

Governor Phil Murphy

Governor Murphy Announces Legislation to Overhaul New Jersey's Anti-Workplace Harassment Laws for Public and Private Employers

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Division on Civil Rights (DCR) Releases Corresponding Report Following Three Public Hearings Held by DCR and the New Jersey Coalition Against Sexual Assault (NJCASA) in September 2019

TRENTON — Governor Phil Murphy today announced legislation to overhaul the state's anti-workplace harassment laws for public and private employers. The bill, which was drafted following a year-long review of New Jersey's discrimination laws by the New Jersey Division on Civil Rights, establishes new language to define a hostile work environment, mandates that all employers provide their employees training on unlawful discrimination and harassment, and extends the statute of limitations for cases brought under the New Jersey Law Against Discrimination (LAD). The announcement follows the Governor's commitment at his State of the State Address in January to bring sweeping changes to New Jersey's workplace laws.

"The message from survivors and advocates alike has been clear: It's time for New Jersey to reject the norms of yesterday that overlooked workplace harassment and discrimination as business as usual," said **Governor Murphy**. "With this legislation, New Jersey has the opportunity to set a high standard for progressive workforce policies and give marginalized voices the ability to hold perpetrators accountable. My Administration fully understands our obligation to lead by example in this effort, and I look forward to working with my colleagues in the Legislature to build toward a stronger, fairer workplace environment for all New Jerseyans."

"We're at a critical moment of public reckoning here in New Jersey, with an increased level of understanding of the ways power and control impact the lives of New Jerseyans across sectors," said **Patricia Teffenhart, Executive Director of the New Jersey Coalition Against Sexual Assault**. "Centering the lived experiences of individuals impacted by discrimination and harassment at work is essential as we create survivor-centered reforms. The public forums we held in partnership with the Division on Civil Rights provided rich, meaningful context for the work ahead of us. We're committed to continuing our work with our colleagues in government as we work together to create a safer Garden State."

"Workplace harassment remains all too common in New Jersey, and now is the time to change the culture that has allowed unlawful harassment to persist for too long," said **Attorney General Gurbir S. Grewal**. "I applaud our Division on Civil Rights for working with the New Jersey Coalition Against Sexual Assault over the course of last year to study the problem and develop proposals for meaningful legislative solutions. Meanwhile, we remain committed to using all of the tools currently at the disposal of every Division of the Department of Law and Public Safety to bring an end to sexual harassment and sexual misconduct, in the workplace and elsewhere."

"Sexual harassment is pervasive. Even as women make up nearly half of the work force, sexual harassment persists in every sector of the workforce," said **Rachel Wainer Apter, Director of the New Jersey Division on Civil Rights**. "Yet for too long, sexual harassment has been ignored, overlooked, and normalized. New Jersey had not yet reviewed its civil rights laws with a view towards better preventing sexual harassment in the workplace, in housing, and in places of public accommodation. It is our sincere hope that the report on the hearings that we conducted last fall with the New Jersey Coalition Against Sexual Assault helps all New Jerseyans better understand the harm wrought by sexual harassment and sparks much-needed change. The time to act is now."

"We support the Governor's initiative to ensure workplace protections," said **Deirdre Webster Cobb, Esq., Civil Service Commission Chair and Chief Executive Officer**. "We are committed to enhancing our policies and procedures to ensure inclusion and equity for all state employees regardless of sex, race, gender identity or any other protected category."

"I look forward to working with Governor Murphy on his new initiatives to strengthen laws to protect victims of sexual harassment," said **Senate Majority Leader Loretta Weinberg, who will sponsor the legislation**. "These are all steps forward. I will be working with the Governor's Office and hope I will have his support to suggest other changes to current law that will make certain we have made the necessary strides to really offer strong protection."

"Today marks an important day in New Jersey's history. Together, we are pulling back the curtain on a toxic culture, stained by the privileged and those in power, that has existed for far too long," said **Garden State Equality Deputy Director Alisha DeLorenzo**. "It is my hope that this legislation is a redeeming promise not only to the silenced and marginalized voices who will rise as survivors of sexual harassment and discrimination but for those who have bore witness to such atrocities in the workplace to know that the time has come to take action. For it will no longer be acceptable to turn a blind eye to such injustice again."

The proposal makes specific changes to New Jersey's discrimination laws, including:

- **Stronger Language to Define a Hostile Work Environment:** The bill clarifies the "severe or pervasive" standard for establishing a hostile work environment and makes it clear that a single incident can create a hostile work environment and that harassment need not involve physical touching;
- **Accountability for Employers:** To ensure uniform compliance, the bill mandates that all private and public employers establish workplace policies and training on unlawful discrimination and harassment, and mandates that DCR create model policies and training to facilitate compliance. Employers with 50 or more employees would also be required to collect and annually report data related to complaints received on workplace discrimination, harassment, and retaliation to the Division on Civil Rights;
- **Expanded Employee Protections:** The bill adds domestic workers and unpaid interns to the employees protected by the Law Against Discrimination (LAD). It also provides an extension to the statute of limitations for cases brought under the LAD from two to three years and the statute of limitations for filing a complaint with DCR from 180 days to one year.

While the proposed legislation focuses on the broader issues of workplace harassment and discrimination, the Division on Civil Rights' new report – "Preventing and Eliminating Sexual Harassment in New Jersey" – focuses specifically on the issue of sexual harassment. Sexual harassment affects people regardless of race, religion, gender, sexual orientation, gender identity or expression, disability, national origin or immigration status. However, because sexual harassment is rooted in power imbalances, marginalized communities, including women of color, immigrants, domestic workers, LGBTQ+ people and others, are often uniquely

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vulnerable to sexual harassment. Existing power disparities in the workplace, in housing, and in places of public accommodation increase the likelihood that vulnerable individuals will be sexually harassed and then works to keep them from reporting. As a result, sexual harassment has far too often been ignored, overlooked, and normalized.

In addition to legislative recommendations, the report outlines best practices for employers, housing providers, and places of public accommodation, including recommending that these organizations adopt clear and comprehensive written policies addressing sexual harassment that are reinforced with effective training. The report also recommends that these entities encourage reporting by clearly articulating reporting procedures that include multiple avenues through which a survivor can report a claim; that they conduct prompt, thorough and impartial investigations; and that they monitor compliance with their policies through anonymous employee surveys.

To read the full legislative proposal, please click here (http://d31hzhk6di2h5.cloudfront.net/20200218/dd/87/37/a1/9bf5f53bfaf497bccce6039/Legislative_Proposal.pdf).

To read the Division on Civil Rights' report, please click here (http://d31hzhk6di2h5.cloudfront.net/20200218/78/65/41/97/227d55a39cbf6d8ffa5ed7d9/Preventing_and_Eliminating_Sexual_Harassment_in_New_Jersey.pdf)

Measure Brings the Project a Step Closer to Full Funding Grant Agreement for Replacement of 109-Year-Old Bridge

NEWARK — NJ TRANSIT is commending the U.S. Department of Transportation's (USDOT) decision to give an improved project rating to a proposed replacement of the Portal Bridge. The 109-year-old swing span over the Hackensack River, and its history of mechanical breakdowns, has long been a chokepoint for rail customers travelling the Northeast Corridor (NEC) between New Jersey and New York City.

"From day one, my administration has worked closely with our congressional delegation and Secretary Chao's team to enhance this critical project that cannot wait another day — we have committed the entirety of New Jersey's local share in the form of \$600 million in FDA bonds, completed critical early construction work and developed shovel-ready plans for major construction. Today's decision by USDOT puts us one step closer to our ultimate goal of replacing this unreliable, century-old bridge and reducing delays for NJ TRANSIT customers," said **New Jersey Governor Phil Murphy**. "New Jersey remains ready and willing to work cooperatively as a full partner to ensure that this project, which affects the commutes of tens of thousands of residents daily, is completed as expeditiously as possible."

"We are very thankful that the FTA has improved its rating of the critical Portal North Bridge project," said **Amtrak Board Chair Tony Coscia**. "A new bridge will significantly increase reliability for the 200,000 daily Amtrak and NJ TRANSIT customers that cross the Hackensack River every day. We thank our rail partners, NJ TRANSIT for their leadership, FTA and DOT for their cooperation, and all of our federal and state champions in New Jersey, New York and across the country for their continued support as we look forward to progressing this critical element of the Gateway Program."

"Any rail customer that commutes between New Jersey and New York City will attest to the importance of the reliability this bridge has on the quality of their daily lives," said **New Jersey Department of Transportation Commissioner and NJ TRANSIT Chair Diane Gutierrez- Scaccetti**. "This antiquated bridge remains a single point of failure on the NEC, which makes its replacement a top priority. We're grateful that the USDOT recognizes how critical this link is to the economic viability of this region and look forward to getting construction underway as soon as possible."

"We are extremely pleased with the USDOT's decision to advance the Portal North Project closer to a Full Funding Grant Agreement (FFGA). This critical project can't wait any longer as this nearly 110-year-old bridge is a frequent source for delays and frustration for our nearly 90,000 customers who travel to and from Penn Station New York every day," said **NJ TRANSIT President & CEO Kevin Corbett**. "We thank the USDOT, and our partners at the FTA and FRA, for their support of this shovel-ready project that will increase capacity and ensure reliability for the more than 450 NJ TRANSIT and Amtrak trains a day that cross the Portal Bridge."

In September 2019, NJ TRANSIT, as the Project Sponsor in partnership with Amtrak, submitted a revised financial plan to the Federal Transit Administration (FTA). The revised plan was adjusted to reflect FTA and USDOT feedback on a previous submissions, making more local money available for the project while keeping costs in check. NJ TRANSIT and the state of New Jersey doubled the share of local funding toward the project, increasing the state's contribution from \$300 million to \$600 million dollars.

Advancing the Portal North Bridge Project towards construction is critical to eliminating the major disruptions to train service on the NEC between Newark, New Jersey and New York Penn Station. The NEC is the busiest passenger rail line in the United States, and a long-term outage of the Portal Bridge over the Hackensack River would result in catastrophic delays from Boston to the nation's capital.

Between NJ TRANSIT and Amtrak, more than 450 trains a day cross the current Portal Bridge carrying passengers making almost 200,000 daily trips. NJ TRANSIT alone carries approximately 90,000 customers (180,000 passenger trips) between New Jersey and New York City on an average weekday. The bridge regularly opens to allow for marine traffic to pass, and each opening causes delays on both lines. When the 109-year-old bridge fails to properly close, the delays cascade to affect tens of thousands of customers and their families.

The replacement Portal North Bridge is designed as a high-level, fixed span bridge that will allow marine traffic to pass underneath without interrupting rail traffic. The project is one hundred percent designed, fully permitted, and has seen early work completed on time and under budget. These successes make it especially well-positioned to begin construction to provide increased reliability and capacity to rail passengers throughout the region and nation in the near-term.

Once full construction begins, the remainder of the Portal North Bridge Project is estimated to take approximately five years.

Governor Phil Murphy

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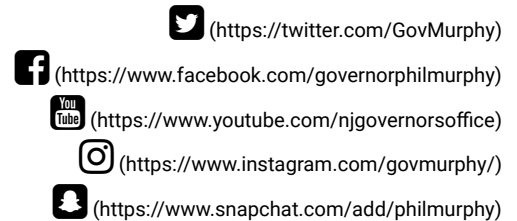
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