

104TH CONGRESS
1ST SESSION

H. R. 1859

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

JUNE 15, 1995

Mr. MILLER of California introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

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 1995”.

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 Federal Government employees who
22 indicated in the 1988 Merit Systems Protection
23 Board survey that they had been harassed filed a
24 formal complaint or requested an investigation of
25 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” private employer
5 \$6,000,000, or \$292.53 per employee, each year.
6 The same study estimates that it is 34 times more
7 expensive for such an employer to ignore the prob-
8 lem than it is to establish effective programs and
9 policies to address the 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 a claim
21 alleging such harassment, including information on
22 the time periods within which an alleged victim of
23 discrimination (including sexual harassment) must
24 file a claim in order to satisfy the applicable statute
25 of limitations applicable to such claim,

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

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

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

10 (1) the matters specified in paragraphs (1)
11 through (4) of subsection (a),

12 (2) a description of the procedures established
13 by such employer to resolve allegations of sexual
14 harassment in employment, and

15 (3) such other information as the Commission
16 may require.

17 Such notice shall be provided in a manner that ensures
18 that such employee actually receives such notice.

19 (c) MANAGEMENT INFORMATION FOR SUPERVISORY
20 EMPLOYEES.—Not later than 60 days after an employer
21 places an individual in a supervisory employment position
22 or 1 year after the date of the enactment of this Act,
23 whichever occurs later, such employer shall provide to the
24 supervisory employee information specifying the respon-
25 sibilities of, and the methods to be used by, such employee

1 to ensure that immediate and corrective action is taken
2 to address allegations of sexual harassment in employ-
3 ment.

4 (d) CIVIL PENALTY.—A willful violation of this sec-
5 tion shall be punishable by a civil penalty of not more than
6 \$1,000 for each separate violation.

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

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

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

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

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

21 (b) TOLL-FREE TELEPHONE NUMBER.—Not later
22 than 180 days after the date of the enactment of this Act,
23 the Commission shall provide a toll-free telephone number
24 for use by employees and employers in the United States
25 to obtain—

1 (1) information regarding compliance with this
2 Act, and

3 (2) the model notices and guidelines prepared
4 under subsection (a).

5 **SEC. 5. ENFORCEMENT.**

6 Section 3 shall be enforced—

7 (1) by the Commission with respect to viola-
8 tions alleged by employees as defined in subpara-
9 graphs (A), (B), and (C) of section 6(2), and

10 (2) the Board of the Office of Compliance with
11 respect to violations alleged by employees as defined
12 in subparagraph (D) of section 6(2).

13 **SEC. 6. DEFINITIONS.**

14 For purposes of this Act—

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

17 (2) the term “employee” means—

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

21 (B) an employee referred to in section
22 717(a) of such Act (42 U.S.C. 2000e–16(a)),

23 (C) an individual with respect to whom
24 section 302(a)(1) of the Government Employee

1 Rights Act of 1991 (2 U.S.C. 1202(a)(1)) ap-
2 plies, or

3 (D) a covered employee as defined in sec-
4 tion 101 of the Congressional Accountability
5 Act of 1995 (Public Law 104-1; 109 Stat. 3),
6 (3) the term “employer” means—

7 (A) an employer as defined in section
8 701(b) of the Civil Rights Act of 1964 (42
9 U.S.C. 2000e(b)),

10 (B) a Federal entity to which section
11 717(a) of the Civil Rights Act of 1964 (42
12 U.S.C. 2000e-716(a)) applies,

13 (C) an employing authority to which sec-
14 tion 302(a)(1) of the Government Employee
15 Rights Act of 1991 (2 U.S.C. 1202(a)(1)) ap-
16 plies, or

17 (D) an employing authority to which sec-
18 tion 201(a) of the Congressional Accountability
19 Act of 1995 (Public Law 104-1; 109 Stat. 3)
20 applies, and

21 (4) the term “sexual harassment” has the same
22 meaning as such term has for purposes of title VII
23 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-
24 2000e-17).

1 **SEC. 7. EFFECTIVE DATES.**

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

5 (b) EFFECTIVE DATE OF SECTION 3.—Section 3
6 shall take effect 1 year after the date of the enactment
7 of this Act.

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