

Administration of Joseph R. Biden, Jr., 2022

Remarks on Signing the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021

March 3, 2022

The President. Well, Gretchen, thank you. And are they your two children? Stand up so everybody can see you. *[Laughter]* Who's that guy in front of you? *[Laughter]* Is that dad? Just remember, moms—you get along with; you can work it out. But dads are hard to raise. Be patient with us, okay? *[Laughter]*

Well, look, Gretchen, thank you very much. You know, you went from speaking to millions to speaking for millions and speaking for a movement. You remind us that even a powerful job didn't protect you from having to contend—you're over on this side, I'm sorry—*[laughter]*—for having to contend with so much that you had to face.

And to all the other courageous survivors—there's four here today. Would you all stand up? You're the survivors who led this historic reform. And thank you, thank you, thank you, on behalf of my daughter, my granddaughters, all my family. Thank you so very much.

Between half and three-quarters of all women report that they have faced some form of sexual harassment in the workplace. And too often, they're denied a voice and a fair chance to do anything about it. Today we send a clear and strong message that we stand with you for safety, dignity, and for justice.

In my State of the Union, I said I disagreed with the notion that we can't work together on important things. Last year, I signed 80 bipartisan bills into law—from preventing Government shutdowns to reforming the military justice system, as Kirsten knows very well, on a whole range of issues relating to how women are treated.

Today I'm proud to sign another bipartisan bill into law. And I want to thank the many champions of this bill: the Vice President; Representative and old friend Cheri Bustos—good to see you, Cheri—*[laughter]*—and Ken Buck, Morgan Griffith, Pramila Jayapal. Where are you? Where is she?

Audience member. She's right over here.

Vice President Harris. On the right.

The President. There you are. Good to see you.

And Senators Kirsten Gillibrand—and Lindsey Graham *[Laughter]* By the way, Lindsey used to be a really close friend. I'm going to work on it again. *[Laughter]* And Dick Durbin and—I'm leaving all—so many people out.

But look, for the folks at home, here's what this law is going to do. Time and again, women and sometimes men are forced and face sexual harassment and assault on the job. And it took that courageous step to reporting what had happened.

And some of them, when they did, they found out that reporting harassment behavior triggered a part of an employment contract they had never seen—they didn't even know existed—that they were powerless to change—the mechanism called "forced arbitration."

Forced arbitration isn't court. In fact, forced arbitration prevents survivors from going to court. And under forced arbitration, proceedings are conducted in secret, often by arbitrators selected and paid for by the employer. And the outcomes of the arbitration are usually hidden

from the public and the employees and coworkers, and they usually can't even—and they can't be appealed or can't be overturned.

In some arbitration clauses, you can't even acknowledge that you're bringing the claim. And parenthetically, employees can still forbid—employers can still forbid people from talking about what happened to them through nondisclosure clauses. And I think that should be changed as well, but that's another day.

And when it comes to sexual harassment and assault, a forced arbitration shielded perpetrators, silenced survivors, and enabled employers to sweep episodes of sexual assault and harassment under the rug. And it kept survivors from knowing if others have experienced the same thing, in the same workplace, at the hands of the same person. And yes, there will be cases where victims want their claims resolved in private. But some survivors will want their day in court. And that should be their choice and nobody else's choice.

I know there's discussion in Congress about whether forced arbitration clauses should also be banned for other kinds of employment disputes beyond sexual harassment and assault. I think it's all wrong, and they should be banned. But that doesn't cover here.

Giving the employer absolute power to decide isn't how justice is supposed to work. It should be the choice of the employee about whether they want to go to court or not. I've made clear that—my belief that is, no worker should have to make a commitment before any dispute has arisen to give their—up their access to justice in the courts when their rights—when they believe their right has been violated.

Sixty million American workers are bound by forced arbitration clauses that were included in the fine print of their contracts. And many don't even know they exist. You might have signed one without knowing it.

I strongly believe no worker should have to make such a commitment. And that's why I support legislation in the House of Representatives that's going to consider, in the coming weeks, that would prohibit mandatory arbitration of all types of employment disputes.

But look—but today marks an important step in an effort to ban mandatory predispute arbitration clauses that takes the power to choose how to pursue justice away from the worker. And I'm glad that there was a broad bipartisan support and unanimity in the United States Senate that we should never be forced—there should never be a forced arbitration clause for sexual harassment and/or assault.

And, folks, this is, I think, a momentous day for justice and fairness in the workplace. And for those who experience sexual harassment or assault, you're going to have the right today that you did not have yesterday. And that's good news.

And by the way, I'd also argue that it is also good for the employers, as you mentioned. And I think it is good for the employers. If a worker experiences sexual assault or harassment, it's in the employer's best interest to address it—many times, an employer may not know—and to make sure it never happens again.

Employers can't successfully compete for the best workers if their workplace practices are unsafe and unjust. Employers, it puts you on the right side of the workers. And as Gretchen said, it puts you on the right side of history.

And so, on behalf of the workers of today, on behalf of my daughter, on behalf of my granddaughters and grandchildren, and with gratitude for the bravery of so many women who, by speaking out, have made the workplace fairer and safer for others, I'm now going to step over here and sign this bill.

And by the way, it's my hope that, with the support of all the Members of Congress here, I look forward to signing legislation to strengthen and renew the Violence Against Women Act, which I first wrote and championed three decades ago.

So, folks, it's time to get that passed too.

Ladies and gentlemen, I'm going to walk over and sign this legislation.

[At this point, the President signed the bill.]

It's now the law.

NOTE: The President spoke at 5:49 p.m. in the East Room at the White House. In his remarks, he referred to journalist, author, and female empowerment advocate Gretchen Carlson, in her capacity as a former Fox News anchor, her husband Casey Close, and their children Christian and Kaia Close. He also referred to H.R. 1620. H.R. 4445, approved March 3, was assigned Public Law No. 117-90. The transcript was released by the Office of the Press Secretary on March 4.

Categories: Bill Signings and Vetoes : Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021, signing remarks.

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