



NFIB  
304 W. Main St., #205  
Avon, CT 06001  
(860) 248-NFIB  
NFIB.com/CT

**TESTIMONY OF  
NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)  
REGARDING  
SB-3, AA COMBATting SEXUAL ASSAULT AND SEXUAL HARASSMENT  
BEFORE THE  
JUDICIARY COMMITTEE  
APRIL 1, 2019**

*NFIB is the leading small business association in the nation with thousands of members in Connecticut representing a cross-section of the state's economy. For more than 75 years, NFIB has been advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. NFIB is nonprofit, nonpartisan, and member-driven. Since our founding in 1943, NFIB has been exclusively dedicated to small and independent businesses and remains so today. On behalf of those small- and independent- job-providers in Connecticut, NFIB offers the following comments:*

Regarding sections 1-17 only of SB-3, it is important to note that NFIB supports harassment free workplaces for all employees as has been protected under longstanding federal and state laws. As it is, NFIB, in conjunction with our Small Business Legal Foundation, routinely promotes antiharassment practices for small employers and encourages all employers to adopt written antiharassment policies, provide notice to employees of their rights, create best practices to avoid harassment problems and help ensure safe workplaces. Small business owners treat their employees like family and are acutely aware of the devastating impact a harassment claim or a lawsuit can have on their employees and businesses and therefore already take appropriate measures to help prevent workplace harassment from occurring and the attendant liability.

Section 1 of the bill does contain a significant expansion of the training requirements for small employers by imposing a new 2-hour training requirement on all employees for any business with 3 or more employees, as well as for supervisory employees regardless of business size; however, the legislation does also prescribe that the state (CHRO) develop and "make available" (line 185) an online and/or video training and education for employers to fulfill the new requirements. NFIB is certainly appreciative of this aspect as it (implicitly) should not impose any new *direct* costs on small employers, however at small firms, there is always some concern about new mandates and potential lost time and productivity, etc. But is unclear from the legislation as presently drafted that this new training to be developed by CHRO will indeed be provided or made available to employers at no cost (See lines 185-188). This is an important distinction that needs to be clarified and addressed directly in the legislation.

Section 1 also addresses notification requirements and the methods by which an employer can communicate and provide to employees information concerning sexual harassment and available remedies, etc. NFIB appreciates that the methods of communication outlined are not a one-size-fits-all mandate and provides employers with multiple options for compliance.



NFIB

304 W. Main St., #205

Avon, CT 06001

(860) 248-NFIB

NFIB.com/CT

Beyond section 1, NFIB is concerned about various sections of this bill that expand the scope of allowable damages in certain cases to specifically, statutorily, include punitive damages. With regard to the punitive damage provisions of this bill as currently drafted, NFIB would suggest that since there is already a longstanding body of case law in Connecticut, and an even narrower body of such case law governing punitive damages in cases involving employee/employer relations, it is therefore inappropriate to grant discretion to CHRO to recommend such damages before such cases can even be properly adjudicated through the court system. Additionally, statutorily allowing for the imposition of punitive damages by the courts is not necessary given the existing governing body of case law.

Thank you for the opportunity to comment and for your consideration of NFIB's perspectives and concerns on behalf of small business. For any questions or additional information, please contact Andy Markowski, NFIB's State Director in Connecticut, at 860-248-NFIB.