



Making A Difference

TIME'S UP Legal Defense Fund
Three Years and Looking Forward

TIME'S[™]
LEGAL DEFENSE FUND
UP

The TIME'S UP Legal Defense Fund is housed and administered by the National Women's Law Center Fund, LLC.



The TIME'S UP Legal Defense Fund is funded by the TIME'S UP Foundation.



Introduction

Three years ago, TIME'S UP Legal Defense Fund started with a mission to create safe, equitable, and respectful workplaces for all.

It began with a letter. "Dear Sisters, We wish that we could say we're shocked to learn that this is such a pervasive problem in your industry. Sadly, we're not surprised because it's a reality we know far too well. Countless farmworker women across our country suffer in silence because of the widespread sexual harassment and assault that they face at work...please know that you're not alone. We believe and stand with you."

The letter was written to women survivors in Hollywood in the fall of 2017 by Alianza Nacional de Campesinas, the first national farmworker women's organization in the United States. It was published soon after brave actresses spoke their truth about Harvey Weinstein's abuse, and as

women around the world amplified Alyssa Milano's tweet lifting up Tarana Burke's #MeToo framework in solidarity with brave women everywhere. The farmworkers' support deeply moved the more than 300 women working in film, television, and theater who had been meeting to strategize about how to prevent abuse and ensure equity in their industry. The farmworkers' letter gave them a powerful push to turn those meetings into action—and to ensure their work was felt beyond Hollywood. They called for change across all industries, not just their own.



My client has peace of mind knowing that she is being supported. She lacks [the] funds to mount a defense on her own.

—Attorney, California

The TIME'S UP Legal Defense Fund is the **only nationwide resource** for people facing workplace sexual harassment to connect with attorneys and the **only organization dedicated to funding litigation** challenging workplace sexual harassment and helping with public relations assistance in those cases.

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Funding allowed us to take this case that the firm might not otherwise have and helped us to gain a successful outcome for the client.

—Attorney, Washington, D.C.

Their commitment created the TIME'S UP Legal Defense Fund. The TIME'S UP Legal Defense Fund helps connect workers facing sexual harassment and related retaliation to attorneys. It funds the legal and storytelling support for certain cases, as well as outreach grants for organizations that work with low-paid workers.

The Fund is housed at the National Women's Law Center, a well-established, multi-issue gender justice organization that is a leader in combating workplace sexual harassment.

From its inception, the TIME'S UP Legal Defense Fund focused on providing services to low-paid workers. These are the individuals who have the least power in the workplace, the most to lose if they are retaliated against, and the hardest time connecting with lawyers and affording legal assistance. Additionally, because of how damages are awarded in legal cases, it can be financially impossible for attorneys to take on cases for low-paid workers. And the press hardly ever covers the sexual harassment faced by low-paid workers, even though such harassment is rampant.

Since we started, we have helped connect over **4,800 individuals** facing workplace sexual harassment to legal assistance. About **one-third** of the individuals reaching out to us identify as people of color. **Three-fourths** identify as low-paid workers. Remarkably, even during the pandemic and related stay-at-home orders, individuals kept coming forward about the harassment they had experienced at work, and we kept finding ways to help them.

In addition to connecting individuals with attorneys,

we've funded or provided media assistance to over 300 cases for all types of workers. We have helped McDonald's workers, women in the military, women working for the Washington Football Team, opera singers, servers, FBI agents, groundskeepers, senior managers, corrections officers, federal contractors, security guards, actresses, and production assistants. Of the cases where a decision has been reached, 90% have ended with an outcome in favor of the person we were funding.

We Fund Cases That Help Improve Laws.

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It allowed [my client] to have representation, which she could not have afforded on her own. This brought her considerable peace of mind.

—Attorney, Maryland

Florida Civil Rights Law Covers LGBTQ Harassment

Christie Leonard, a white woman, claims she was harassed because of her perceived sexual orientation and forced out of her job doing IT for a church. Her employer's first response to the lawsuit was that she had no claim because federal and state protections do not cover harassment based on sexual orientation. While the court in Florida was considering this argument, the Supreme Court decided *Bostock v. Clayton County*, which made clear that federal workplace anti-discrimination law covers discrimination based on sexual orientation. The court in Florida followed *Bostock* for the federal law claims and, in one of the first rulings on this issue, determined that the reasoning in *Bostock* applied equally to the Florida state law prohibiting sex discrimination in employment and that Christie's case could proceed. Christie's case is ongoing.

Qualified Immunity Not Available for Connecticut Police Officers Who Arrest a Survivor

Nicole Chase, a white woman, was a restaurant server when she was sexually assaulted by the owner of the restaurant. She went to the police the following day and provided a written statement four days later. She did not provide the full details of the sexual contact that occurred in her initial statement. In a videotaped interview between the restaurant owner and the police, the owner initially denied that the sexual assault ever happened. But the police suggested to the restaurant owner that he change his defense and argue that it was consensual. After conferring with his lawyer, the owner changed his story and stated that Nicole was the aggressor and pulled him into the bathroom and initiated sexual contact. During the interview, the detective also tried to get the owner's lawyer to invite them to a country club

for golf. When the police reinterviewed Nicole, she disclosed the sexual contact and reaffirmed that the sexual assault had not been consensual. The police did not charge the supervisor; instead, the police arrested and charged Nicole with making a false statement based upon her reluctance to disclose the details of the sexual contact in her written statement. Nicole sued the police, including for claims of unconstitutional sex discrimination, false arrest, and malicious prosecution. The judge determined that the individual police officers could not claim immunity in this case and had to face Nicole's lawsuit. The judge's decision is on appeal.



TIME'S UP Legal Defense Fund funding has allowed us to take more sexual harassment cases on behalf of low-income working people, regardless of immigration status.

– Attorney, Texas

We Fund Cases that Help Workers Seek Justice.

Research Assistant

In a case we helped fund, a white woman who was both a student and an employee at a prestigious university complained about sexual harassment by a professor who was her supervisor. In addition to affecting her work at the university, the harassment affected her employment opportunities after she left the school. The attorney assisted the student-employee navigate the school's complaint system. The professor, who had a history of harassment allegations against him, was held accountable for the first time in his career. The attorney had this to say: "Thanks to you, someone who has spent decades undermining the educational and professional pursuits of female students, causing cascading harms throughout the community, is finally being restrained and being held accountable."

Most of the cases we are funding are in the following industries:



Food Services



Federal
Government



Retail



Arts &
Entertainment



Education

Car Detailing Employee

In a case we funded in Texas, a Latina working in a heavily male industry was sexually harassed by her supervisor, who made sexual comments to her, grabbed her, and tried to get her alone. When she refused her supervisor's advances, he assigned her to more dangerous work and cut her shifts. When she complained, she was terminated. The case we funded brought claims of illegal sexual harassment and retaliation and was successfully resolved through a settlement.

Domestic Worker

In a case we funded, a domestic worker of mixed race was regularly sexually harassed by her employer. When she tried to fight back, he accused her of fraud. We helped fund the attorney's fees in that case and, as the attorney described it, our funding "made all the difference." The other side was trying to litigate every issue extensively; the attorney told the other side she had funding and could match them. They quickly came to a settlement.

Medical Assistant

In a case we are funding in Louisiana, a Black medical assistant was assaulted by the incarcerated people she was tending to in a jail. A corrections officer had promised to watch and protect her, but did not. When she reported the incident to her employer, she was placed on unpaid leave and not allowed to work for a period of time. We are funding the attorney who has filed an EEOC charge on her behalf against the employer and the corrections institution alleging illegal sexual harassment.

Performer

In a case we funded in Florida, a woman was raped by her supervisor in the late 1990s. Because of the assault, she suffers from extreme anxiety and emotional distress. She came forward many years later and talked about her experiences on the internet. As a result, she was approached by other women who said they had been assaulted by the same man. She named the offender publicly, and he sued her for defamation. We helped fund her legal defense and the defamation case against her was dismissed. The clients were very pleased with the outcome.

We Analyze Key Trends and Data from the TIME'S UP Legal Defense Fund.

This year, we studied the thousands of requests for assistance we have received thus far. We found that:



Retaliation is rampant.

Over **70% of the people** contacting us shared that they had been retaliated against when they reported or tried to stop the harassment. Most often, the retaliation led to the individual losing their job after coming forward.



Workers are seeking solutions and asking for help.

Nearly two-thirds of the people reaching out to us had already reported the problem to their employers.

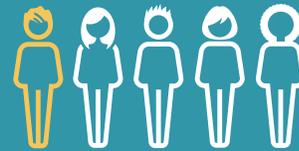


There are hundreds, if not thousands of cases of sexual harassment in the workplace every year, and only a fraction are pursued. Financial instability, uncertainty is often a contributing factor to these cases never seeing the light, and funding provided by TIME'S UP Legal Defense Fund is vital in the pursuit of justice for these clients.

– Attorney, Texas

Sexual harassment often comes with other types of harassment.

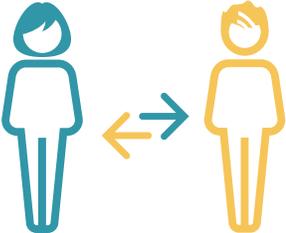
26% percent of Black workers, 23% of AAPI workers, and 16% of Latinx workers reported that the sexual harassment they faced was mixed with harassment based on their race.



Sexual harassment harms the financial and mental health of workers.

Over **one in five workers** reported that the sexual harassment had harmed them financially, and nearly **one in five** reported that it affected their mental health.

TIME'S UP Legal Defense Fund has four major initiatives



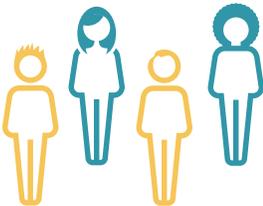
We **connect workers** who have faced sexual harassment to attorneys.



We **fund cases** challenging workplace sexual harassment and related retaliation.



We **fund media assistance** for individuals challenging workplace sexual harassment and related retaliation.



We **fund sexual harassment outreach grants** to groups that work with workers in low wage jobs.

Our Work Over Three Years

4,800

Number of workers we have connected to attorneys

623

Number of attorneys who have joined our Network

256

Number of cases we have committed to fund out of 390 that have applied

98

Number of cases approved for media assistance

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It has been immensely helpful. [My client] could not proceed with her claims without funding. She broke down in tears when she learned of the funding and is very thankful to your organization.

– Attorney, Arizona

We have responded to over 4,800 workers seeking attorneys. Here is the breakdown:

Race and Ethnicity

Asian or Pacific Islander only	5.33%
Black/African American only	17.15%
Hispanic/Latinx only	5.17%
Native American only	1.17%
White only	58.51%
Other	2.64%
Asian or Pacific Islander and White	1.25%
Black/African American and White	1.64%
Hispanic/Latinx and White	2.72%
Native American and White	2.01%

Industry

Accommodation/Hospitality	2.49%
Administration/Support Services	2.04%
Agriculture, Forestry, Fishing and Hunting	0.73%
Arts and Entertainment	9.89%
Construction	2.63%
Educational Services	7.03%
Federal Government	7.90%
Finance and Insurance	3.50%
Food Services	2.10%
Health Care	5.04%
Information/Communications	3.36%
Legal Field	2.16%
Local Government	0.14%
Manufacturing	3.61%
Military	2.16%
Mining	0.14%
Non-Profit	3.61%
Other	11.01%
Personal Care Service	0.76%
Professional, Scientific/Technical Services	4.71%
Real Estate Rental and Leasing	1.12%
Recreation	0.62%
Retail Trade	4.57%
Social Assistance	0.08%
State Government	2.72%
Transportation	2.97%
Utilities	0.76%
Warehousing	0.84%
Wholesale Trade	0.45%

Funding Cases

Of the cases where a decision has been reached, **90%** of cases ended with an outcome in favor of the person we are funding.

Our Funding Priorities

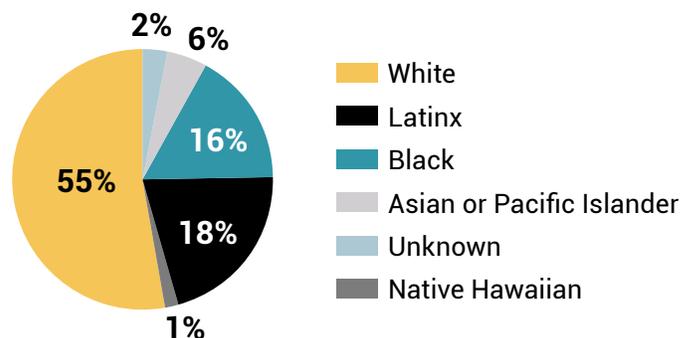
- Cases involving **low-wage workers** because they cannot afford attorneys;
- Cases in **male-dominated fields** where harassment can be especially severe and pushes women out of higher paying, traditionally male jobs;
- Cases involving a **high-profile harasser** because the power dynamic can make it harder to come forward;
- Cases where **multiple workers** are harassed at the same employer;
- Cases that can set **important precedent**, such as whether an employer is responsible for harassment by a guest or client or whether a corporate entity is responsible for harassment at its franchise stores; and
- Cases of **extreme retaliation** such as being sued for defamation after speaking out about harassment.

Priority Areas

(cases can address more than one priority)

- 47%** Low-Wage Workers
- 12%** High-Profile Harasser
- 39%** Male-Dominated Field
- 10%** Systemic Issue
- 17%** Important Precedent
- 25%** Extreme Retaliation

In almost half of the cases we are funding, the plaintiffs are people of color.





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The TIME'S UP Legal Defense Fund is housed and administered by the National Women's Law Center Fund, LLC. Questions? Contact us at legalnetwork@nwlc.org