban same-sex marriages in the Commonwealth in 2006 and the effort nationally to limit marriage to those between a man and a woman by passing an act called the “Defense of Marriage Act (DOMA),” the League recognizes that the intent of its earlier positions has been accomplished and the item should be expanded to include a review of current trends [or the position should be deleted]. 2015 Note: DOMA was ruled unconstitutional by the U.S. Supreme Court in all States on June 26, 2015, when the U.S. Supreme Court ruled in *Obergefell v. Hodges* that state-level bans on same-sex marriage are unconstitutional.

The 2017 Convention of the League of Women Voters approved a study of the current position on Women’s Rights. That study determined that the specific elements of the position have been codified and protected by actions of the General Assembly of the Commonwealth. Actions of the 2018 Council of the League authorized an extension of the study to add sexual harassment.

THE LEAGUE’S POSITION

A. Women’s Rights

It is the position of the league of Women Voters that marriage is an equal partnership, including policies that recognize nonmonetary as well as monetary contributions to a marriage by each partner; surviving spouse policies that specify that if one spouse dies without a will, the surviving spouse should inherit all property; divorce policies that recognize separately acquired property before marriage and during marriage through gifts or inheritance; elimination of the concept of “fault” in the court’s division of marital property; and legal recognition of valid prenuptial contracts.

B. Sexual Harassment

It is the position of League of Women Voters that sexual harassment is defined as *any unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion toward a person of any gender on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability that has the purpose or effect of creating an environment that a reasonable person would consider intimidating, hostile, or abusive; and that these same terms apply in the workplace and in all areas outside of the including but not limited to all levels of public and private institutions of learning, for profit and non-profit commercial establishments, places of worship, public and private medical facilities, and public grounds and institutions operated and protected by State or Local government.*

The League urges the Commonwealth of Virginia to accordingly codify this definition.

REPORT FOLLOWS

LWV-VA Study on Sexual Harassment 2018

Sexual Harassment is behavior where the recipient is the subject of verbal and/or physical actions of a sexual nature. Those actions do not necessarily need to be overt to cause discomfort to the recipient.

The range of behavior can be direct physical harassment, through threats i.e. retribution for reporting, for lack of acceptance of said behavior, with loss of pay and status in the workplace or community. Other examples are derogatory comments targeting a specific recipient, to comments that cause general discomfort to others.

Sexual harassment is a very real phenomenon. There are several polls and studies citing the incidence of sexual harassment.

The US government data is collected by the Equal Employment Opportunity Commission. Their website reports the incidence ranges “anywhere from 25% to 85% of women report having experienced sexual harassment in the workplace.” There are no documented numbers for incidences outside of the workplace, since there are no recording government agencies.¹

Non-government polls and studies cover a broader range of the occurrence, collecting data among college age students, within the workplace, and in general behavior in our society.

A 2018 study by National Public Radio found that 81% of participants were the victim of sexual harassment during their lifetime. Reporting was for work, home, school, and the public.²

An October 2017 poll conducted by the Langer Research Associates on behalf of ABC-Washington Post, “54% of women, or more than half of all women, have been the victim of sexual harassment”. These numbers are general.³

¹ https://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm

² https://www.npr.org/sections/thetwo-way/2018/02/21/587671849/a-new-survey-finds-eighty-percent-of-women-have-experienced-sexual-harassment?utm_source=npr_newsletter&utm_medium=email&utm_content=20180908&utm_campaign=npr_email_a_friend&utm_term=storyshare

³ <http://abcnews.go.com/Politics/unwanted-sexual-advances-hollywood-weinstein-story-poll/story?id=50521721>

Fortune Magazine collected data from the MeToo movement. 33 million women reported having been the victim of sexual harassment. They reported, as well, that 95% of the perpetrators, all male, did not experience any punishment when reported by the victim.⁴

Stop Street Harassment, reports that “in 2014, SSH commissioned a 2,000-person national survey in the USA with surveying firm GfK. The survey found that 65% of all women had experienced street harassment. Among all women, 23% had been sexually touched, 20% had been followed, and 9% had been forced to do something sexual. Among men, 25% had been street harassed (a higher percentage of LGBT-identified men than heterosexual men reported this) and their most common form of harassment was homophobic or transphobic slurs (9%).”⁵

The Pew Research Center reports that in male dominated workplaces, women suffer sexual harassment at a higher rate than in workplaces with more equitable numbers of female and male employees.⁶

Academic studies support the findings on harassment by periodicals.

The American Psychological Association reports that “Sexual harassment in the workplace is a significant occupational health psychology problem”.⁷

Science Direct has consolidated the findings from several academic studies which support the perception that sexual harassment is an ongoing phenomenon, in the workplace and without, with women being the primary subject of this behavior.⁸

Sexual Harassment reporting continues to climb but there appears to be no one remedy that proportionally has an impact on that conduct.

The EEOC’s recommendation to combat this behavior is to provide sexual harassment education in the workplace. A 2016 study by that same agency concluded “that trainings have failed as a prevention tool because they are too focused on simply avoiding legal liability.”⁹

⁴ <http://fortune.com/2017/10/17/me-too-hashtag-sexual-harassment-at-work-stats/>

⁵ <http://www.stopstreetharassment.org/resources/statistics/>

⁶ <http://www.pewresearch.org/fact-tank/2018/03/07/women-in-majority-male-workplaces-report-higher-rates-of-gender-discrimination/>

⁷ <http://www.apa.org/news/press/releases/2017/11/workplace-sexual-harassment.aspx>

⁸ <https://www.sciencedirect.com/science/article/pii/S0191886916309126>

⁹ https://www.eeoc.gov/eeoc/task_force/harassment/

A report by Psychology Today “found that most sexual harassment training is effective at increasing employees’ knowledge about sexual harassment, but not necessarily changing their behaviors”¹⁰

The US Census for 2010 reported that the females accounted for 50.8% of the population. The study recommendation to address the incidence of sexual harassment would take it steps further than what is now classified solely as a workplace issue. The League proposes that jurisdictions/States define and codify Sexual Harassment.

The study considered recommending that counties/cities/ municipalities of Virginia establish women’s commissions where none exist. In this scenario, those commissions could work with the individual administrations to open the dialogue for codification and, as well, complaints to the jurisdictions could be recorded to evaluate the true numbers, rather than relying on polling or study data. After careful consideration by the Study Team it was concluded that this would likely be beyond the capacity of most local governments, therefore making implementation impractical. Further, it was concluded that although statistically women are primary, they are not the exclusive targets of such behavior. As such, any codification, establishment of complaint or study mechanisms such as Commission should not be limited exclusively to a single gender.

HB 2083/ 2019 ¹¹a Bill before the Virginia House of Delegates has proposed that the language for Workplace Harassment be as follows;

"Workplace harassment" means any unwelcome verbal, written, or physical conduct that either denigrates or shows hostility or aversion toward a person on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics, or disability that has the purpose or effect of creating an environment that a reasonable person would consider intimidating, hostile, or abusive;

The League of Women Voters proposes that the same terms be applied to Sexual Harassment outside of the workplace comprised of or relating to all levels of public and private institutions of learning, for profit and non-profit commercial establishments, places of worship, and public grounds and institutions operated and protected by State or Local government.

In conclusion, there is overwhelming data showing that the numbers are high in respect to sexual harassment of women. It is this Committee’s recommendation to have a position that denounces/discourages sexual harassment in any form. We would ask, as well, that government agencies, as well as the academia, continue to work towards finding a solution to this pervasive, yet poorly addressed behavior.

¹⁰ <http://journals.sagepub.com/doi/abs/10.1177/0021886301372001>

¹¹ <http://lis.virginia.gov/cgi-bin/legp604.exe?191+ful+HB2083>

The League of Women Voters for the State of Virginia would like to make the following recommendation.

That the Legislature define and codify sexual harassment.