

WORKPLACE SEXUAL HARASSMENT POLICY RECOMMENDATIONS

Workplace sexual harassment continues despite being prohibited for decades by federal and Utah law. Its harms to both the individuals harassed, as well as the organizations where it occurs are extensive and well-documented. Since existing law has not ended such harassment, further action can be taken. To help state policymakers take action, we propose the following recommendations for Utah.

1 UTAH SHOULD REQUIRE PREVENTION MEASURES AND PROVIDE EMPLOYER TOOLS.

UALD stands for the Utah Antidiscrimination and Labor Division

- ✓ Require employers to conduct recurrent sexual harassment training and task UALD to prepare models.
- ✓ Require employers to post notice of sexual harassment rights and task UALD to prepare model.
- ✓ Require employers to have/periodically distribute written sexual harassment policies and task UALD to prepare model.

UTAH COULD ALSO:

- ✓ Conduct comprehensive, statewide study on sexual harassment incidents; require employers to report sexual harassment data to UALD; and enact additional prevention measures based on data.

2 UTAH SHOULD TAKE STEPS TO REDUCE RETALIATION.

- ✓ Mandate that required sexual harassment training also cover retaliation.
- ✓ Mandate that required sexual harassment notice include retaliation rights.
- ✓ Mandate that required sexual harassment policies also prohibit retaliation.

UTAH COULD ALSO:

- ✓ Include questions on retaliation incidents in the suggested statewide study and implement additional steps to reduce retaliation.
- ✓ Adopt legal provisions to deter retaliation such as adding individual liability and increasing damages.
- ✓ Change UALD procedures to decrease time to charge closure, require periodic check-ins during investigations, and fast-track UALD investigations of retaliation charges.

3 UTAH SHOULD REMOVE BARRIERS TO LEGAL REDRESS.

- ✓ Ban nondisclosure and no-rehire provisions in employment and workplace sexual harassment settlement agreements.
- ✓ Audit UALD process and, if needed, implement legislative responses.
- ✓ Extend statute of limitations.

UTAH COULD ALSO:

- ✓ Add state court option for legal redress.
- ✓ Allow compensatory and punitive damages and add individual liability.
- ✓ Expand scope of Utah's Antidiscrimination Act by changing covered employers to include those with less than 15 employees, removing "severe or pervasive" requirement from sexual harassment definition, and refining excluded employers' definition so they are subject to sexual harassment prohibitions.

For more detail and background, see the [executive summary](#) or the [full report](#) of the associated white paper titled: "Addressing Workplace Sexual Harassment: Public Policy Solutions for Utah."