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Contact: Big Hartman, Esq., Executive Director & Legal Counsel
Vermont Human Rights Commission
(802) 828-2490
Big.Hartman@vermont.gov

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**The Vermont Human Rights Commission Calls on Employers to Take Action
on Workplace Sexual Harassment**

The recent news about inappropriate sexual behavior from a supervisor at Montpelier's Hunger Mountain Co-op highlights the need for stronger accountability to employees who report inappropriate, and sometimes unlawful, behavior.

Part of the Human Rights Commission's work is to educate Vermonters and to be a voice against discrimination in our communities. Vermont's law prohibits any employer from discriminating against any individual based on their protected class, including an individual's sex. An employer's liability includes harassment by a supervisor and can extend to harassment by a coworker as well.

The Human Rights Commission has been working for over 30 years to support and create a culture in Vermont in which:

- People treat each other with dignity and respect
- Communities promote equality, fairness, understanding and acceptance of all
- Citizens act effectively to end discrimination

During these decades of work, the Human Rights Commission has seen many situations of workplace sexual harassment. Frustratingly, this storyline is not unique. While some actions, such as education and supervision, can help prevent workplace sexual harassment, employers have the most control over how they respond to reports of sexual harassment or other discriminatory behavior.

For a variety of reasons, employer responses often fall short of what is needed to challenge and change our society's culture of harassment. Workers who experience harassment often report that their allegations are not taken seriously, internal investigations are not thorough, and their employer fails to protect them from further harassment. On top of that, victims of harassment

have faced significant legal hurdles to filing complaints due to a strict legal requirement that the conduct complained of be “severe or pervasive.” This legal standard has resulted in too many employers tolerating conduct that did not meet that definition.

Thankfully, Vermont’s laws were recently changed due to the advocacy efforts of the Human Rights Commission and others. The Fair Employment Practices Act no longer requires victims to show that they experienced “severe or pervasive” workplace harassment to prevail on their legal claims. Employers should be aware of this legal change and act affirmatively to prevent any inappropriate workplace conduct that is based on a person’s sex or other protected categories.

The Human Rights Commission strongly believes that employers need to avoid ignoring or minimizing the experiences of the individuals who report harassment or other discrimination. With the recent change to the law, employers should be sure to vigilantly respond to behavior that could rise to the level of unlawful harassment. This makes workplaces safer and more welcoming for all of Vermont’s workers.

As part of the Montpelier community, where the Human Rights Commission office is located, we believe Hunger Mountain Co-op should hold itself accountable and take actions to do better in the future. And other employers should be more proactive to prevent harassment in their workplaces, before they find themselves in the headlines.

Employees and others can find more information about workplace harassment at:

<https://workplacesforall.vermont.gov/>

Employees of private employers and non-state employees can find information about making complaints of workplace discrimination at: <https://ago.vermont.gov/divisions/civil-rights>

State of Vermont employees who feel they have experienced workplace discrimination can file a complaint with the Human Rights Commission at: <https://hrc.vermont.gov/how-to-file>

The text of the new law addressing sexual harassment, S.103, can be found here:

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT080/ACT080%20As%20Enacted.pdf>