



11 DUPONT CIRCLE NW
SUITE 800
WASHINGTON, DC 20036
202-588-5180
NWLC.ORG

April 22, 2019

Re: Co-Sponsor the BE HEARD in the Workplace Act (S. 1082, H.R. 2148)

Dear Member of Congress:

The National Women's Law Center strongly **urges you to co-sponsor the Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination (BE HEARD) in the Workplace Act (S. 1082, H.R. 2148)**, legislation that will advance equality, dignity and safety in the workplace for millions of individuals.

After #MeToo went viral in October 2017, thousands of courageous individuals -- from Hollywood to the halls of Congress, to restaurants, agricultural fields, and factory floors -- shared their stories and pain, and shined a light on the pervasive and insidious nature of workplace harassment and sexual assault. Since its launch in January 2018, the TIME'S UP Legal Defense Fund, which is housed and administered by the National Women's Law Center Fund, has received over 4,000 requests for assistance from individuals who have experienced sexual misconduct including assault, harassment, abuse and related retaliation in the workplace. These requests for assistance have confirmed that workplace harassment and retaliation are widespread and persistent, and that are common in workplaces with stark power imbalances between workers and employers, such as in industries that have been traditionally male-dominated, including the military, and industries with a high proportion of low-wage jobs, such as food service, hospitality, and retail.

Many individuals remained silent about harassment and sexual assault for years because the risks of speaking out were too high. Too many people are still afraid to report because of the threat to their jobs, reputations, careers, and safety. Moreover, the laws and systems in place designed to address workplace harassment have been inadequate to provide redress and justice, and often protected offenders.

But in the last 18 months the country has witnessed an unprecedented demand for solutions to ensure accountability for workplace harassment and other forms of discrimination -- and to prevent it before it happens. Recent polling conducted for the National Women's Law Center shows strong bipartisan support among voters surveyed for Congressional action to strengthen protections against workplace sexual harassment, and to require employers to take steps to prevent workplace harassment. Our laws must meet the challenge of transforming workplace culture and ensuring justice.

The BE HEARD in the Workplace Act offers a groundbreaking set of reforms and seeks to answer the calls for change that have reverberated across the country. The Act is the first comprehensive federal legislative proposal to address workplace harassment in the #MeToo era. It offers multiple reforms, centered on the lived experiences of some of the most vulnerable workers, to prevent and respond to all forms of harassment and discrimination, whether based on sex (including sexual orientation and gender identity), race, color, national origin, religion, age, or disability.

- **The Act would extend federal protections against harassment and other forms of discrimination to all workers**, including workers in small workplaces, independent contractors, workers in the gig economy, and interns. Additionally, the Act clarifies that workplace harassment and other forms of discrimination based on sexual orientation and gender identity are prohibited.

- **The Act addresses barriers working people face in accessing justice**, by providing additional time to file harassment and other discrimination charges with the Equal Employment Opportunity Commission; remedying unduly narrow interpretations of legal standards that have made it difficult to challenge workplace harassment and prevail; removing artificial caps on damages so that working people can be made whole for the harm suffered; and providing funds to support legal assistance for low-income workers.
- **The Act would increase transparency and accountability** by prohibiting forced arbitration, banning nondisclosure agreements (NDAs) in the pre-dispute context, and limiting the use of NDAs in post-dispute agreements. These measures would help ensure harassment cannot continue to thrive in the shadows, while protecting working people's ability to pursue their day in court and retain confidentiality over some or all information related to their claims.
- **The Act promotes harassment prevention** by including provisions such as requirements for employer trainings and policies, and research on the prevalence and impact of workplace harassment on communities across the country.
- **The Act would eliminate the tipped minimum wage**, making women, who are two-thirds of the workers in tipped jobs, less vulnerable to sexual harassment from customers that workers can feel compelled to tolerate.

The BE HEARD in the Workplace Act offers a multi-faceted approach to preventing and responding to harassment and discrimination. It provides concrete solutions and a path to creating a world in which every individual can work with equality, dignity and safety.

We urge you to prioritize the BE HEARD in the Workplace Act in the 116th Congress by cosponsoring this historic legislation. If you have any questions, please do not hesitate to contact me at emartin@nwlc.org or (202) 588-5180.

Sincerely,



Emily J. Martin
Vice President for Education & Workplace Justice