

Workplace Harassment Commission

Subcommittee on Scope of Work

Lisae Jordan and Mike Morrill, members

April 27, 2018

**Report of Scope of Work Subcommittee: Mission Statement**

The mission of the Scope of Work Subcommittee is to provide the Workplace Harassment Commission with guidance on the range of issues, policies, and procedures to be addressed. This guidance strives to support a process that is both meaningful and practical. The broad concerns that led the presiding officers of the Maryland General Assembly to create the Commission and addressing the specific questions raised during testimony before and deliberations of the Commission are equally important to the work of the Commission.

We believe that in order to effect the positive change desired, the Commission must embrace the largest vision possible of seeking to end workplace-based harassment in Maryland. We should strive for laws, procedures, and a culture that make Maryland a model of progress toward the goal that no-one, in any workplace situation, is subject to harassment; where negative job actions are transparent, documentable, and based solely on established, legally-defensible work performance requirements; and where clear, reasonable and accessible remedies are in place for any behavior that violates this goal.

Simultaneously, we must recognize that in order to be effective in progress towards this vision of all workplaces being free of harassment, the Commission must make practical, manageable, effective recommendations that can be accomplished within a reasonable timeframe. Therefore, we submit the following initial suggestions for the scope of work of the Commission:

1. *Breadth:* In order to have a real impact on the culture, the Commission must address workplace harassment in the broadest sense, and with intent to make progress towards a goal where no-one, in any workplace situation, is subject to harassment.
2. *Focus:* Based on the momentum in the culture at large, the initial origins of the Commission, and the significant subject matter expertise of Commission members, the bulk of the investigations, deliberations, and recommendations of the Commission should be addressed through the prism of responding to and preventing sexual harassment.
3. *Duration:* Plan to issue a final Commission Report by the commencement of the January 2019 meeting of the General Assembly, and also consider issuing an interim report by mid-September 2018 that would support planning and considering of legislative initiatives that might be taken up by the next General Assembly.
4. *Product:* Key goals of the final Commission Report should be to: address practices for preventing sexual harassment by building upon the work of the Women's Caucus and HB

1342 (2018); offer policy suggestions for additional anti-harassment legislation to be considered by the next session of the Maryland General Assembly; suggest procedures for creating consistent anti-harassment and preventive practices, when feasible, across all branches of Maryland government (such as shared trainings and following similar reporting and investigating formats); highlight best anti-harassment practices not only for Maryland's governmental bodies but also for employers in the private and non-profit sectors; and make longer-term recommendations that would keep building on the momentum toward cultural change.

5. *Process:* Moving forward, we suggest compiling Final Report recommendations and suggestions into categories that mirror the key goals in (4), allowing both for easier final evaluation and potential establishment of subcommittees or working groups for ongoing evaluation and refinement.
6. *Meetings:* While planned monthly Commission meetings will focus primarily on gaining insights around specific measures to prevent and remedy sexual harassment, it may be appropriate at each meeting to consider connections (both similarities and differences) for addressing other forms of harassment; and while the Final Report will be drafted with a substantial focus on sexual harassment, we recommend a final meeting be added to the Commission calendar to specifically look at all of the Commission's recommendations for changing the culture of sexual harassment -- the Commission can then assess whether the same recommendations and procedures should be followed for other types of harassment, or add specific notes to account for any differences in application.

#### Additional Notes about Scope of Work:

- (1) In order to impact the culture, the Commission's messages (and the resulting recommendations for policy and processes) must be clear, concise and memorable -- and apply to workplace-based harassment across the board. The more we differentiate procedures, the more we create different processes, the more the message will become muddled. Although there will be some specifics that must be accommodated differently, this should be limited to details rather than be embodied in central principles.
- (2) The Commission is the "Workplace Harassment Commission," and the final bill passed by the legislature was named on a broader scale [changed from the initial specific reference to "Sexual Harassment" to the more generic "Workplace Harassment". House Bill 1342 (2018)]. Our ultimate scope should reflect that. However, sexual harassment is what prompted the creation of the Commission and our work should also respect these origins. As such, we recommend addressing Workplace Harassment through the prism of responding to and preventing sexual harassment. This will take advantage of the subject matter expertise of many Commission members, build on the work of the Women's Caucus, extend the impact of the legislation passed by the General Assembly, and ensure that the issues giving rise to the Commission are thoroughly addressed.

- (3) HB 1342 (2018) was passed at the conclusion of the 2018 session of the General Assembly, and the Commission work can be viewed as a report to the 2019 session of the General Assembly. Our “commission” as a Commission can also be reasonably viewed as expiring with the advent of a newly elected General Assembly. Therefore, we propose our work wrap accordingly.
- (4) We invite specific scrutiny of the recommended components of the Commission Final Report, and we look forward to revising our Subcommittee suggestions appropriately.
- (5) With this initial Subcommittee report, we also launch a compilation of recommendations for consideration and further development (attached). We invite all Commission members to add to this list, and seek the further consideration and input of other Subcommittees wherever applicable.
- (6) We recommend compiling the initial draft of our Commission Final Report with an almost exclusive focus on sexual harassment policies, then returning for a meeting specifically devoted to assessing whether the same recommendations and procedures should be followed for other types of harassment, or specific notes added to account for any differences in applicable policies.