



## Commission on Human Rights

**FOR IMMEDIATE RELEASE:** December 6, 2017

**CONTACT:** Morgan Rubin, [mrubin@cchr.nyc.gov](mailto:mrubin@cchr.nyc.gov), [212-416-0224](tel:212-416-0224)

### **NEW YORK CITY HUMAN RIGHTS COMMISSION HOLDS FIRST PUBLIC HEARING ON SEXUAL HARASSMENT IN OVER 40 YEARS**

*Building on the foundation of the City's historic "women and workplace" hearings of the 1970s which catalyzed a national movement to recognize and address sexual harassment in the workplace, New Yorkers from a variety of industries will testify today on their experiences of sexual harassment and challenges in reporting it*

*The Commission will issue a report in the first half of 2018 with policy recommendations and findings on how the City can better address sexual harassment in the workplace*

**NEW YORK**—New York City announced today that the Commission on Human Rights, in partnership with CUNY School of Law and the New York Women's Foundation, is holding a public hearing where advocates and individuals working in hospitality, retail, domestic work, construction, media and entertainment, and fashion and modeling, among other industries, will testify about sexual harassment experiences in the workplace and the challenges they face in reporting it and obtaining justice. Those testifying included advocacy organizations serving some of New York City's most vulnerable workers, including women in male-dominated industries, women of color, immigrant workers, and LGBTQ workers. The NYC Commission on Human Rights is the City agency that enforces the City's anti-discrimination law, one of the most extensive civil and human rights law in the nation, which protects individuals against sexual harassment as a form of gender-based discrimination.

"Forty years after I served as New York City Human Rights Commissioner and held the first public hearings in the nation on discrimination against women, I could not be more pleased to see the Commission revisiting the issue, taking on the elusive issue of sexual harassment in the workplace," said **Congresswoman Eleanor Holmes Norton (D-DC)**. "Our country has made some progress since the Equal Employment Opportunity Commission first defined sexual harassment as workplace discrimination when I served as chair, but sexual harassment still pervades every workplace sector in America, including the halls of Congress, where I serve. I appreciate the Commission for once again leading the way on addressing sexual harassment, a significant form of discrimination in today's workplace."

"As we are experiencing a watershed moment in the women's rights and social justice and civil rights movement, where women, men, and non-binary people are bravely

coming forward to share their stories of sexual harassment across industries, the NYC Commission on Human Rights wants to learn directly from New Yorkers on how the City can better address sexual harassment and how we can work together to dismantle the systems that allow harassers and those complicit with them accountable, said **NYC Commission of Human Rights Chair and Commissioner Carmelyn P. Malalis**. “The NYC Human Rights Law is one of the broadest and most protective anti-discrimination and anti-harassment laws in the country and we, at the Commission, are using it every day to ensure New Yorkers have access to justice. But we can do better, and we can do more. That’s why we need your input and look forward to working with our partners in government and the community to better advise businesses and employers to act affirmatively and proactively.”

"We are proud to host the New York City Human Rights Commission," said **CUNY Law Dean Mary Lu Bilek**. "This hearing, this chance to hear your voices, is so important, and is deeply intertwined with our mission as a school, to produce advocates who will practice law in the service of human needs."

“The New York Women’s Foundation commends Commissioner Malalis and the New York City Commission on Human Rights for their bold leadership in uplifting the voices of and advancing policies to better support those who have experienced sexual harassment at work,” said **Human Rights Commissioner and CEO and President of the NY Women’s Foundation Ana Oliveira**. “This issue remains a barrier to not just the safety of women, but to their ability to support their families. Women are now the sole or co-breadwinner for two-thirds of families in the U.S. We must work to promote women’s economic security from all angles and are proud to support community-based organizations advancing innovative solutions to improve the lives of women and families in NYC.”

This is the first public hearing on sexual harassment the NYC Commission on Human Rights has held since the 1970s when then-Chair and Commissioner and now Congressmember (D-DC) Eleanor Holmes Norton, who will travel to New York City today to give opening remarks at the hearing, held the first public hearings in the nation on issues surrounding women and the workplace, which catalyzed a national movement to recognize and combat sexual harassment in the workplace. Held over forty years ago, these hearings led to stronger enforcement on sexual harassment in New York City, the creation of women’s organizations specifically to address and educate communities on this issue, and the issuance of federal guidelines recognizing sexual harassment as sex discrimination.

The December 6th public hearing is open to all to attend; individuals who are interested in testifying requested to testify and were selected to represent a diversity of industries and experiences. Anyone may also submit written testimony to the Commission which will be reviewed and considered by the Commission. The hearing panel will consist of **Carmelyn P. Malalis**, Chair and Commissioner, NYC Human Rights Commission; **Lorelei Salas**, Commissioner, NYC Consumer Affairs Department; **Ana Oliveira**, Commissioner, NYC Human Rights Commission, and Women’s Foundation

CEO/President; **Cathy Albisa**, Commissioner, NYC Human Rights Commission, and Executive Director of the National Economic and Social Rights Initiative; **Carrie Davis**, Commissioner, NYC Human Rights Commission, and Healthcare and Management Consultant, and **Beverly Tillery**, Commissioner, NYC Gender Equity Commission and Executive Director, NYC Anti-Violence Project.

The Commission invited over 500 individuals and organizations from across the city who work with, represent, organize, or advocate on behalf of workers across diverse industries and also conducted targeted outreach to specific industries and the organizations that work with them, including domestic work, hospitality, and construction. Individuals who are testifying will be grouped by thematic areas to ensure there are a diversity of workers' and advocates' voices and industries represented at the hearing. Over 25 people are expected to testify. The Commission will welcome written testimony until December 31 to be considered towards the development of a report summarizing the hearing with key findings, policy recommendations, guidance, and next steps in the first half of 2018.

New York City is home to one of the strongest anti-discrimination laws in the nation, the NYC Human Rights Law, which prohibits discrimination in housing, employment, public accommodations and also protects New Yorkers against discriminatory harassment and bias-based profiling by law enforcement. The NYC Human Rights Law is interpreted more broadly than federal law with respect to sexual harassment. Federal courts have required that sexual harassment be "severe or pervasive," to be unlawful, whereas the NYC Human Rights includes any unwanted sexual behavior such as sexual comments or jokes, gestures, touching, texts, or emails that create a hostile or offensive work environment. Additionally, victims of sexual harassment in New York City may file claims at the Commission even when they are bound by arbitration agreements that prevent them from filing cases in court.

The Commission has the authority to fine violators with civil penalties of up to \$250,000 for willful and malicious violations of the Law and can award unlimited compensatory damages to victims, including emotional distress damages and other benefits. The Commission may also launch its own investigations into sexual harassment and discrimination on behalf of the City, in addition to claims brought forward by individuals.

Investigations into sexual harassment have increased by nearly 50 percent at the Commission over the last two years, with 109 claims filed in 2016/15 up from 73 in 2014/13. Commission is currently investigating 340 complaints of gender discrimination, of which 40 percent, or 123, are claims of sexual and gender-based harassment, 85 percent of which are in the workplace. Overall, gender-based discrimination claims made up the third largest area of complaint at the Commission in 2016, roughly 12% of all claims.

Recent outcomes of settlements and decisions by the Commission for victims include:

- **\$56,448 in emotional distress and back pay** to an employee at a construction company after she was fired as a result of her complaining about her

supervisor's sexual advances. In addition, the company was required to undergo training on the NYC Human Rights Law and publicly post a "Notice of Rights" in all office spaces.

- **\$167,000 in emotional distress damages and back pay** to an employee at a food products distributor who was sexually harassed by her supervisor, even after she reported the incidents internally. The Commission also required the supervisors involved to complete 40 hours of community service, and all supervisory and managerial employees to attend anti-harassment trainings, in addition to posting a "Notice of Rights" in all office and work locations and the creation of anti-discrimination policies.
- **\$95,000 in back pay and emotional distress damages** to a victim who was sexually harassed by her supervisor at an art gallery over a three-year period, in addition to a training on the NYC Human Rights Law.
- **\$12,500 in emotional distress damages** to a victim who was sexually harassed at a maintenance company, in addition to updating its employment policies and procedures to comply with the NYC Human Rights Law
- **\$45,000 in civil penalties and emotional distress damages** to a victim of sexual harassment at a non-profit who was fired after she made an internal complaint about the harassment. In addition, the Commission has required the employer to designate a Sexual Harassment coordinator to oversee the creation and implementation of new policies, procedures and trainings designed to fully educate the workforce about sexual harassment.
- **\$250,000 in civil penalties (the highest penalty in Commission history)** against an employer at a meter-reading company who sexually an employee over a three-year period. The Commission also awarded the victim of \$422,670 in front and back pay and emotional distress.

If you believe you are the victim of sexual harassment or any other type of discrimination under the NYC Human Rights Law, call the Commission's Infoline at [718-722-3131](tel:718-722-3131). Reports may also be filed anonymously and reported on the [Commission's website](#).

For more information on the protections against sexual harassment and gender-based discrimination, read a [factsheet](#) and [brochure](#) on the Commission's website at [NYC.Gov/HumanRights](http://NYC.Gov/HumanRights), and these [instructions](#) on how to report sexual harassment.

"DCA is proud to be a part of this public hearing on sexual harassment in the workplace," said **NYC Department of Consumer Affairs Commissioner Lorelei Salas**. "Under City, state, and federal law workers have the right to a safe discrimination-free workplace, free of unwanted or uninvited threatening or offensive behavior. We want to remind New Yorkers that the City of New York has your back and that this type of behavior will not be tolerated. Our Office of Labor Policy and Standards is committed to

creating a fair workplace for all, and we encourage workers to contact us to learn more about their rights and protections under the law.”

"I commend the City's Human Rights Commission for holding this important hearing on sexual harassment in the workplace at this crucial moment," said **NYC Mayor's Office of Media and Entertainment Commissioner Julie Menin**. "As we have learned from the flood of revelations about high profile men in media, film and television this fall, too many women have been victimized by sexual misconduct and had their careers derailed. We support all efforts to right this wrong, and firmly believe that a key part of the solution is to get more women into leadership positions."

"We know that sexual violence, including sexual harassment in the workplace, in this country is a vast problem, much bigger than the few high-level persons that have been implicated, said **Human Rights Commissioner and Healthcare and Management Consultant Carrie Davis**. "We need to change the way we approach this concern, starting with believing survivors when they disclose the violence and harassment they have suffered."

"Every day, we hear from women, particularly low-income women of color, who experience sexual harassment along with other forms of discrimination on the job," said **A Better Balance: The Work and Family Legal Center Co-Founder & Co-President Dina Bakst**. "Far too often, low-income workers and women in non-traditional occupations are forced to make the impossible choice between enduring ongoing harassment or losing their paycheck. There is much more we can and must do to ensure women earn the fair and equal pay they deserve, free of harassment and abuse."

"We are testifying today at hearing because we want to draw attention to the special challenges that undocumented immigrants face when reporting sexual harassment, and the ways in which the City Commission on Human Rights assists immigrant survivors of sexual harassment in seeking justice and obtaining immigration benefits," said **City Bar Justice Center Staff Attorney Laura Berger**. "I will be speaking about our clients and a case example that illustrates the particular obstacles that an immigrant survivor of sexual abuse and assault can face."

"I would like to thank Commissioner Malalis for her leadership and vision. The hearing on sexual harassment in the workplace is timely as this is a watershed moment for women in this country, said **YWCA Brooklyn CEO & President Martha Kamber**. "Sexual harassment has impacted the careers of millions of women and it's time for a national reckoning. The YWCA Brooklyn is the the largest and oldest organization specifically serving women and girls in Brooklyn, and the only YWCA representing the borough. Working with hundreds of girls each year, we see the impact the sexualization and objectification of young women has on their self-esteem, body image, school performance and later life choices. As a culture, we have to stop normalizing this behavior. We must teach our girls to fight back and our boys to respect women. We must also see more women in leadership positions in underrepresented fields and in elected office. And finally, we must demand that men work collectively to create a culture that

respects all women and girls.”

"Public-space harassment including street harassment and online harassment are essential considerations for the conversation on workplace sexual harassment," said **Hollaback! Board Vice Chairperson Rita Pasarell**. "Street harassment can cause employees to arrive to their job feeling anxious and distracted, impacting ability to work or respond to a compound trauma of workplace harassment. Online harassment is a threat to employee safety and causes women writers, especially women of color, to give up online writing. We welcome today's discussion as a starting point for additional research on the effects of public space harassment on employees, as well as increased training on bystander intervention and harassment responses."

"Gender-based sexism and sexual harassment have been pervasive and occurring for decades in our industry. Not only from those at the top but it is also happening in all positions in front of or behind the camera," said **New York Women in Film & Entertainment President Simone Pero**. "Today, we are calling for a fuller conversation around the issue and concrete action to improve the reporting structure and enforcement of policies. We commend the NYC Commission on Human Rights for convening a diverse array of voices to help create policy and strategy to ensure that all women work in healthy, equitable and safe environments."

"The headlines scream of harassment by high-profile celebrities, but we investigate the everyday "white collar" and "blue collar" victims whose stories are not heard and sometimes not told," said **Equal Employment Opportunity Commission New York District Outreach and Education Coordinator Michael Rojas**.

"Fashion is a glamour industry, but there's more to sexual harassment than beautiful people in ugly situations," said **Fashion Law Institute Founder and Director Susan Scafidi**. "From behind the seams to runway to retail, the industry is already taking action to increase transparency and expand the scope of protection, and we believe the next step is to reduce the career consequences and stigma of speaking up by convincing employers to #hireatroublemaker."

"As an organization representing thousands of domestic workers in New York City, we know firsthand how important it is to listen to the voices of survivors of sexual assault, especially in the national conversation on sexual harassment" said **Enforcement Program Manager at the National Domestic Workers Alliance MARRISA SENTENO**. "Throughout history, domestic workers have had few legal protections and ways to hold bad employers accountable, vulnerabilities magnified by racism, sexism, and rampant sexual harassment in the industry. Yet, domestic workers have also been at forefront of social change, organizing from the grassroots up to improve employment conditions for all working women. It is this legacy and vision we hope to bring to New York City's historic public hearing."

"We have seen an important wave of women recently coming forward in the public to

share their experiences of sexual harassment,” said **Make the Road NY Staff Attorney Elizabeth Sprotzer**. “Missing, however, from much of the media coverage and conversation, are the stories of low-income immigrant women who work behind the shadows - in the back of restaurants, retail, factories and homes - and make this city run. It is critical that we bring their experiences to light and recognize the unique set of risks that immigrant workers face in coming forward to report abuse.”

“The current climate of anti-immigrant rhetoric has reinforced employers to use a workers’ immigration status as both a sword and shield,” said **LatinoJustice PRLDEF Legal Fellow Nathalia Varela**. “They feel emboldened to discriminate openly against workers by harassing them, making inappropriate comments and sexual advances, withholding wages or subjecting them to unsafe or unsanitary workplaces all while reminding them how grateful they should be. When workers speak up or exert their rights, employers are retaliating by threatening to call immigration officials.”

"Sexual abuse in the workplace is rampant in the modeling industry,” said **Founding Director of the Model Alliance Sara Ziff**. “Too often, models are treated as objects, and not as legitimate members of the workforce who deserve to be able to work with the same dignity, respect, and basic legal protections that other workers enjoy under New York’s sexual harassment and employment laws.”

###