

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2018
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2018-D017
TITLE: Reducing Sexual Harassment, Assault and Exploitation in the Workplace
PROPOSER: Ms. Sarah Lawton
TOPIC: Labor

Directly Related: (Attached)

2015-C048 Support Living Wage and Increase in the Minimum Wage
2012-D028 Support the Labor Movement
2009-D039 Reform Labor Laws to Protect Collective Bargaining Rights
2006-C008 Reaffirm the Right of Workers to Organize and Form Unions

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2012-C077 Condemn Wage Theft and Affirm Ethics in Convention Site Selection
2006-D047 Support Worker Unions and a Living Wage
2003-A130 Support the Establishment of a Living Wage
2000-A081 Urge Support for the National Implementation of a Just Wage
1997-D082 Urge Church-wide Promotion of the Living Wage

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1976 through 2015, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.

D017 Reducing Sexual Harassment, Assault and Exploitation in the Workplace

Proposer	Ms. Sarah Lawton
Endorsed by	Russell, Ms. Laura; Jackson, The Rev. Paula
Sponsored by	
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HiA / Leg. Cttee	HB / 08 - Social Justice and United States Policy
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RESOLUTION TEXT

- 1 *Resolved*, the House of _____ concurring, That the 79th General Convention of The Episcopal Church recognize that sexual harassment, assault, and exploitation in the workplace occur in situations of specific vulnerabilities, such as financial precarity, job insecurity, lack of immigration status, and physical isolation on the job; and that these vulnerabilities often occur together, such that many of the workers most vulnerable to sexual harassment, assault and exploitation are low-income women, immigrants and/or women of color; and be it further
- 2 *Resolved*, That The Episcopal Church support public policies and other efforts to reduce sexual harassment, assault, and exploitation in the workplace, including:
 - Elimination of a separate minimum wage for tipped workers (set in the United States since 1991, and at the time of this resolution, at \$2.13/hour on the federal level; 42 states have a lower minimum wage for tipped workers than for non-tipped workers), recognizing that wait staff and other tipped workers are effectively working for tips given their extremely low wage, and therefore often feel unable to risk their potential tips by complaining to or about customers who are harassing them;
 - Policies to reduce low-road subcontracting in public sector contracts, and to strengthen enforcement of labor and harassment laws for contracted workers, recognizing that workers for low-bid firms report higher levels of on-the-job sexual harassment than those who work for high-road contractors or who are direct employees;
 - Provision of adequate funding for labor standards enforcement offices at local, state, and federal levels to strengthen enforcement of equal opportunity, sexual harassment, and whistleblower laws;
 - Policies and laws at federal, state, and local levels that assure workers of protection from immigration enforcement when they report workplace violations, including sexual harassment, assault and exploitation;
 - Policies and laws at federal, state, and local levels to protect and strengthen the rights of agricultural and domestic workers, including the right to organize, the right to take adequate breaks, the right to reasonable working hours and overtime pay, and the development of mechanisms for reporting and enforcing laws against sexual harassment, assault, and exploitation;
 - Efforts by unions and other worker associations, and employers, to enact workplace standards, trainings, safety measures, and reporting systems to reduce sexual harassment, assault, and exploitation; and be it further
- 3 *Resolved*, That The Episcopal Church support the rights of workers everywhere to organize, whether in traditional labor unions or new forms of worker organization, in order to have a voice

in their workplaces, including on issues related to sexual harassment, assault, and exploitation.

EXPLANATION

Sexual harassment is all too common in the workplace, and workers with multiple vulnerabilities, such as low-wage jobs or undocumented immigration status experience sexual harassment at higher rates than most. Workers in certain industries especially report high levels of harassment, notably hospitality workers (hotel and restaurant), domestic workers, agricultural workers, and custodial workers on the night shift—all industries with high numbers of female, immigrant workers.

Common factors in making workers in these industries more vulnerable to sexual harassment, assault, and exploitation include low wages, especially for those who are mostly working for customer tips due to the extremely low tipped wage rate of \$2.13 in many states; isolation on the job, notably for domestic and in-home care workers; lack of labor protections, especially for agricultural and domestic workers, who were excluded from the National Labor Relations Act during the New Deal, in part because lawmakers resisted offering protections to what was, at the time, a mostly African American workforce (and is now a mostly immigrant workforce); “low-road” subcontracted labor, in industries such as custodial services, where companies seek out low bids from companies with dodgy employment practices; high numbers of undocumented workers, who are afraid to report workplace violations, often under specific threat by a supervisor of being reported to ICE; a general lack of worker/union organization in these industries; and a lack of enforcement of workplace laws in many states and localities, especially in these industries, whose workers lack union and/or political clout.

For a more in-depth (and harrowing) look at the experience of immigrant women in the agricultural and custodial industries, it is worth watching two PBS Frontline documentaries, “Rape on the Night Shift” (<https://www.pbs.org/wgbh/frontline/film/rape-on-the-night-shift/>) and “Rape in the Fields” (<https://www.pbs.org/wgbh/pages/frontline/social-issues/rape-in-the-fields/whats-happened-since-rape-in-the-fields/>).

There are many efforts underway to change these working conditions. The Restaurant Opportunities Center (ROC), which organizes restaurant workers, has launched the One Fair Wage campaign (<http://onefairwage.com/>) to fight for an end to a two-tier wage system that leaves many restaurant workers, mostly women, vulnerable to customer harassment because they are relying on those customers for the vast majority of their pay. As a recent New York Times investigative article (<https://nyti.ms/2GiJbuO>) put it, “at restaurants across America, servers calculate how far is too far, weighing harassing behavior against tips they need to make a living wage.” Eliminating a separate tipped wage—and restructuring how tips are distributed, and perhaps even eliminating tipping as a form of pay—would remove the disincentive to put up with harassing behavior as a feature of the job.

In the hotel industry, the UNITE-HERE union, which organizes hotel workers, is engaged in a campaign in many cities to reduce workplace harassment. The Chicago local produced this video to inform union members of the extent of harassment faced by hotel housekeepers: <https://www.youtube.com/watch?v=ixhFOcfA1ZY&feature=youtu.be>. That same union local fought successfully for a local ordinance requiring that hotel workers be given a panic button that they can

press in case of dangerous situation. As this NPR story reports, similar efforts are underway in other cities as well: <https://www.npr.org/2017/12/11/569815324/pushing-for-protections-for-hotel-employees>.

Even farmworkers, who lack many of the legal protections for organizing that other workers enjoy, have been able to make headway. The Coalition of Immolokee Workers in Florida, through a worker organizing and corporate pressure campaign, were able to win their Fair Food Program agreement with growers, which includes human rights provisions including a zero-tolerance sexual harassment policy—in an industry in which 80% of female workers report sexual harassment on the job. Under the Fair Food Program, “unwanted touching” means immediate firing—with economic consequences for the grower if this rule is not enforced. This excellent article details the policy:

<https://www.thenation.com/article/what-farmworkers-can-teach-hollywood-about-ending-sexual-harassment/>.

The National Domestic Workers’ Alliance, and local groups such as Mujeres Unidas y Activas (MUA), have worked for policy changes and laws to enforce a “domestic worker bill of rights,” including the right not to be sexually harassed on the job. They also work to train their mostly female and immigrant members to know their rights, and to establish mechanisms for reporting violations and for supporting each other—despite the tremendous difficulties in organizing in this sector.

This resolution would put The Episcopal Church, through our Office of Government Relations, the Episcopal Public Policy Network, and through our many members who advocate for justice, behind the efforts that are being led by workers who are coming together to fight workplace harassment, assault, and exploitation.

<https://www.npr.org/2017/11/25/566438853/hospitality-workers-and-sexual-harassment>

<https://www.citylab.com/equity/2017/11/sexual-harassment-and-tipped-wage-workers/546314/>

<https://www.npr.org/2017/11/05/562188700/sexual-assault-and-farmworkers>

<http://laborcenter.berkeley.edu/pdf/2016/Race-to-the-Bottom.pdf>, p. 16

https://www.washingtonpost.com/news/post-nation/wp/2017/11/29/sexual-assault-endured-by-domestic-workers-overlooked-in-national-conversation/?noredirect=on&utm_term=.35fd1483efdf



Resolution Number: 2015-C048
Title: Support Living Wage and Increase in the Minimum Wage
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 78th General Convention reaffirms resolution 2003-A130, “Support the Establishment of a Living Wage,” which confirms that “it is the policy of The Episcopal Church and its dioceses and congregations to provide employees with a living wage;” and that the church “continue to support living wage campaigns in the cities and counties of every diocese;” and be it further

Resolved, That The Episcopal Church, at all levels, engage in and advocate for increasing the minimum wage to \$15.00 an hour or a living wage; including increasing the minimum wage for tipped employees to a level that also enables them to earn a living wage.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Salt Lake City, 2015* (New York: General Convention, 2015), p. 328.



Resolution Number: 2012-D028
Title: Support the Labor Movement
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 77th General Convention confirms the previous resolutions adopted by the General Conventions of The Episcopal Church concerning labor, and recognizes the role of the labor movement in securing a place for workers at the table, and providing them with an opportunity for their voices to be heard, in improving wages, benefits and working conditions, and in affirming the dignity of work and providing avenues of seeking justice at the workplace; and be it further

Resolved, That the General Convention further recognizes the role of labor unions in struggling for civil rights, for social security, medical care and bringing about democratic reforms; and be it further

Resolved, That the General Convention recognizes the need for the Church and the labor movement to work together, along with others of good will, for the common good, and for a more just society; and be it further

Resolved, That the General Convention opposes legislative attempts to eliminate or reduce the collective bargaining rights of public and private sector employees as running contrary to our gospel understanding of community; and be it further

Resolved, That the General Convention recommends resources such as those provided by the Interfaith Worker Justice organization as useful guides for faith communities; and be it further

Resolved, That in making their purchasing and contracting decisions, the General Convention and the Executive Council shall consider the existence of union rights as a favorable factor; and that the General Convention urges all dioceses, parishes, and church agencies to do likewise; and be it further

Resolved, That the Office of Government Relations use this resolution as part of its advocacy work and to build networks within the labor movement.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Indianapolis, 2012* (New York: General Convention, 2012), pp. 696-697.



Resolution Number: 2009-D039
Title: Reform Labor Laws to Protect Collective Bargaining Rights
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 76th General Convention of The Episcopal Church urge the Congress of the United States to pass, and the President to sign into law, labor law reform legislation designed to better protect employees seeking to engage in collective bargaining, to simplify and streamline the procedures by which employees may choose to organize, and to assist employers and employees in reaching agreement. Said legislation should contain the following elements:

- 1. Provide workers the choice of seeking union recognition either through an election, or through a majority sign-up on cards which are then verified by the National Labor Relations Board.**
- 2. Adopt more effective remedies for violations of employees' rights, comparable to the remedies for discrimination provided by existing civil rights laws.**
- 3. Where the employers and unions are unable to reach agreement on their first collective bargaining agreement within a reasonable period of time, resolve the dispute by submitting it to mediation and if mediation is unsuccessful, then to binding arbitration; and be it further**
Resolved, That church members and the Office of Government Relations communicate the position of The Episcopal Church on this issue to the President and Members of Congress, and advocate passage of federal legislation consistent with this resolution.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Anaheim, 2009* (New York: General Convention, 2009), pp. 378-379.



Resolution Number: 2006-C008
Title: Reaffirm the Right of Workers to Organize and Form Unions
Legislative Action Taken: Concurred as Amended
Final Text:

Resolved, That the 75th General Convention reaffirm the right of workers in the United States to organize and form unions. We especially affirm the right to organize and form unions for seasonal and migrant workers who historically have been deprived of those rights. We support the right to organize and form unions as a means to securing adequate wages, benefits, and safety conditions for all workers. We encourage all levels of the church to be informed about, and act accordingly, when rights of workers to associate is being jeopardized. We commend the work of Interfaith Worker Justice in calling upon our religious values in support of issues and campaigns that will improve wages, benefits, and working conditions for low-wage workers.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Columbus, 2006* (New York: General Convention, 2007), pp. 455-456.