



Legislation Text

File #: Res 0222-2018, Version: *

Res. No. 222

Resolution calling upon the United States Congress to pass, and the President to sign S.2203/H.R.4734, known as the “Ending Forced Arbitration of Sexual Harassment Act of 2017,” which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute

By Council Members Miller, Rose, Rosenthal, Chin, Powers, Constantinides, Kallos, Adams, Eugene, Lander, Rivera and Ayala

Whereas, In the United States, a large number of employers tend to require their workers to sign arbitration agreements, which require that any disputes between employer and employee, including sexual harassment, be settled in private arbitration, outside of the court system; and

Whereas, The Economic Policy Institute conducted a survey on nonunion private-sector employers, finding that more than 56 percent of American workers, which equates to roughly 60.1 million workers, are subject to mandatory arbitration agreements; and

Whereas, As a result of the increased use of mandatory arbitration agreements, some estimate that more than half of American workers are not able to take sexual harassment claims to court and instead forced to use a private arbitration process; and

Whereas, The Economic Policy Institute states that mandatory arbitration agreements suppress claims, with many employees citing fear of retaliation and lack of attorney participation due to claims being harder to win and damages awarded being much lower than court-awarded damages as main causes of not reporting claims related to sexual harassment and other civil rights claims; and

Whereas, According to reports by the federal Equal Employment Opportunity Commission (EEOC), 70 percent to 90 percent of victims of sexual harassment do not formally make a complaint or file a charge with fair employment agencies, with many cases of sexual harassment being left unaddressed; and

Whereas, In light of recent high-profile cases, and the advent of the #MeToo movement, it is important to bring attention to the problem of workplace sexual harassment and mandatory arbitration agreements, while also working towards solutions to this problem; and

Whereas, Many advocates, including Gretchen Carlson, a publicly-known victim of sexual harassment in the workplace, believe that reforming arbitration laws is key to stopping sexual harassment; and

Whereas, S.2203, introduced by Senator Kirsten E. Gillibrand, and H.R.4734, introduced by Representative Cheri Bustos, will prohibit a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute; and

Whereas, This legislation would effectively increase the number of workers coming forward with claims of sexual harassment, increase attorney participation, make employers accountable for workplace sexual harassment, and make the workplace more fair, safe and equal; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign S.2203/H.R.4734, known as the “Ending Forced Arbitration of Sexual Harassment Act of 2017,” which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute

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