

EMPLOYER LAW BLOG

Federal Law Enacted to Ban “Forced Arbitration” of Sexual Harassment Claims

AUTHOR: JAMES KEANEY

CONTRIBUTOR: JOHN GILBERT, PHILIP GRAHAM

This week, a new bill prohibiting “forced arbitration” of sexual assault or sexual harassment claims passed both the United States House of Representatives and the United States Senate. Based on a February 1, 2022 White House statement supporting the bill, President Biden is expected to sign it into law soon, now that it has passed both the House and Senate.

The new law will amend the Federal Arbitration Act by giving a plaintiff claiming sexual assault or sexual harassment the option to file a lawsuit in court under federal, state, or tribal law even if the plaintiff had previously signed an agreement waiving his or her right to do so. Under this new law, any purported waiver of such option will be invalid and unenforceable.

Employers should reach out to counsel to update their employment-related agreements and policies and determine what other steps to take given this upcoming new law. Don't hesitate to reach out to a member of our Labor & Employment Team for assistance.