

LWV VA Women's Study

2017-2019

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LWV-VA WOMEN'S RIGHTS IN VIRGINIA LAW

Current Position in Brief:

Support for the legal recognition of marriage as an equal partnership, including policies that recognize non-monetary 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 pre-nuptial contracts.

Discussion of Issues Relevant to Women and LWV Position Coverage

- Sexual Harassment- No LWVUS or VA Position
- Minimal regulations regarding this behavior

Existing Legal Protection for Sexual Harassment

Title VII of the Civil Rights Act

Title VII of the Civil Rights Act of 1964 is a federal law that prohibits employers from discriminating against employees on the basis of sex, race, color, national origin, and religion. It generally applies to employers with 15 or more employees, including federal, state, and local governments.

Sexual Harassment as defined by the EEOC

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

US Equal Employment Opportunity Commission Reporting

The EEOC has multiple recommendations concerning Sexual Harassment in the workplace. Primarily they rely on adequate personnel training, yet admit “while training is a common response to the problem of workplace harassment, its ability to solve the problem is not uniform,” noted Dr. Eden King, Professor of Psychology at George Mason University.

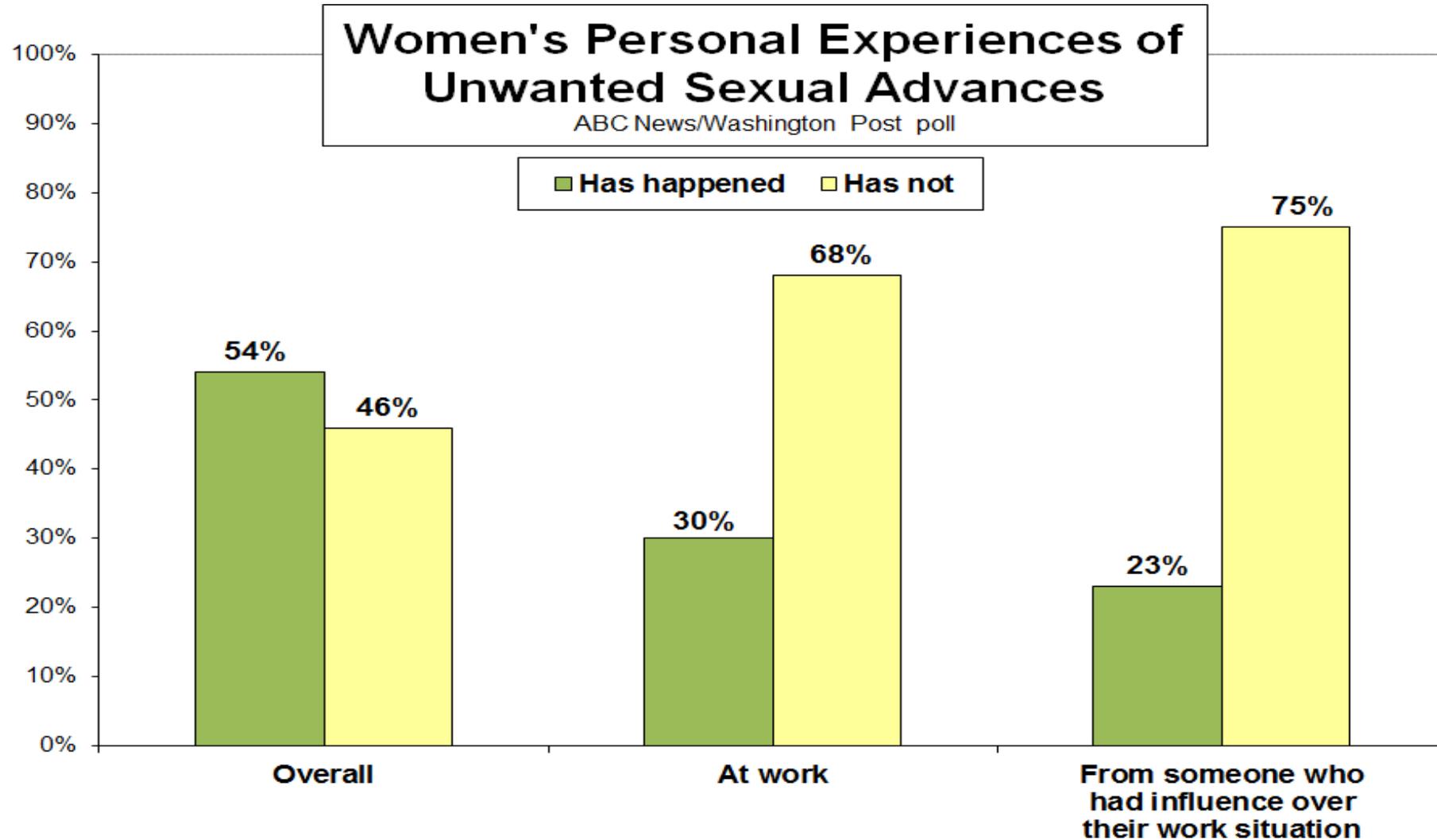
Non Employment Based Sexual Harassment

According to a survey by Langer Research Associates of NYC on behalf of ABC News and the Washington Post, dated October 2017,

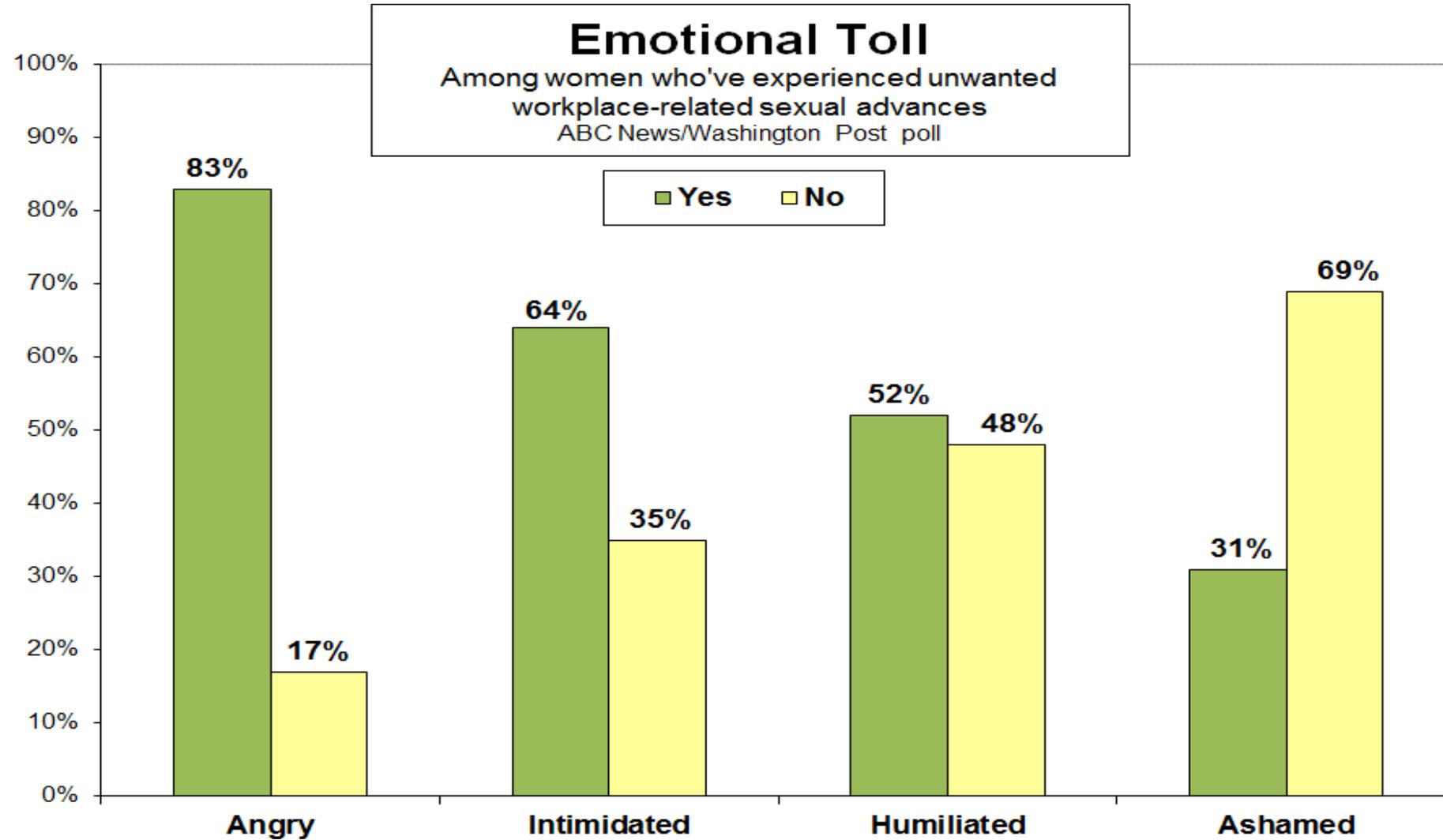
“More than half of U.S. women have experienced unwanted and inappropriate sexual advances from men, 3 in 10 have put up with unwanted advances from male co-workers and a quarter have endured them from men who had influence over their work situation.”

“54% of women, or more than half of all women, have been the victim of sexual harassment”.

Langer Research



Langer Research



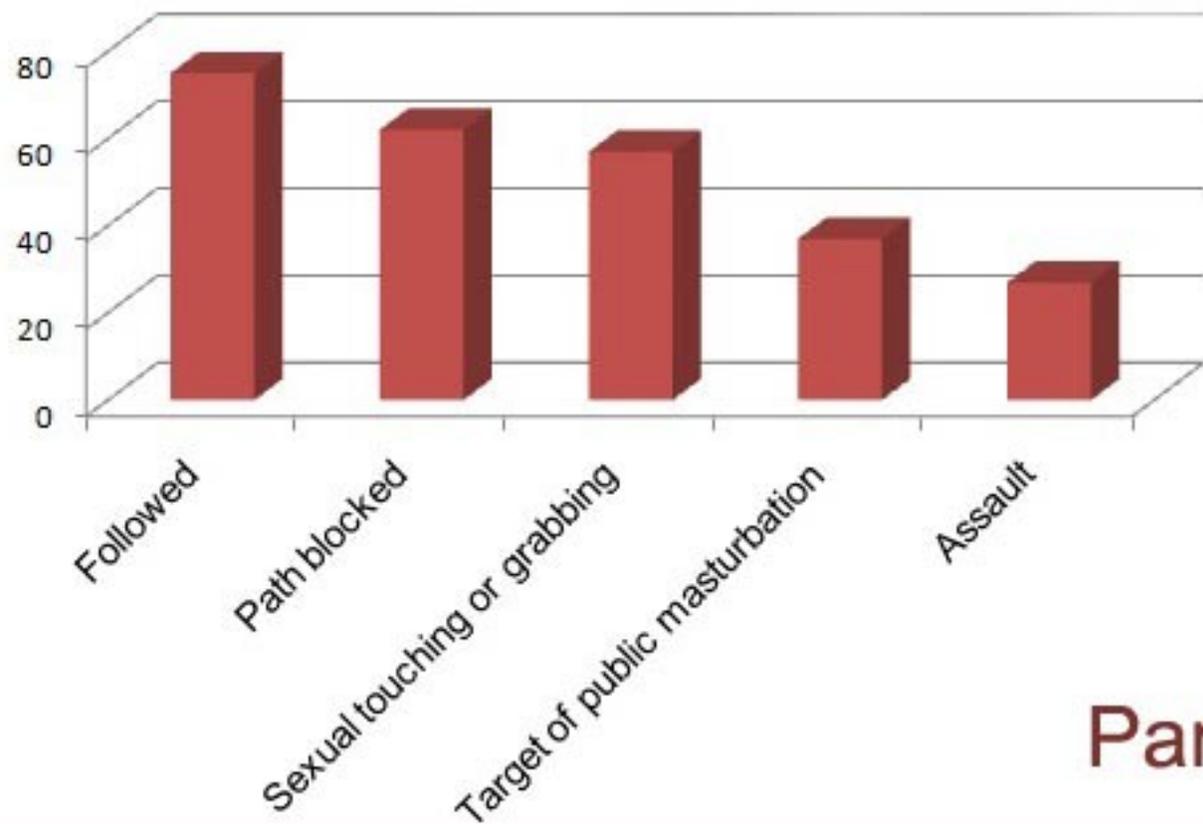
“A New Survey Finds 81 Percent Of
Women Have Experienced Sexual
Harassment “

Reported by NPR.Org 2/21/18
Citation- Stopstreetharassment.org

In one of the surveys of 811 women, 99 percent experienced street harassment, including:



Women's street harassment experiences by percent



Part 2

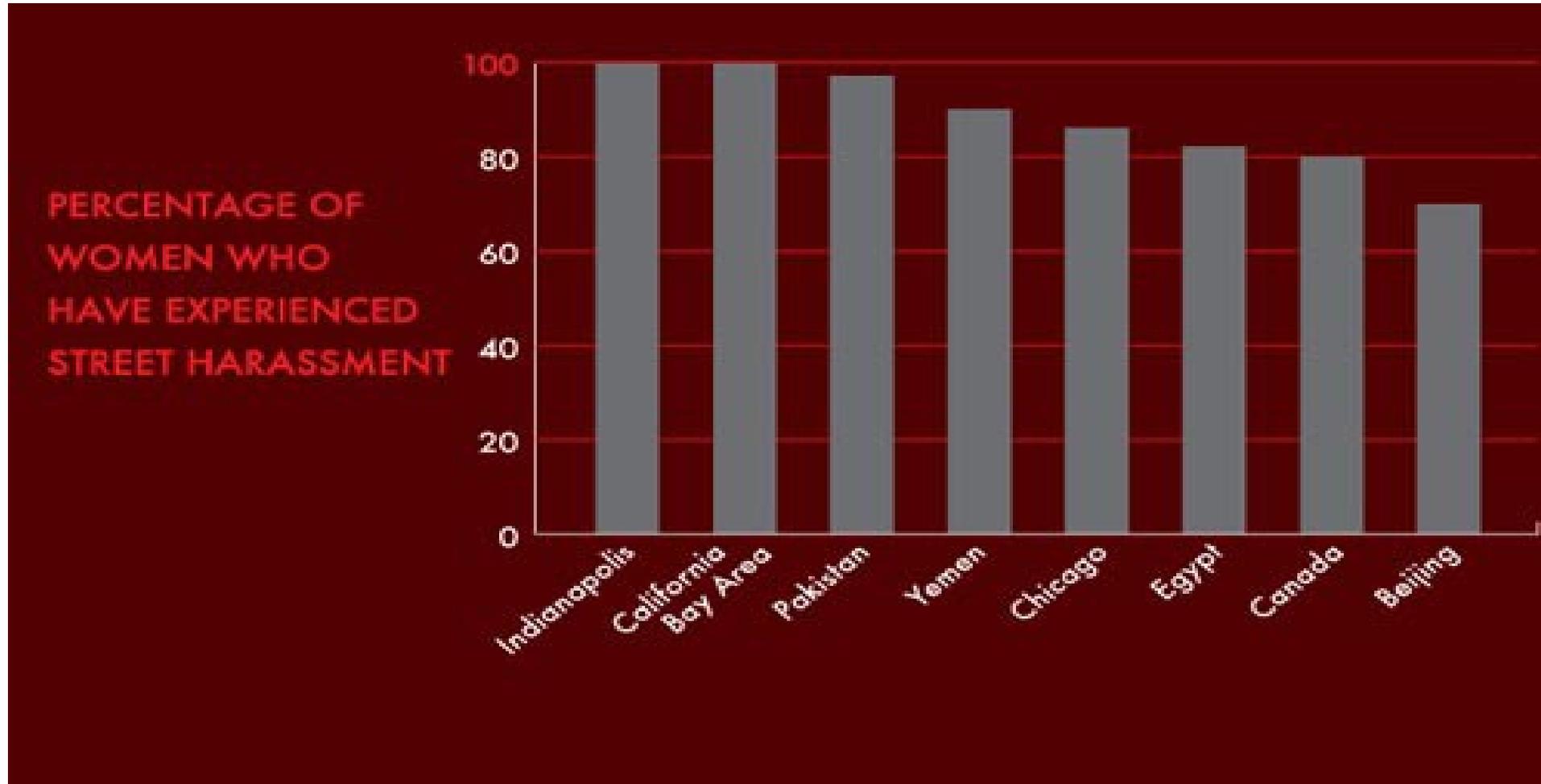
- A National Study on Sexual Harassment and Assault Methodology
- Survey firm GfK (www.gfk.com) recruited and surveyed a total sample of N=2009 adults aged 18 and older who identified themselves as female (n=996) or male (n=1013). Half the sample was surveyed between January 12-14, 2018, and the second half between January 19-21, 2018.
- The GfK KnowledgePanel is the only national, probability-based online panel in the marketplace, allowing study results to be projectable to the general population with sample weighting. The weighted sample yields n=1000 women and n=1000 men. The representativeness of the GfK panel sample, including hard-to-reach groups, has been documented in numerous academic papers.

This work is supported by University of California San Diego's Center on Gender Equity and Health (GEH).

This survey is focused on people's experiences with sexual harassment and abuse, which includes all forms of **unwanted** sexual, homophobic, transphobic and/or sexist experiences across all areas of their lives. If you have experienced sexual harassment and abuse, we appreciate and honor you for sharing your experiences in the survey. We know it can be upsetting and challenging. The information from the survey will help advocates, policymakers and educators better understand how to address these issues and make communities safer for everyone. Your help matters, and it will make a difference.

All respondents

Academic & Community Studies in 37 Countries

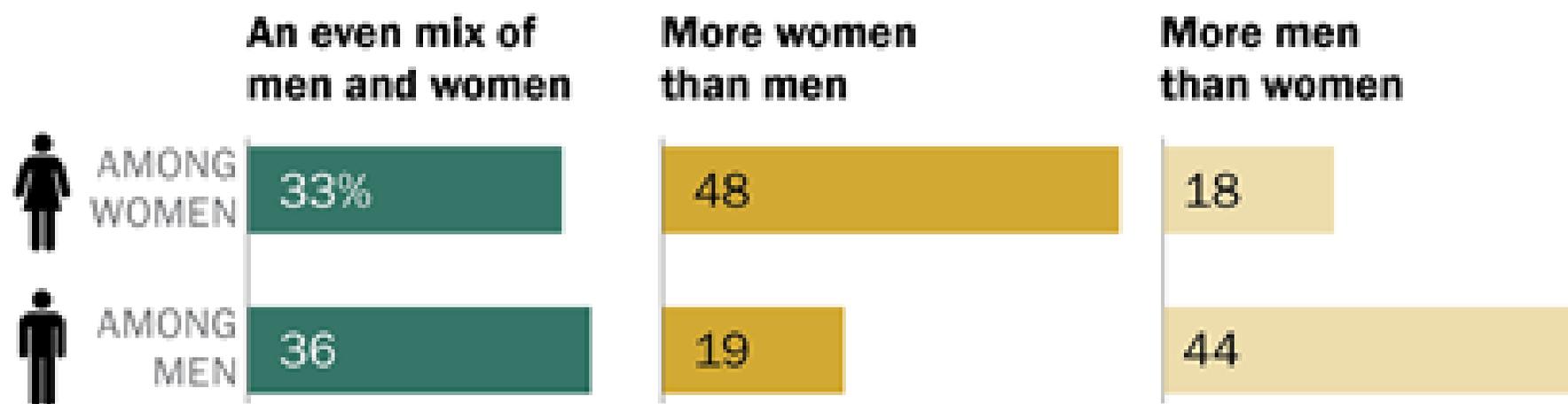


According to Fortune Magazine 10/17/2017

- A poll found that, all told, 33 million U.S. women have been sexually harassed—and 14 million sexually abused—in work-related episodes.
- Yet nearly all women—95%—report that male perpetrators of such abuse usually go unpunished.
- The poll did provide some promising results: 75% of American call workplace sexual harassment a problem, while 64% deem it a “serious” problem—that’s an increase of 11 and 17 percentage points, respectively, since the last similar poll in 2011. But despite wider awareness about sexual harassment in the workplace, it remains prevalent—to an alarming degree.

Only about a third of men and women say their workplace is balanced in terms of gender

% of employed adults saying their workplace has ...



Source: Survey of U.S. adults conducted July 11-Aug. 10, 2017.

PEW RESEARCH CENTER

APA Press Release- Women in Majority Male Workplaces

11/2017

“JOHP (Journal of Occupational Health Psychology) embraced Sexual Harassment as an occupational health psychology problem in 1998 when three competitive research articles were published in a special section. Our current examination of the evidence suggests that SH is a continuing occupational problem. Have we made progress? Yes, there has been progress on some fronts but not on others and the problem has morphed, becoming more complicated for a variety of reasons found in the current data. First, we continue to struggle with the very definition of SH which limits our ability to develop effective strategies to address the phenomena in the workplace (McDonald, 2012). Next, we know that the majority of women and men are not victimized in the workplace by SH. “

Commonwealth of Virginia Code

- Legislation was introduced to the Virginia General Assembly in 2003 by Delegate Viola Baskerville and Senator Mary Margaret Whipple but failed to pass.
- Legislation was signed into law this past Session (2019) requiring all legislators to complete Sexual Harassment Training every two years.
- There are no current laws protecting the victims of sexual harassment other than in the workplace.

HOUSE BILL NO. 2083
Offered January 9, 2019
Prefiled January 7, 2019

2019 SESSION

A BILL to amend and reenact §§ 30-129.4, 30-129.5, and 30-129.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 30-129.5:1, relating to workplace harassment; legislative branch policies.

————— Patrons—Watts and Carr —————

Referred to Committee on Rules —————

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-129.4, 30-129.5, and 30-129.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 30-129.5:1 as follows:

CHAPTER 13.1.

SEXUAL LEGISLATIVE POLICY RELATING TO WORKPLACE HARASSMENT
TRAINING ACT.

§ 30-129.4. Workplace harassment policy; legislative branch.

A. As used in this chapter, unless the context requires a different meaning:

"Commonwealth Workplace Harassment Policy" means the DHRM human resources policy on workplace harassment, as may be amended, which includes measures to help ensure a workplace free from workplace harassment.

"Department" means the Department of Human Resource Management.

"Legislative branch employee" means (i) a General Assembly member or member-elect; (ii) a General Assembly member's or member-elect's legislative assistant or other legislative staff compensated in whole, or in part, with state appropriations, working full-time for the member; and (iii) all other full-time employees, including contract employees, of each legislative branch agency of the Commonwealth.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

"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 (i) has the purpose or effect of creating an environment that a reasonable person would consider intimidating, hostile, or abusive; (ii) has the purpose or effect of unreasonably interfering with an employee's work performance; or (iii) affects an employee's employment opportunities or compensation.

Impact on Victims of Sexual Harassment

Workplace Sexual Harassment "A Chronic Problem," Says APA President

More research needed to help predict who will harass, assess effective prevention strategies

- Sexual Harassment: Have We Made Any Progress?(PDF, 104KB)

WASHINGTON — Sexual harassment in the workplace is a pervasive, chronic problem that can cause enduring psychological harm, according to the president of the American Psychological Association.

“Sexual harassment in the workplace is a significant occupational health psychology problem,” said APA President Antonio E. Puente, PhD. “Psychological research has offered understanding into the causes of workplace harassment, as well as some strategies for preventing or reducing it. However, there is limited research regarding the characteristics of harassers, which makes it difficult to predict who will do it and where and when it might happen. What we do know is that harassers tend to lack a social conscience and engage in manipulative, immature, irresponsible and exploitative behaviors.”

Exposure to workplace harassment and the Five Factor Model of personality: A meta-analysis

Science Direct-Elsevier Publications 1/2017

Highlights

- Relationships between the Big-Five traits and workplace harassment were examined.
- Four out of five traits were related to exposure to harassment.
- Neuroticism was most strongly related to harassment.
- A lack of prospective studies limits conclusions about causality.

The Unexpected Effects of a Sexual Harassment Educational Program

Shereen G. Bingham, Lisa L. Scherer
First Published June 1, 2001

Abstract

This study evaluated a sexual harassment program for staff and faculty employees at a metropolitan university. One hundred men and 97 women who participated in the program and 141 men and 178 women who did not participate responded to a self-report questionnaire through campus mail. Analysis of variance was used to test for effects of program participation and employee gender on five outcome variables. Results indicated that participants showed more knowledge about sexual harassment than did nonparticipants and had a stronger attitude that sexual behavior at work is inappropriate. Men had more favorable attitudes toward sexual behavior at work than did women. Moreover, program participation and employee gender interacted, indicating an adverse reaction to the program among male participants. Male participants were less likely than other groups to perceive coercive sexual harassment, less willing to report sexual harassment, and more likely to blame the victim. Implications of the findings are discussed.

If Not Sexual Harassment Training, Then What?

Research found that not all harassment occurs in the workplace.

Considering the high incidence of Sexual Harassment and that workplace training is not uniformly successful, further steps need to be taken to protect the public in general. Legislation addressing this activity, with a penalty, appears to be the logical solution.

In conclusion, Sexual Harassment is pervasive in our society. Sexual Harassment is not confined to the workplace. Random studies, with both men and women reporting, determined that women are overwhelming the victims of sexual harassment. According to those same research studies, men are the primary perpetrators. As decided at the LWV-VA Annual Conference in 2017, and voted for further study last year, this study was and is listed under Women's Issues. The recommendation for the incidence of Sexual Harassment is as follows.

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