



Talking Points

BE HEARD in the Workplace Act

The National Council of Jewish Women's (NCJW) Message

It's time for our nation to address workplace harassment. On April 9, 2019, Representative Kathrine Clark (D-MA) and Senator Patty Murray (D-WA) introduced the Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act (BE HEARD in the Workplace Act, HR 2148/S 1082). The measure would strengthen and expand the reach of our nation's antidiscrimination laws, remove barriers that prevent individuals from accessing justice, and help employers create harassment-free workplaces — while also holding them accountable when they fall short. Rooted in the Jewish value of *Kavod Ha Bri'ot*: respect and dignity for all human beings, NCJW endorses and resolves to work for laws, policies, programs, and services that protect individuals from all forms of abuse, exploitation, harassment, discrimination, and violence.

Everyone deserves equality, safety, and dignity at work. The Be HEARD Act builds on and strengthens existing civil rights laws by expanding protections for workers, while also safeguarding existing antidiscrimination laws and protections. It clarifies that harassment and other forms of discrimination based on sexual orientation and gender identity are unlawful sex discrimination. It also ensures that no matter what size company you work for — and whether you are a full-time employee, an independent contractor or an intern — you are protected from harassment and discrimination.

Businesses can prevent workplace harassment and empower workers. The Be HEARD Act invests in research about the economic impact of workplace harassment, requires independent, regular reporting on the prevalence of workplace harassment, and ensures that workers have access to more information and training about what constitutes harassment and their rights if they are harassed. It promotes prevention by requiring employers to adopt nondiscrimination policies and provide interactive trainings. And, it would allow workers more time to report the harassment to civil rights agencies, authorize grants to support legal assistance for workers who have low incomes, and invest in resources to the state level to help workers ensure their rights are protected.

Workers need transparency in the workplace and protections while seeking accountability and justice. The Be HEARD Act puts an end to mandatory arbitration and limits the use of non-disclosure agreements, which prevent workers from coming forward and holding perpetrators and businesses accountable. It addresses court decisions that have narrowly interpreted the law to make it more difficult for workers to challenge harassment and prevail. And, it would lift the artificial caps on compensatory and punitive damages so that workers who pursue legal action and win their cases are adequately compensated for the harm they suffered.