

103^D CONGRESS
1ST SESSION

H. R. 2829

To require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1993

Mr. MILLER of California (for himself and Ms. SNOWE) introduced the following bill; which was referred jointly to the Committees on Education and Labor, Post Office and Civil Service, and House Administration

A BILL

To require employers to post, and to provide to employees individually, information relating to sexual harassment that violates title VII of the Civil Rights Act of 1964; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sexual Harassment
5 Prevention Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds the following:

1 (1) Sexual harassment in employment persists
2 widely in the workplace, although it violates title VII
3 of the Civil Rights Act of 1964 and adversely affects
4 employees.

5 (2) According to guidelines issued by the Equal
6 Employment Opportunity Commission in 1980, the
7 most effective tool for eliminating sexual harassment
8 is prevention.

9 (3) The United States Merit Systems Protec-
10 tion Board found in 1981 and 1988 surveys of Fed-
11 eral Government employees that 42 percent of fe-
12 male employees and 14 percent of male employees
13 questioned had experienced some kind of harassment
14 in employment. The American Psychological Associa-
15 tion estimates that at least 1/2 of all working women
16 have been sexually harassed at the workplace during
17 their careers.

18 (4) The vast majority of sexual harassment epi-
19 sodes go unreported to a supervisory employee or
20 other individual designated by the employer. Only 5
21 percent of the Government employees who indicated
22 in the 1988 Merit Systems Protection Board survey
23 that they had been harassed filed a formal complaint
24 or requested an investigation of the harassment.

1 (5) Sexual harassment has a significant cost for
2 employees and employers. A 1988 study by Working
3 Woman Magazine shows that sexual harassment
4 costs a typical “Fortune 500” employer \$6,000,000,
5 or \$292.53 per employee, each year. The same study
6 estimates that it is 34 times more expensive for such
7 an employer to ignore the problem than it is to es-
8 tablish effective programs and policies to address the
9 problem.

10 (6) Most job growth over the next decade is ex-
11 pected to occur in employment by small employers.
12 Sixty-six percent of the individuals who will enter
13 the work force during this period are expected to be
14 female. The establishment of programs and policies
15 in small-business environments, at a low cost to em-
16 ployers, will be a key prevention priority to reduce
17 sexual harassment in employment.

18 (b) PURPOSES.—The purposes of this Act are—

19 (1) to establish workplace requirements that
20 will reduce the incidence of sexual harassment in
21 employment,

22 (2) to provide a low-cost system to assist em-
23 ployers to establish programs and policies to prevent
24 sexual harassment in employment,

1 (3) to raise the awareness of employees of the
2 definition of sexual harassment and of available ave-
3 nues of redress, and

4 (4) to increase the authority and capacity of the
5 Equal Employment Opportunity Commission to as-
6 sist in preventing sexual harassment in employment.

7 **SEC. 3. EMPLOYER REQUIREMENTS.**

8 (a) POSTING OF NOTICE IN THE WORKPLACE.—

9 Each employer shall post and keep posted in conspicuous
10 places upon its premises where notices to employees and
11 applicants for employment are customarily posted, a no-
12 tice that shall be prepared or approved by the Commission
13 and shall set forth—

14 (1) the definition of sexual harassment found in
15 section 1604.11(a) of title 29 of the Code of Federal
16 Regulations (July 1, 1992),

17 (2) the fact that sexual harassment in employ-
18 ment is a violation of title VII of the Civil Rights
19 Act of 1964,

20 (3) information describing how to file with the
21 Commission a complaint alleging such harassment,
22 including information on the time periods within
23 which an alleged victim of discrimination (including
24 sexual harassment) must file a charge with the
25 Equal Employment Opportunity Commission, or a

1 State or local fair employment agency, in order to
2 satisfy the statute of limitations applicable to claims
3 under title VII,

4 (4) an address, and the toll-free telephone num-
5 ber, to be used to contact the Commission regarding
6 such harassment or compliance with the require-
7 ments of this Act, and

8 (5) such other information as the Commission
9 may require.

10 (b) SEPARATE NOTICE TO INDIVIDUAL EMPLOY-
11 EES.—Each employer shall provide annually to each em-
12 ployee separately a written notice that includes—

13 (1) the matters specified in paragraphs (1)
14 through (4) of subsection (a),

15 (2) a description of the procedures established
16 by such employer to resolve allegations of sexual
17 harassment in employment, and

18 (3) such other information as the Commission
19 may require.

20 Such notice shall be provided in a manner that ensures
21 that such employee actually receives such notice.

22 (c) MANAGEMENT INFORMATION FOR SUPERVISORY
23 EMPLOYEES.—Not later than 60 days after an employer
24 places an individual in a supervisory employment position
25 or 1 year after the date of the enactment of this Act,

1 whichever occurs later, such employer shall provide to the
2 supervisory employee information specifying the respon-
3 sibilities of, and the methods to be used by, such employee
4 to ensure that immediate and corrective action is taken
5 to address allegations of sexual harassment in employ-
6 ment.

7 (d) CIVIL PENALTY.—A willful violation of this sec-
8 tion shall be punishable by a civil penalty of not more than
9 \$1,000 for each separate violation.

10 **SEC. 4. DUTIES OF THE COMMISSION.**

11 (a) TECHNICAL ASSISTANCE MATERIALS.—Not later
12 than 180 days after the date of the enactment of this Act,
13 the Commission shall prepare, revise from time to time
14 as needed, and make available to employers at no cost (by
15 publication in the Federal Register or other means)—

16 (1) a model notice of the kind required by sec-
17 tion 3(a) to be posted,

18 (2) a model notice of the kind required by sec-
19 tion 3(b) to be provided to employees, and

20 (3) voluntary guidelines for the establishment of
21 policies and procedures by employers to address alle-
22 gations of discrimination (including sexual harass-
23 ment) in employment.

24 (b) TOLL-FREE TELEPHONE NUMBER.—Not later
25 than 180 days after the date of the enactment of this Act,

1 the Commission shall provide a toll-free telephone number
2 for use by employees and employers in the United States
3 to obtain—

4 (1) information regarding compliance with this
5 Act, and

6 (2) the model notices and guidelines prepared
7 under subsection (a).

8 **SEC. 5. ENFORCEMENT.**

9 Section 3 shall be enforced—

10 (1) by the Commission with respect to viola-
11 tions alleged by employees as defined in subpara-
12 graphs (A), (B), and (E) of section 6(2),

13 (2) by the House of Representatives in the
14 manner described in section 117(a)(2)(B) of the
15 Civil Rights Act of 1992 (2 U.S.C. 60l) with respect
16 to violations alleged by employees as defined in sec-
17 tion 6(2)(C) of this Act, and

18 (3) by the Senate in the manner described in
19 the Government Employee Rights Act of 1992 (2
20 U.S. 120 et seq.) with respect to violations alleged
21 by employees as defined in section 6(2)(D) of this
22 Act.

23 **SEC. 6. DEFINITIONS.**

24 For purposes of this Act—

1 (1) the term “Commission” means the Equal
2 Employment Opportunity Commission,

3 (2) the term “employee” means—

4 (A) an employee as defined in section
5 701(f) of the Civil Rights Act of 1964 (42
6 U.S.C. 2000e(f)),

7 (B) an employee referred to in section
8 717(a) of such Act (42 U.S.C. 2000e–16(a)),

9 (C) an employee in an employment position
10 of the House of Representatives,

11 (D) a Senate employee as defined in sec-
12 tion 301(c)(1) of the Government Employee
13 Rights Act of 1991 (2 U.S.C. 1201(c)(1)), or

14 (E) an employee (other than a Senate em-
15 ployee) in an employment position of an instru-
16 mentality of the Congress,

17 (3) the term “employer” means—

18 (A) an employer as defined in section
19 701(b) of the Civil Rights Act of 1964 (42
20 U.S.C. 2000e(b)),

21 (B) a Federal entity to which section
22 717(a) of the Civil Rights Act of 1964 (42
23 U.S.C. 2000e–716(a)) applies, or

1 (C) an employing authority of the House
2 of Representatives, of the Senate, or of an in-
3 strumentality of the Congress,

4 (4) the term “instrumentality of the Congress”
5 means the Architect of the Capitol, the Congres-
6 sional Budget Office, the Office of Technology As-
7 sessment, the United States Botanic Garden, and
8 those units of the Government Printing Office with
9 positions in the excepted service, and

10 (5) the term “sexual harassment” has the same
11 meaning as such term has for purposes of title VII
12 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-
13 2000e-17).

14 **SEC. 7. EFFECTIVE DATES.**

15 (a) GENERAL EFFECTIVE DATE.—Except as pro-
16 vided in subsection (b), this Act shall take effect on the
17 date of the enactment of this Act.

18 (b) EFFECTIVE DATE OF SECTION 3.—Section 3
19 shall take effect 1 year after the date of the enactment
20 of this Act.

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