

January 14, 2022

Dear Members of the U.S. Senate,

HR Policy Association writes in strong support of S. 3143, the Resolving Sexual Assault and Harassment Disputes Act. There have been ongoing and current efforts to limit or outright prohibit arbitration in the employment setting. S. 3143 strikes a balance by protecting victims of workplace sexual assault and sexual harassment, while continuing to encourage businesses to utilize arbitration as a means of resolving other types of employment disputes because of the benefits arbitration confers on both parties.

HR Policy Association represents the most senior human resource executives in more than 390 of the largest employers in the United States. Collectively, our member companies employ more than 11 million employees in the United States, over nine percent of the private sector workforce, and 20 million employees worldwide. The Association's member companies have long implemented policies to promote safe and harassment-free workplaces.

S. 3143 would provide reforms to the Federal Arbitration Act to ensure that workplace victims of sexual assault and harassment are supported and have fair due process rights by:

- Prohibiting the enforceability of pre-dispute arbitration agreements in employment contracts with respect to sexual assault claims.
- Limiting the enforceability of pre-dispute arbitration agreements in employment contracts with respect to sexual harassment claims unless the agreement allows the victim to publicly discuss a sexual harassment claim that will be arbitrated (unless both parties mutually agree otherwise) with the right to report harassment to civil and criminal law enforcement authorities.
- Protecting sexual assault and harassment victims' recoveries in any claims they may bring through arbitration or in court from being reduced by attorneys' fees and costs.

The Association believes that employers and employees should be encouraged to continue to use arbitration to resolve employment disputes. Employment arbitration has long been a preferred alternative to litigation for many types of disputes because it avoids the delays that are associated with the courts, alleviates the burden on the court system, reduces expenses associated with traditional litigation, and provides a more confidential forum for issues to be resolved.

HR Policy Association looks forward to supporting this proposal as it moves through Congress, and we encourage Senators to cosponsor S. 3143.

Sincerely,



Chatrane Birbal
Vice President, Government Relations
HR Policy Association

cc: U.S. Senate