Testimony of Eric Gjede
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Before the Judiciary Committee
Hartford, CT
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Testifying on
SB 3: AN ACT COMBATTING SEXUAL ASSAULT AND SEXUAL HARASSMENT

Good afternoon Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee. My name is Eric Gjede and I am vice president of government affairs at the Connecticut Business and Industry Association (CBIA), which represents thousands of large and small companies throughout Connecticut.

CBIA would like to offer comments on sections 1 to 17 of SB 3, LCO 6271.

Businesses in Connecticut are under incredible pressure to ensure they provide safe workplaces for employees. Every year, lawmakers propose measures that increase the employers' liability for incidents occurring in the workplace while at the same time attempting to eliminate tools used by businesses to screen potentially problematic employees.

There are only three states in the nation that require private sector employers to provide sexual harassment training. Connecticut and California require businesses with 50 or more employees to provide sexual harassment training to supervisory employees. Maine requires businesses with 15 or more employees to provide sexual harassment training to all employees. At first glance, it would appear that Maine's law is in line with the proposed training requirements in SB 3. However, despite its applicability to few employers, Connecticut's law (and California's) is considerably more expansive in terms of curriculum and duration.

For one, unlike Maine, Connecticut has very robust requirements for sexual harassment training. Our training is required to be two hours long and must be taught in a classroom-like setting in a format that allows participants to ask questions and receive answers. The training must also include a discussion of all relevant federal and state harassment laws, the legal definition of harassment, civil and criminal penalties for harassment, types of conduct that constitutes harassment, the remedies available to those who are being discriminated against, and prevention strategies. It is also recommended that roleplaying and group exercises be incorporated into the training. For this reason, most businesses are forced to hire attorneys or consultants to conduct this training, which can be incredibly expensive. In Maine, you can pop in a video and have an employee sign a form stating they viewed it.

Connecticut businesses are willing to do more to prevent sexual harassment in the workplace. Section 1 requires that businesses with three or more employees provide sexual harassment prevention training to all employees every ten years. While we do believe businesses will incur a cost with this expanded training mandate, we are appreciative it may be partially mitigated by requiring the Commission on Human Rights and Opportunities (CHRO) develop online materials that satisfy the employee training requirement. This would be particularly helpful if the legislation could require these materials be made available free of charge. Further, we would

suggest that employees without supervisory or managerial duties may not need a full two-hour course and may benefit from limiting the training to materials concerning the definition of sexual harassment, the types of conduct that constitute harassment, reporting procedures, and other information deemed necessary for non-supervisory personnel.

Section 4 of the bill prohibits employers from taking any corrective action in response to an employee's claim of sexual harassment that modifies the claimant's conditions of employment without the claimant's written agreement to such modification. While we understand the impetus for this section, it creates a significant issue for an employer attempting to balance the safety of the claimant with the due process rights of the accused. There are any number of scenarios where this could result in logistical issues for employers attempting to properly enforce harassment policies, and as such, we ask the committee to consider eliminating this section of SB 3.

CBIA opposes many of the increased damages provisions, particularly those in section 7.

CBIA supports section 14 of SB 3. Under current law, businesses in this state can suspend without pay any hourly, non-salaried employee who violates a written workplace rule on harassment or violence. However, state law prohibits an employer from suspending without pay a salaried employee for the same violation. In other words, Connecticut law treats people who commit violations differently solely based on how they are paid by their employer. Section 14 corrects this disparity and we appreciate it being included in the bill.

In summary, we share your intent of ensuring our workplaces are as safe as possible for employees. We ask you to keep in mind the many other cost-driving mandates being considered by lawmakers this session and offer to work with you to find solutions that will work for both employees and employers.