

EMPLOYER LAW BLOG

Biden Signs New Law Banning Mandatory Arbitration of Sexual Harassment Claims

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On March 3, 2022, President Biden signed into law a ban on mandatory arbitration of sexual harassment claims. We previously published a blog article on this development.

That same day, the Chair of the Equal Employment Opportunity Commission—Charlotte A. Burrows— issued a press release applauding the new law. In this release, Burrows noted, “The EEOC cannot be forced into arbitration, nor are we bound by class action waivers in employment discrimination claims – including workplace sexual harassment disputes.”

Crediting the recent “#MeToo movement,” Burrows criticized mandatory arbitration clauses for shielding “serial harassers from accountability” for repeated abuse of employees. She noted that, in fiscal year 2020, there were 6,587 sexual harassment charges in the private sector filed with the EEOC.

Burrows concluded her statement by noting this law “goes into effect immediately and will apply to disputes that arise beginning today.”