

# Anti-Bias Law Expansion Introduced By Dems

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A group of Democratic lawmakers introduced a bill Wednesday that would overhaul civil rights law and eliminate the tipped minimum wage, re-upping a yearslong effort to expand protections that advocates say are crucial to filling in gaps and loopholes in current statutes.

Sen. Patty Murray, D-Wash., and Rep. Ayanna Pressley, D-Mass., reintroduced the Bringing an End to Harassment by Enhancing Accountability and Rejecting Discrimination in the Workplace Act, which would expand civil rights protections to all employees, including independent contractors and interns, and extend the limit for reporting harassment to four years. Title VII currently only applies to employers with 15 or more employees and has a 180-day statute of limitations that can extend to 300 days if a state or local law also prohibits the same type of discrimination.

The bill, referred to as the Be Heard Act, would also bar mandatory arbitration and preemployment nondisclosure agreements for all allegations of discrimination, building on laws passed in 2022 that outlawed **forced arbitration** and **NDAs** for sexual harassment claims.

In addition to Murray and Pressley, the Be Heard Act was co-sponsored by 22 Democratic senators and 19 representatives. Murray first introduced the Be Heard Act **in 2019**, when she was also joined by Pressley and Rep. Katherine Clark, D-Mass., who is now the minority whip in the House.

The full text of the legislation was not immediately available late Wednesday.

Lawmakers said putting an end to the tipped minimum wage — currently set to \$2.13 at the federal level — is one of the Be Heard Act's key reforms, as it would ensure workers don't have to put up with customers' harassment because they need their tips. According to a one-page description of the bill from Murray, other key reforms include making clear that sexual orientation and gender identity are among the categories covered under Title VII, something the U.S. Supreme Court clarified in June 2020.

The proposed legislation would also give workers more time to report harassment, provide legal assistance grants for low-income workers and eliminate the cap on the damages that workers can receive if they win a legal case, according to the one-pager. Democrats also filed a different bill **earlier this year** that would scrap the ceiling on damages.

According to Murray, the Be Heard Act is supported by myriad advocacy groups, including the National Women's Law Center, Equal Rights Advocates, the National Employment Law Project, Lift Our Voices, the American Civil Liberties Union and the Service Employees

International Union, among others.

Jessica Ramey Stender, policy director and deputy legal director of Equal Rights Advocates, said in an interview with Law360 that the sweeping legislation is necessary to close gaps and loopholes in existing civil rights law. For example, she said, courts across the country have applied Title VII's "severe or pervasive harassment" standard so stringently that egregious conduct, such as groping a female worker or repeated use of the N-word, isn't sufficient to sustain a suit.

"The Be Heard Act will ensure that we have the broad protections that were intended by federal anti-discrimination law and ensure that conduct of a harassing nature that Congress intended to prohibit in the workplace is found to be unlawful," Stender said.

She added that it's important to keep in mind that workplace harassment can be directly related to a worker's economic security and financial stability, as women are often pushed out of their jobs because of discrimination and harassment or fired if they speak up.

"The toll that harassment takes on workers, especially women workers, is extreme and really interferes with their ability to succeed in a job, keep a job, and their economic security is often affected when they experience harassment and discrimination," Stender said.

"For far too many employees across the country, going to work still means putting up with sexual harassment and discrimination," Murray said in a statement. "For years I have fought for everyone's right to be free of harassment and discrimination in their workplace, and the Be Heard Act is critical to ensuring workers get the justice and protections they deserve."

Pressley also urged Congress to pass the legislation "without delay because every person, every worker deserves to be heard."

"The Be Heard in the Workplace Act is deeply personal, and I am proud to put forward a bill that brings us one step closer to ensuring justice and accountability in the workplace," Pressley said in a statement.

Stender told Law360 that the groundswell of state legislation passed in recent years, as well as the successful efforts to ban forced arbitration and NDAs around sexual harassment at the federal level, makes her hopeful that the Be Heard Act can be passed this time around. However, she said she's realistic about the chance that politics will prevent the legislation from passing, at least this year.

"But I think the reintroduction of the bill is a really important step forward in terms of laying out what a comprehensive response to this extremely problematic issue of harassment and discrimination looks like," Stender said. "And it really provides a blueprint for legislators and advocates going forward to work together to pass legislation that addresses the myriad obstacles that workers face to actually achieving safe and harassment-free workplaces."

--Additional reporting by Vin Gurrieri. Editing by Abbie Sarfo