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Congress Passes the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act

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On Thursday, February 9, 2022, the U.S. Senate passed a bill that would prohibit companies from compelling to arbitration cases where there are allegations of sexual assault or sexual harassment, even where an employee has signed an otherwise enforceable arbitration agreement.

The bill, the [Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act](#), was previously passed by the U.S. House of Representatives on Monday, and will now head to President Biden to be signed into law.

If signed by the President, employees will be able to file lawsuits in court against their employers and alleged perpetrators, instead of requiring these issues to be addressed privately before an arbitrator. It would not, however, impact non-disclosure agreements at the federal level, which would still prohibit sexual assault victims from speaking publicly about their claims.

This is the latest in a large number of legislative changes stemming from the #MeToo movement. Since the #MeToo movement gained international attention in 2017, there has been a push on a national, state and local level to prevent companies from keeping allegations of sexual assault and sexual harassment, as well as resolution of claims involving these allegations, private. We anticipate there will be more to come.

Should you have any questions about how this bill, if it becomes law, may impact your company, please reach out to any of the attorneys in [Buchalter's Labor & Employment Practice Group](#).

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