Adding Third Parties to Legislative Sexual Harassment Policies

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With sexual harassment continuing to crop up in headlines and workplace discussions, state legislatures have responded. Thirty-two states introduced over 125 pieces of legislation related to sexual harassment in 2018. In 2019, 29 states introduced more than 100 bills covering topics from criteria for expelling members to training and reporting requirements.

Along with strengthening their sexual harassment policies over the past couple of years, some legislatures are expanding the scope of those policies to include third parties. These can include lobbyists, the media, vendors, other nonlegislative employees and the general public. They have been added as covered persons under the policies because of their access to and interaction with members and staff who work in the legislature.

In 2019, five state legislatures—California, Georgia, Illinois, Maine and Maryland—adopted new laws that include third parties in their sexual harassment policies. While these five states updated their policies through legislation, many others have done so by updating their personnel policies. In a 2019 survey conducted by NCSL, more than half the respondents reported expanding coverage of sexual harassment protection and accountability to include third parties.

State Action

New Mexico updated a reporting process to specify which people in supervisory roles will receive sexual harassment complaints. If the complaint is against legislative staff, it may be reported to the employee’s agency director, chief clerk or any legislative staff in a supervisory position. If the complaint is against a person who is not a legislator or a legislative employee—such as a lobbyist—“the person making the complaint

Did You Know?

- Sexual harassment policies in more than half of state legislatures surveyed in 2019 apply to third-party actors.
- Definitions of third-party actors differ throughout legislative offices and may include lobbyists, media, vendors, tourists and the general public.
- Connecticut broadened its policy to cover interactions away from the Capitol that involve legislative business.
shall report it to an agency director, chief clerk, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, one of the floor leaders of the House or Senate or legislative staff in a supervisory role.”

In 2018, the Massachusetts House of Representatives updated their sexual harassment policy through a sweeping rules reform package. The Massachusetts House Rules define third party as, “any person visiting the House of Representatives, or conducting official business or work with any member officer or employee of the House.”

The Texas Senate revised its sexual harassment policy in May 2018 to include all senators, Senate employees, the general public and the lieutenant governor’s office as responsible persons for maintaining a workplace free of harassment and discrimination. The policy goes on to define the term “employee” to include paid and unpaid interns and the term “general public” to include “any individual whose work requires them to visit the Capitol on a regular basis.”

The Utah Legislature’s policy, adopted in 2018, states that sexual harassment complaints may be made by legislators, employees or nonemployees. The policy defines nonemployee to mean “an individual who visits the Utah State Capitol Complex for any reason, including registered lobbyists, nonregistered lobbyists, members of the media, governmental officials, employees of federal, state and local government, tourists or the general public.”

The Idaho Legislature broadened its workplace harassment policy application beyond legislators, legislative employees, legislative interns and volunteers to include “legislative partners.” Partners is defined to include “lobbyists, representatives of state agencies, members of the media, and other individuals conducting business in the Capitol or conducting business with the Senate, the House of Representatives, the Legislative Services Office, or the Office of Performance Evaluations.”

A few states have taken their policies a step further by requiring lobbyists to complete sexual harassment training similar to the training conducted for legislators and legislative staff. The Washington Legislature recently passed legislation requiring lobbyists to complete sexual harassment training developed by the chief clerk of the House and secretary of the Senate.

Several states, including Idaho, include legislative partners in requirements to attend respectful workplace training. The Connecticut General Assembly provides an annual informational session to inform third parties about legislative policy and procedures.

In addition to including third parties in their sexual harassment policies, lawmakers are moving toward creating one umbrella policy for the entire legislature rather than distinct policies for each chamber. Some legislatures are also instituting more detailed reporting processes and investigation guidelines in order to strengthen their policies and responses to this recognized issue.