

NEW YORK CITY COMMISSION ON HUMAN RIGHTS
Hearing on Gender-Based Harassment in the Workplace
December 6, 2017

Testimony of Alanna Kaufman
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Good evening. My name is Alanna Kaufman, and I am an attorney at Emery Celli Brinckerhoff & Abady LLP, a civil rights law firm located in Manhattan. A significant portion of my practice involves sexual harassment and gender discrimination in the workplace.

Recently, the media has shed significant light on sexual harassment by high-profile individuals—men with money, fame, and influence. But sexual harassment is not perpetuated only by people with means. Power is relative. Just as Harvey Weinstein had power over actresses and women working in Hollywood, male supervisors in other industries have power over the women they work with every day, and whose livelihoods they control.

Last month, my law firm filed a sexual harassment and gender discrimination Complaint by a woman named LaDonna Powell, who worked for several years as a security guard and supervisor for Allied Security at JFK Airport. LaDonna's experience is harrowing. As the Complaint describes, LaDonna's supervisors repeatedly propositioned her for sex in exchange for promotions and shifts. She was told that "back in the day" she would be "bent over" in the security booths. She was shown videos of women pole dancing and asked if she could "dance like that." She was even shown videos of her supervisors engaging in sex acts with other female employees. The message could not have been more explicit: have sex with supervisors and get ahead, or refuse and be retaliated against. LaDonna chose the latter. Instead of acquiescing to her supervisors' demands, she reported them to senior managers and human resources. In response, her hours were cut, and she was isolated, demeaned, and, ultimately, terminated.

What happened to LaDonna is the same thing that happens to countless women every day in industries that are not bathed in media light. Male supervisors had the authority to control LaDonna's career trajectory, her schedule, and her livelihood, and they tried to exploit that power for sex. Since LaDonna's Complaint was filed, numerous other women have contacted our law firm with similar stories about what happened to them at Allied. Many said the harassment had been going on for years, and nothing had changed because the women who spoke up were fired or forced to resign.

It brings us to the question: what can be done? Two strategies come to mind immediately: First, we can work to create workplace cultures that are devoid of sexual harassment and gender discrimination. Second, when harassment and gender discrimination occurs, we can create legal

forums where women feel comfortable and safe coming forward. Since I am an attorney, I'll keep my remarks to the second strategy.

The New York City Commission on Human Rights has already taken significant steps to make women feel like they can be heard on issues of workplace harassment, but there is always more to be done. For example, I urge the Commission to publicly state that women may file complaints with the Commission *and* receive individual damages, even in instances where an arbitration agreement may prevent them from filing in court. This sends the message to women and employers alike that sexual misconduct will not be shielded from public view. In addition, I urge the Commission to issue damages awards that are commensurate with awards that women would receive if they brought their claims to court. I urge it to publish those awards, as well as settlement awards, prominently on its website and broken down by category of damages. This sends the message that the Commission is serious about this issue, and it creates a strong deterrent for would-be harassers and their employers. There must be financial motivation for companies to stop harassment before it takes place.

Finally, we must keep talking about this important issue. As I have learned from my experience representing LaDonna, the more we talk about sexual harassment, the more women will feel safe coming forward. I applaud the Commission for holding this hearing and for all of its work on gender-based harassment in the workplace to date. Let's continue to demand progress. Thank you.