

SB 765: Oregon Workforce Fairness Act

Date: 2/12/2019

To: Chair Taylor, Vice-Chair Knopp, Members of the Senate Committee on Workforce

From: Kathryn Becker-Blease, Ph.D.; Associate Professor; Oregon State University

RE: Psychological Science on Workplace Harassment, Institutional Betrayal, and Institutional Courage

Chair Taylor, Vice Chair Knopp and members of the Senate Workforce Committee:

I am a tenured Associate Professor in the School of Psychological Science at Oregon State University. I am grateful for the opportunity to share research today as you make important decisions that affect Oregon workers.

Workplace harassment and discrimination is pervasive, affecting all segments of the workforce. For example, a June 2018 report on sexual harassment in Academic Sciences, Engineering, and Medicine summarizing existing research showing that 50% of academic faculty have experienced harassment based on gender, and that "Across all industry sectors, occupations, races, ethnicities, and social classes, sexual harassment undermines women's professional and educational attainment and their mental and physical health" which represents "a costly loss of talent in academic sciences, engineering, and medicine."

Sexual harassment is associated with physical illness including pelvic pain, gastrointestinal distress, chronic fatigue, headaches, eating disorders, and substance abuse. In one study, people who reported discrimination on the basis "of race, religion, sex, age, marital status, nationality, disability, or for any other reason in the past five years" felt more lonely, depressed, and unhappy. They also had more difficulty with basic physical functions - walking, lifting, climbing stairs. And these difficulties existed even after controlling for physical and emotional problems these employees had before the harassment.

Whether you work as a university faculty member or a carpenter, discrimination and harassment is associated with mental and physical health problems that harm individuals, increase health care costs, and reduce productivity.

If discrimination and harassment are so pervasive and harmful, why don't victims report immediately?

Research conducted by Dr. Jennifer Freyd at the University of Oregon shows that betrayal is particularly pernicious form of trauma. People who are harassed at work are harmed by people they are close to, people they trust or want to trust, people on whom they depend. When

people they should be able to trust harm them, people feel confused, wonder if they misinterpreted, if they're the only one, or if they did something to cause the harassment. In sum, it's simply difficult to see the abuse for what it is.

In order to name the harassment, understand its effects, and come forward, victim/survivors need time. In one study of sexual assault, victim/survivors who first received an unsupportive reaction - a common experience - on average waited 7 years to tell anyone else.

Second, victim/survivors need ways to share information safely. When victim/survivors learn they are not the only ones, they are often able to more clearly see harassment as part of a pattern of behavior. They are motivated to report despite the real personal costs that come with reporting. One company Callisto - allows workers to report the details of their sexual assault and coercion in a secure online system. This preserves evidence, and remains secure until another victim/survivor reports an incident with the same perpetrator. At that point, the reporters can be notified of the match, and given the opportunity to officially report together, knowing they won't be alone.

Extending the statute of limitations from 1 year to 7 years gives victim/survivors time to gather information, make sense of their experience, and this can be done in ways that preserve evidence.

When non-disclosure agreements help victim/survivors control their own stories and lives, they can be a useful tool. When they silence victim/survivors, they impede individuals from healing, recognizing patterns of harassment, and reporting.

Too often NDAs and short statute of limitations are used to protect institutions at the expense of victim/survivors - a kind of institutional betrayal. With victim/survivors silenced by NDAs, it takes new victims longer to find others who can help them understand their experience, to detect patterns, and to come forward. When statute of limitations are short, new victim/survivors are silenced in a different way, in that it is too late to file a formal complaint, collect new evidence, and find new patterns of abuse. It's can become an institutionalized, self-perpetuating system of silencing victims/survivors, and further betraying their trust in ways that are harmful to workers.

The opposite of this *institutional betrayal* is *institutional courage*. The bottom line is that giving victim/survivors more say over when and to whom they disclose takes courage, and makes workers safer, saves health care dollars, and makes Oregon stronger and healthier.

I commend Sen. Taylor and the committee for carefully considering the personal, institutional, and economic impact of this legislation in service to your constituencies and Oregonians from across the state. Furthermore, I commend Vice Chair Knopp for his leadership on this issue.