

# Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act

This groundbreaking bipartisan legislation, signed by President Joe Biden on March 3, 2022, provides sexual misconduct survivors the right to file their claims in open court, **even if they have a forced arbitration clause in an employment contract.**

The new law was spearheaded by Gretchen Carlson, co-founder of Lift Our Voices (LOV), a nonprofit organization dedicated to eradicating concealment clauses that prevent workers from speaking out about workplace toxicity.

## What the Law Does

- The law gives all survivors of sexual assault and sexual harassment the right to file a lawsuit in court against their perpetrators, rather than be forced into the secret chamber of arbitration.
- The law applies to workers and also includes other survivors of sexual misconduct (e.g., nursing home residents; consumers harassed or assaulted at the gym, spa, or in a landlord-tenant situation).
- The law does not prohibit arbitration; rather, it allows survivors in sexual misconduct cases to reject arbitration if they would rather file a lawsuit.
- The law applies retroactively if, as of March 3, 2022, a survivor has not yet filed a sexual misconduct claim, and the claim is within a state's statute of limitations.

- It does not invalidate existing or adjudicated forced arbitration claims.
- It does not alter existing state or federal requirements to prove a sexual harassment or assault claim.
- It only applies to survivors of sexual harassment or assault. Others subject to racial, gender, age, sexual orientation and other discrimination, may still be forced into arbitration.
- **It does not require companies to amend their forced arbitration policies to notify employees about the change in the law.**

## What the Law Does Not Do



## DID YOU KNOW?

**60 million**

American workers are now subject to forced arbitration.



**59.1% of African American workers are affected by forced arbitration.**

**64.5%**

of those earning less than \$13 per hour are bound by forced employment arbitration.

By 2024, **82 million**

workers will be bound by forced arbitration.