

**SPECIAL LEGISLATIVE
COMMISSION TO STUDY
UNLAWFUL SEXUAL
HARASSMENT IN THE
WORKPLACE
FINAL REPORT**



**CHAIR TERESA TANZI
HOUSE OF REPRESENTATIVES**

JUNE 1, 2018

**COMMISSION TO STUDY UNLAWFUL
SEXUAL HARASSMENT IN THE
WORKPLACE REPORT
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Letter from Chair Tanzi

I want to thank you all for accepting the appointment to serve on this study commission. You are taking time out of your busy schedules and adding to your existing workload to participate, and I am grateful to you for doing so. I would also like to thank **Speaker Mattiello and Leader Shekarchi for their support and the members of the House who voted overwhelmingly to create this study commission. We have our work cut out for us, and I look forward to working with all of you as we address this issue.**

Despite the fact that reports of sexual harassment are up, and that we are now more aware than ever, there is clearly something missing. I'm grateful for the opportunity to look into our laws, and draw upon national and state experts in order to do our due diligence to the people of Rhode Island by making sure that we are attentive to the realities of sexual harassment in our workplaces. It is my hope that this study commission will be an important first step in reinforcing legal protections and obligations against harassment and developing new ones that better address the lived experiences of all who work in Rhode Island.

There is much to do, and I look forward to getting started!

With gratitude,

Representative Teresa Tanzi

Chair, Special Legislative Commission to Study Unlawful Sexual Harassment in the Workplace

Enabling Legislation

2018 -- H 7678

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LC004789

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

HOUSE RESOLUTION

CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL HARASSMENT IN THE WORKPLACE

Introduced By: Representatives Tanzi, Mattiello, McEntee, Ruggiero, and Vella-

Wilkinson

Date Introduced: February 15, 2018

Referred To: House Labor

1

RESOLVED, That a special legislative commission be and the same is hereby created

2

consisting of eleven (11) members: five (5) of whom shall be members of the House of

3

Representatives, of whom one shall be an active member of the Rhode Island Bar Association,

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and not more than four (4) of whom shall be from the same political party, to be appointed by the

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Speaker of the House; one of whom shall be the Attorney General, or designee; one of whom

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shall be the executive director for the Rhode Island Commission for Human Rights, or designee;

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one of whom shall be the associate director of the Office of Diversity, Equity and Opportunity of
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the Department of Administration, or designee; one of whom shall be the president of the Rhode
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Island Police Chiefs' Association, or designee; one of whom shall be a member of the LGBTQ
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community, to be appointed by the Speaker of the House; and one of whom shall be a member of
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the Rhode Island business community with expertise in human resources practices, to be
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appointed by the Speaker of the House.

13
The purpose of said commission shall be to undergo a study of unlawful sexual
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harassment in the workplace, including a review of existing protections and procedures available
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under current Rhode Island and federal law.

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Forthwith upon the passage of this resolution, the members of the commission shall meet
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at the call of the Speaker of the House to organize and select a chairperson; and a vice
18
chairperson who shall be a representative and an active member of the Rhode Island Bar
19
Association.

1
Vacancies in said commission shall be filled in a like manner as the original appointment.

2
The members of said commission shall receive no compensation for their services,

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All departments and agencies of the state shall furnish such advice and information,

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documentary and otherwise, to said commission and its agents as is deemed necessary or

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desirable by the commission to facilitate the purposes of this resolution.

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The Speaker of the House is hereby authorized and directed to provide suitable quarters

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for said commission; and be it further

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RESOLVED, That the commission shall report its findings and recommendations to the

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House of Representatives no later than May 17, 2018, and said commission shall expire on June

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7, 2018.

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LC004789
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
HOUSE RESOLUTION
CREATING A SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
HARASSMENT IN THE WORKPLACE

1

This resolution would create an eleven (11) member special legislative commission

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whose purpose it would be to study unlawful sexual harassment in the workplace and who would

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report back to the House of Representatives no later than May 17, 2018 and whose life would

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expire on June 7, 2018.

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Commission Members

- Chair: Representative Teresa Tanzi- House of Representatives
- Representative Carol Hagan McEntee - House of Representatives
- Representative Camille Vella Wilkinson- House of Representatives
 - Representative Evan Shanley - House of Representatives
 - Representative Antonio Giarrusso - House of Representatives
- Michael Évora, Esq.-Executive Director at the Rhode Island Commission for Human Rights
- Colonel James Mendonca-Central Falls Police Chief and Rhode Island Police Chiefs Association
- Victoria Goetz -Rhode Island Office of the Attorney General
- Jill Andy- Senior Vice President, Human Resources Amica Mutual Insurance Company
- Wendy Becker-Associate Professor BSW Program at Rhode Island College; LGBTQ
 - Cheryl Burrell: Associate Director Rhode Island Department of Administration Office of Diversity, Equity and Opportunity (ODEO)

Draft Bills Suggested by Chair Tanzi

Chair Tanzi provided copies of nine pieces of draft legislation which she selected as a result of the commission meetings, findings, discussions, and presentations. Summaries of these proposed bills are as follows. (First eight bills are not numbered yet)

- This act would forbid an employer to require an employee, as a condition of obtaining or retaining employment, to execute a nondisclosure agreement, non-disparagement agreement, or a mandatory arbitration agreement regarding alleged violations of civil rights or criminal conduct. This act would take effect upon passage.
- This act would enhance a reporting requirement for state agencies and departments for violations of the fair employment practices chapter and the Equal Opportunity and Affirmative chapter. This act would take effect upon passage.
- The statute of limitations would be tolled during the period of investigation by the human rights commission. This act would take effect upon passage.
- This act would expand and clarify the definition of employees for purposes of the fair employment practices chapter. This act would take effect upon passage.
- This act would mandate that applicants seeking state funds, state contracts or state tax incentives in excess of fifty thousand dollars (\$50,000) disclose on their applications the number of discrimination cases and settlements, if any, pending or concluded before the commission on human rights or in court within five (5) years of the date on the application. This act would take effect upon passage.
- This act would extend the timeframe within which to bring an action for an unlawful employment practice. This act would take effect upon passage.
- This act would require the DCYF and the department of education to identify or develop a program of age appropriate sexual abuse and sexual awareness education. This act would take effect upon passage.
- This act would mandate sexual harassment training for employees and supervisors of employers of fifty (50) or more employees. It would also recommend annual climate survey for employers of fifty (50) or more employees. This act would take effect on January 1, 2020.
- 2018 H-7888: This act would prohibit an employer, employment agency, labor organization, or employee, to directly or indirectly commit any act declared to be an unlawful employment practice, it being the legislative intent that individuals would be held personally liable for such conduct, including, but not limited to, individual employees of employers. This act would take effect upon passage.

Commission Agendas

SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL HARASSMENT IN THE WORKPLACE

NOTICE OF MEETING

DATE: April 3, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 101 – Rhode Island State House

- I. Welcome and Introduction**
- II. Election of Chairperson and Vice Chair**
- III. Review of Commission Resolution, H7678**
- IV. Presentation by Cheryl Burrell, Rhode Island Department of Administration
Office of Diversity, Equity, and Opportunity**
- V. Presentation by Michael Evora, Esq., Rhode Island Commission for Human
Rights**
- VI. Next Meeting Date and Adjournment**

***No public testimony will be received during this meeting.**

**Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 with questions.**

**SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
HARASSMENT IN THE WORKPLACE**

NOTICE OF MEETING

DATE: April 12, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 101 – Rhode Island State House

- I. **Welcome and Introduction- Chairwoman Tanzi**

- II. **Panel Presentations and Discussion by National Conference of State Legislatures (NCSL)- Jonathan Griffin, The National Women's Law Center (NWLC)- Andrea Johnson, and The American Civil Liberties Union of Rhode Island (ACLU)- Steven Brown**

- III. **Next Meeting Dates- April 24, 2018 and May 2, 2018**

- IV. **Adjournment**

***No public testimony will be accepted during this meeting.**

**Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 or Kendra Cervone Maynard at House Policy at
kcervone@rilegislature.gov with questions.**

**SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
HARASSMENT IN THE WORKPLACE**

NOTICE OF MEETING

DATE: April 24, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 101 – Rhode Island State House

- I. **Welcome and Introduction- Chairwoman Tanzi**

- II. **Presentation by JoAnne N. Pare, HR Business Partner, Lifespan Employee Labor Relations**

- III. **Presentation by Cindy Butler, State Chapter Director for RI Society for Human Resource Management (SHRM), Wendy Kagan, Co-Director of Legislative Affairs for RI SHRM, & Gregory Tumolo, Co-Director of Legislative Affairs for RI SHRM**

- IV. **Next Meeting Date- May 1, 2018**

- V. **Adjournment**

***No public testimony will be accepted during this meeting.**

**Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 or Kendra Cervone Maynard at House Policy at
kcervone@rilegislature.gov with questions.**

**SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
HARASSMENT IN THE WORKPLACE**

NOTICE OF MEETING

DATE: May 1, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 101 – Rhode Island State House

- I. **Welcome and Introduction- Chairwoman Tanzi**
- II. **Presentation by Kevin Berry, Director for the New York District for the Equal Employment Opportunity Commission (EEOC)**
- III. **Presentation by Bobbie-Jo St. John, Teamsters International**
- IV. **Presentation by Victoria Goetz, Special Assistant Attorney General & Rebecca Tedford Partington, Chief, Civil Division, Rhode Island Office of the Attorney General**
- V. **Next Meeting Dates- May 8, 2018 & May 15, 2018**
- VI. **Adjournment**

***No public testimony will be accepted during this meeting.**

**Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 or Kendra Cervone Maynard at House Policy at
kcervone@rilegislature.gov with questions.**

**SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
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NOTICE OF MEETING

DATE: May 8, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 135 – Rhode Island State House

- I. **Welcome and Introduction- Chairwoman Tanzi**
- II. **Roundtable Discussion of Recommendations by Commission Members**
- III. **Next Meeting Date- May 15, 2018**
- IV. **Adjournment**

***No public testimony will be accepted during this meeting.**

Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 or Kendra Cervone Maynard at House Policy at
kcervone@rilegislature.gov with questions.

**SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
HARASSMENT IN THE WORKPLACE**

NOTICE OF MEETING

DATE: May 15, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 135 – Rhode Island State House

- V. Welcome and Introduction- Chairwoman Tanzi**
- VI. Discussion of Commission Recommendations**
- VII. Adjournment**

***No public testimony will be accepted during this meeting.**

**Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 or Kendra Cervone Maynard at House Policy at
kcervone@rilegislature.gov with questions.**

**SPECIAL LEGISLATIVE COMMISSION TO STUDY UNLAWFUL SEXUAL
HARASSMENT IN THE WORKPLACE**

NOTICE OF MEETING

DATE: May 22, 2018

TIME: 1:00 PM-3:00 PM

PLACE: Room 135 – Rhode Island State House

- VIII. Welcome and Introduction- Chairwoman Tanzi**
- IX. Discussion of Commission Recommendations**
- X. Adjournment**

***No public testimony will be accepted during this meeting.**

Please contact Lynne Urbani at House Policy at lurbani@rilegislature.gov
401-528-1760 or Kendra Cervone Maynard at House Policy at
kcervone@rilegislature.gov with questions

Closing Remarks from Chair Tanzi

For the past two months, the Special Legislative Commission to Study Unlawful Sexual Harassment in the Workplace has worked collaboratively to examine Rhode Island's existing laws dealing with sexual harassment in an effort to identify opportunities to update and strengthen such laws. As was made clear from the #metoo movement and similar campaigns spreading public awareness, sexual harassment in the workplace is a widespread and underreported problem. In fact, according to a Fleming and Associates poll commissioned by WPRI (April 12th), 85% of Rhode Islanders have said sexual harassment is a serious problem. I am grateful that the concerns of Rhode Islanders are being taken seriously by the General Assembly and look forward to action being taken on these significant proposals.

With the guidance and testimony of regional and national experts, we looked at the existing cadre of laws intended to address sexual harassment, most of which had not been updated in the three decades or so since their adoption. Through our study, we were able to identify several opportunities for improvement, and suggest that the General Assembly pursue these initiatives. With continued protections in place against sexual harassment, fair processes for handling complaints, and increased efforts to encourage education and reporting, Rhode Island can become an even better place for businesses because of greater worker satisfaction and productivity.

I am grateful for the support and participation in this process by leaders from Rhode Island's business community, and for the dedication of our commission members whose flexibility and input made it possible for us to fulfill our mission in a compressed timetable.

I also look forward to the efforts and support by my colleagues in the General Assembly as we consider these proposals for adoption here in our state. I am thankful for the dialogue that has happened in society on this topic in recent months, and believe it will advance our state in adopting policies and norms that make the workplace safer for every person.

Commission Presentation Materials

- Presentation by Cheryl Burrell from The Rhode Island Department of Administration Office of Diversity, Equity, and Opportunity: Please see Exhibit A, which is attached hereto and incorporated by reference herein.
- Presentation by Michael Evora from the Rhode Island Commission for Human Rights: Please see Exhibit B, which is attached hereto and incorporated by reference herein.
- Presentation by Andrea Johnson from the National Women’s Law Center: Please see Exhibit C, which is attached hereto and incorporated by reference herein.
- Presentation by Cindy Butler, Gregory Tumolo, and Wendy Kagan from The Rhode Island Society for Human Resource Management State Chapter: Please see Exhibit D, which is attached hereto and incorporated by reference herein.
- Presentation by Kevin Berry from the U.S. Equal Employment Opportunity Commission: Please see Exhibit E, which is attached hereto and incorporated by reference herein.
- Presentation by Jonathan Griffin from The National Conference of State Legislatures: Please see Exhibit F, which is attached hereto and incorporated by reference herein.