

January 4, 2022

RE: H.329: An act relating to amending the prohibitions against discrimination.

Dear Chairman Stevens and Members of the House Committee on General, Housing, and Military Affairs,

As the Executive Director of the Vermont Chapter of the National Association of Social Workers (NASW). I am writing to express our support for H.329: an act related to amending the prohibitions against discrimination. H.329 will help to combat systemic discriminatory practices.

The social work profession strives to reform discriminatory practices and envisions a society that values the input of all its members regardless of their race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition.

Definition of Harassment

One aspect of H.329 that is imperative to lessen discriminatory practices is how harassment is defined. Currently, the law states that harassment has to be severe and pervasive to constitute unlawful discrimination. The problem with these standards is that they are based on subjective interpretation.

In addition, harassment is defined in current Vermont law as "...a form of discrimination". NASW views any level of discrimination as objectionable. The new language in H.329, "...to provide that harassment need not be severe and pervasive to constitute unlawful discrimination" supports current views on discriminatory practices. There has been a shift in social norms and perspectives around harassment. In 1998, only 38% of Americans believed that sexual harassment was a problem that needed to be taken seriously. Data collected in 2017 demonstrates the shift in this belief, with 86% of those Americans polled, endorsing a "zero-tolerance" policy for sexual harassment. As these societal norms shift, our laws should follow.

Internal Grievance and Comparable Employee

Current law requires the following of an internal grievance procedure as well as demonstrating different treatment of another employee. H.329 eliminates these requirements. When facing concerns about reporting discriminatory practices, barriers such as internal grievance procedures only serve to prevent reporting. Further, an aggrieved employee should not have to show that someone else was treated differently than the mistreated employee.

Respectfully submitted,
Lynn Stanley, LICSW
Executive Director, NASW VT Chapter