

#MeToo: Efforts to End Forced Arbitration of Sexual Harassment Claims

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The [#MeToo](#) movement has successfully encouraged scores of survivors of sexual assault to come forward and discuss their experience. However, many employers are attempting to maintain the culture of silence, and one way of doing that has been by requiring their employees sign mandatory [arbitration](#) agreements.

Arbitration is a private and often fully confidential forum in which disputes can be adjudicated. Even in non-confidential arbitrations, the records are generally still not publically available or easily accessible like they would be in court. According to the Economic Policy Institute, [more than half of American workers](#) are bound by arbitration clauses. Mandatory arbitration agreements are unfortunately common in documents that employers require employees to sign, such as employment agreements or employee handbooks.

Recently, efforts are underway to create change through legislation. On December 6, 2017, a bipartisan group of lawmakers introduced a bill that would prevent employers from enforcing mandatory arbitration agreements for claims of sexual harassment in the workplace. The bill, named the "[Ending Forced Arbitration of Sexual Harassment Act of 2017](#)," (the "Act") is sponsored by Representatives Cheri Bustos (D-Ill.), Walter Jones (R-N.C.) and Elise Stefanik (R-N.Y.) and Senators Kirsten Gillibrand (D-N.Y.), Kamala Harris (D-Calif.) and Lindsey Graham (R-S.C.).

The purpose behind the Act is to prevent victims and survivors of sexual harassment from being silenced through mandatory arbitration agreements and enable individuals to publicly file claims of sexual harassment in the workplace, even if they signed an arbitration agreement. This way, employees will be emboldened to openly discuss their experiences and encourage other survivors of sexual harassment to speak up.

The Act also aims to prevent companies from protecting harassers. As the law currently stands, companies whose employees have signed arbitration agreements can simply handle claims of sexual harassment outside of the public eye. If passed, companies employing repeat offenders, such as [Roger Ailes](#) or [Bill O'Reilly](#), would not be able to hide behind arbitration agreements.

If you are experiencing [harassment](#) or other inappropriate conduct or treatment at work, the attorneys and staff at Wigdor LLP are available to discuss your rights and any questions you may have.

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