

COMBATTING SEXUAL HARASSMENT  
IN THE #METOO ERA

## THE MOMENT WE'RE IN

*“There's a burden of humiliation and fear of reprisal that intimidates victims from coming forward. These bills will provide a path forward for victims to report without fear of losing their jobs or suffering other forms of retaliation. We must no longer limit the economic and career potential of half of our population. We must demand that our workplace culture shifts to reflect our values of fairness and respect.”*

*- Sen. Karen Keiser, 2018*

**IT'S ON US** to continue the conversation about sexual harassment and sexual assault in the workplace.

**NO MORE** unhealthy, unsafe, or abusive workplaces.

**YES ALL WOMEN** have a right to safely and confidentially report instances of sexual harassment and assault in the workplace.

Senate Democrats are hearing SB 5996, SB 6313, SB 6471, SB 6435, and SB 5423 - all bills addressing sexual assault, harassment, and intimidation within the workplace.



**THE LEGISLATION THAT PASSED  
DURING THE 2018 SESSION**

**5996**  
**WORKPLACE SEXUAL HARASSMENT  
POLICIES**

- Ensures new employees don't have to sign non-disclosure agreements that prevent them from disclosing sexual harassment or assault in their workplace.
- Exempts HR staff and allows non-disclosure clauses within settlement agreements to protect the confidentiality of sexual assault or harassment survivors.

## 6313 EMPLOYMENT CONTRACTS

- Makes employment contracts or agreements void if they require employees to:
  - Waive their rights to pursue a cause of action.
  - File a complaint with a state agency.
  - Use a confidential dispute resolution process.

**6027**  
**DISCOVERY OF PRIVILEGED  
HEALTH CARE INFORMATION**

- Clarifies that a claimant's health is not at issue and no health care privilege is waived by requesting non-economic damages under the Washington Law Against Discrimination.
- Provides three exceptions to the limit where the claimant alleges a diagnosable injury, or relies on testimony of a health care provider, or alleges discrimination on the basis of a disability.
- Limits the exceptions in time, starting two years prior to the first alleged unlawful act. Requires the application of any waiver to relate specifically to the provided exceptions.

**6068**

**NONDISCLOSURE AGREEMENTS IN CIVIL  
ACTIONS FOR SEXUAL HARASSMENT OR  
ASSAULT.**

- Provides that neither discovery nor the availability of witness testimony regarding past instances of sexual harassment or sexual assault by a party to a civil judicial or administrative action related to sexual harassment or sexual assault is affected by a nondisclosure policy or agreement that purports to limit the ability of any person to produce such evidence.
- Declares that any provision of a nondisclosure policy or agreement that limits, prevents, or punishes such disclosure is contrary to public policy and unenforceable.
- Makes the act applicable to actions pending as of the effective date and actions filed after the effective date.

## WHY THESE POLICIES MATTER

- ❑ According to the EEOC, reports of men experiencing workplace sexual assault have nearly doubled between 1990 and 2009, from **8 percent** to **16 percent** of all claims.
- ❑ 75 percent of workplace harassment victims experienced retaliation when they spoke up.
- ❑ 1 In 3 Women report being sexually harassed at work.
  - ❑ Yet nearly all women — **95 percent** — report that male perpetrators of such abuse usually go unpunished.
- ❑ The US Equal Employment Opportunity Commission says nearly one-third of the 90,000 complaints received in 2015 included a harassment allegation.

(That number is far too low to reflect reality)

