

Co-Sponsor the BE HEARD in the Workplace Act

Dear Member of Congress:

The undersigned 38 national, state, and local organizations dedicated to gender and racial justice, defending civil rights, ensuring workplace fairness, and ending gender-based violence **urge you to co-sponsor the Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination (BE HEARD) in the Workplace Act (H.R.9228/S.4902)**, legislation that will advance equality, safety, and dignity for millions of workers.

Harassment in the workplace remains a widespread, persistent problem across industries and workplaces, from corporate boardrooms to restaurants, agricultural fields, and factory floors. Between fiscal years 2018 and 2023, the U.S. Equal Employment Opportunity Commission received over 154,000 charges alleging harassment, and in fiscal year 2023, it saw a more than 25% increase in such charges as compared to the previous fiscal year.¹ These charge statistics do not even begin to represent the extent of harassment in the workplace, as most workers who experience harassment do not report it, and even fewer make a formal complaint such as an EEOC charge.

Workers are often subjected to multiple forms of harassment in the workplace at the same time, including on the basis of race, religion, national origin, disability, and/or sex (including sexual orientation, gender identity, sex stereotype, sex characteristics, and pregnancy, childbirth, or related medical conditions). Women of color, and Black women in particular, are disproportionately likely to experience sexual harassment at work, as are transgender and nonbinary workers, and women working in low-paid jobs, in male-dominated fields, and in industries where workers have limited bargaining power in the workplace.

For many years, workers, survivors, and advocates have been calling for change and demanding solutions to prevent and address workplace harassment. Despite a wave of recent federal and state efforts to strengthen workplace anti-harassment protections, our laws continue to come up short, especially for the most marginalized workers. It is time for Congress to cement lasting policy change that will promote equality, safety, and dignity in the workplace for everyone. Congress must strengthen and expand workplace anti-discrimination protections for all workers, while also safeguarding existing protections.

The BE HEARD in the Workplace Act offers a groundbreaking set of reforms and answers the calls for change that have reverberated across the country. The Act is a landmark, comprehensive federal legislative proposal to address workplace harassment. It centers the lived experiences of working people, including survivors of gender-based violence at work, and offers multiple reforms to prevent and respond to all forms of harassment and discrimination, whether based on sex (including sexual orientation, gender identity, sex stereotype, sex characteristics, and pregnancy, childbirth, or related medical conditions), race, color, national origin, religion, age, or disability.

- **The Act would extend federal protections against harassment and other forms of discrimination to all working people**, including individuals working in small workplaces, workers in the gig economy, independent contractors, and interns. Additionally, the Act expressly codifies *Bostock v. Clayton County*, recognizing that harassment and other forms of discrimination based on sexual orientation and gender identity are unlawful sex discrimination.

¹ See *Enforcement and Litigation Statistics, Table E2a Charges Alleging Harassment, Charge Receipts and Resolutions by Type (All Statutes) FY2010-FY2023*, U.S. EQUAL EMP. OPPORTUNITY COMM'N (last visited July 23, 2024), <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>.

- **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 limits on damage awards 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 of workplace disputes, banning nondisclosure agreements (NDAs) in the pre-dispute context, and restricting the use of NDAs in post-dispute agreements and requiring safeguards to protect the identity of victims of discrimination, including harassment. 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.
- **The Act promotes harassment prevention** by including requirements for employer trainings and policies, and research on the prevalence and impact of workplace harassment on communities across the country.
- **The Act would ensure that tipped workers are entitled to the same minimum wage as everybody else, rather than the current cash minimum wage of \$2.13 an hour**, ensuring women, who are two-thirds of the tipped workforce, are not compelled to tolerate sexual harassment from customers as the price of making an adequate living.

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 safety and dignity.

We urge you to prioritize the BE HEARD in the Workplace Act in the 118th Congress by cosponsoring this historic legislation. If you have any questions, please do not hesitate to contact Gaylynn Burroughs (gburroughs@nwlc.org) or Katie Sandson (ksandson@nwlc.org) at the National Women's Law Center.

Sincerely,

National Women's Law Center
 American Association of University Women
 American Civil Liberties Union (ACLU)
 Asian Pacific American Labor Alliance - AFL-CIO (APALA)
 Asset Building Strategies
 California Women's Law Center
 Center for Parental Leave Leadership
 Economic Policy Institute
 Equal Rights Advocates
 Gender Equality Law Center
 Human Rights Campaign
 Institute for Women's Policy Research
 Jewish Women International
 Justice for Migrant Women

Labor Council for Latin American Advancement
Legal Aid at Work
Legal Momentum, The Women's Legal Defense and Education Fund
Lift Our Voices
MomsRising
National Alliance to End Sexual Violence
National Black Worker Center
National Council of Jewish Women
National Employment Law Project
National Immigration Law Center
National Network to End Domestic Violence
National Organization for Women
 FL National Organization for Women (FL NOW)
 Greater Orlando National Organization for Women (Greater Orlando NOW)
 Pinellas County National Organization for Women
National Partnership for Women & Families
Oxfam America
Service Employees International Union (SEIU)
Sikh Coalition
Ujima, The National Center on Violence Against Women in the Black Community
V-Day
Women Employed
Workplace Fairness
YWCA USA