

November 16, 2021

COSPONSOR THE BE HEARD IN THE WORKPLACE ACT

Dear Member of Congress:

The undersigned 45 national, state, and local organizations dedicated to 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**, legislation that will advance equality, safety, and dignity for millions of individuals.

For decades, survivors of sexual violence have come forward to seek justice and demand their right to be free from violence, harassment, and other forms of discrimination. These calls for change reached a tipping point in October 2017 when Tarana Burke's #MeToo Movement went viral. Thousands of courageous individuals — from Hollywood, the halls of Congress, and our military to restaurants, agricultural fields, and factory floors — shined a light on the pervasive and insidious nature of workplace harassment and sexual assault. Their stories often revealed that working people are 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 and gender identity). Too many also remained silent and were afraid to report the harassment because they feared for their jobs, careers, and personal safety or because they knew they would not be believed.

In the four years since #MeToo went viral, we have witnessed an unprecedented demand for solutions and measures to prevent and address workplace violence, harassment, and discrimination. In addition, the pandemic and resulting economic crisis has revealed and exacerbated economic disparities for historically marginalized and low-paid working people. Workplace violence, harassment, and discrimination compounds economic insecurity for working people who are denied opportunities, pushed out of jobs entirely, or forced to endure abusive work environments. Congress must strengthen and safeguard existing workplace anti-discrimination protections to advance racial and gender equity and promote economic security.

The BE HEARD in the Workplace Act offers a groundbreaking set of reforms designed to help ensure equality, safety, and dignity in the workplace for everyone. The bill centers the lived experiences of some of the most vulnerable workers and offers multiple reforms 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 working people**, including individuals working in small workplaces and in the gig economy, independent contractors, and interns. Additionally, the Act clarifies that harassment and other forms of discrimination based on sexual orientation and gender identity are unlawful sex discrimination.
- **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 that harassment cannot continue to thrive in the shadows, while protecting working people's ability to pursue their day in court. The Act would also give survivors the means to enter into agreements to keep 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 ensure that tipped workers are entitled to the same minimum wage as everybody else, with tips on top, rather than the current cash minimum wage of \$2.13 an hour**, so that women, who are two-thirds of the tipped workforce, are not compelled to tolerate sexual harassment and inappropriate behavior 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 117th Congress by cosponsoring this historic legislation. If you have any questions, please do not hesitate to contact Emily Martin at the National Women's Law Center (emartin@nwlc.org), Vania Leveille at the American Civil Liberties Union (vleveille@aclu.org), or Gaylynn Burroughs at The Leadership Conference on Civil and Human Rights (burroughs@civilrights.org).

Sincerely,

American Civil Liberties Union
The Leadership Conference on Civil and Human Rights
National Women's Law Center
A Better Balance
AFL-CIO
Alianza Nacional de Campesinas
American Association of University Women (AAUW)
Building Pathways, Inc
California Employment Lawyers Association
Chicago Women in Trades
Clearinghouse on Women's Issues

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Coalition of Labor Union Women
Economic Policy Institute
Equal Rights Advocates
Family Violence Law Center
Feminist Majority
Gender Equality Law Center, Inc.
Hollaback!
Human Rights Campaign
Justice for Migrant Women
KWH Law Center for Social Justice and Change
Legal Momentum, The Women's Legal Defense and Education Fund
Mississippi Workers' Center for Human Rights
National Alliance to End Sexual Violence
National Center for Women's Equity in Apprenticeship and Employment
National Council for Occupational Safety & Health
National Council of Jewish Women
National Employment Law Project
National Employment Lawyers Association
National Network to End Domestic Violence
National Organization for Women
National Partnership for Women & Families
Now VA, Inc.
Philly CLUW
Public Citizen
ROC United
Service Employees International Union
The Purple Campaign
The Women's Law Center of Maryland
TIME'S UP Now
V-Day
Women Employed
Women's Law Project
Working IDEAL
Workplace Fairness