

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

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## Mandatory Arbitration of Workplace Sexual Harassment and Assault Claims Soon to be Prohibited

On Feb. 10, 2022, the U.S. Senate passed H.R. 4445 – the “Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021,” also known as the “#MeToo Bill.”

The #MeToo Bill will amend the Federal Arbitration Act, and will invalidate mandatory arbitration agreements that preclude an employee from filing a lawsuit in court arising from workplace sexual assault or sexual harassment. The Bill will have a significant impact on employment law, as these arbitration provisions are commonly included in employment contracts. The Bill will also limit the ways in which an employee can pursue their claims, and keep the details of those claims out of the public eye far more than a typical court proceeding.

Once signed by President Biden, who has indicated his support for the Bill, the invalidation of mandatory arbitration agreements related to workplace claims of sexual harassment or assault will apply to all new claims moving forward. To be clear, the Bill does not prohibit arbitration entirely for these types of claims. Rather, it prohibits *mandatory* arbitration agreements. As such, the individual bringing the claim is still free to choose arbitration if they desire. Based upon this new law, many employers will need to review the arbitration language in their employment agreements going forward.

For any questions, or to have a review of your existing employment agreements, please contact [Travis Talerico](#), any attorney in Bond’s [Labor and Employment practice](#) or the Bond attorney with whom you are regularly in contact.



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