

JAN 22 2019

SENATE CONCURRENT RESOLUTION

REQUESTING MEMBERS OF THE UNITED STATES CONGRESS TO AMEND
FEDERAL LAW TO ENSURE THAT VICTIMS OF SEXUAL HARASSMENT AND
SEXUAL ASSAULT WHO MIGHT OTHERWISE BE FORCED INTO
ARBITRATION AND SILENCE INSTEAD HAVE ACCESS TO THE COURTS.

1 WHEREAS, access to the judicial system, whether federal or
2 state, is a fundamental right of all Americans that should
3 extend fully to persons who have been subjected to sexual
4 harassment and sexual assault; and
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6 WHEREAS, many employers require their employees, as a
7 condition of employment, to sign arbitration agreements
8 mandating that sexual harassment claims be resolved through
9 arbitration instead of judicial proceedings; and
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11 WHEREAS, arbitration requirements are often set forth in
12 clauses found within the fine print of lengthy employment
13 contracts, and that these clauses are typically presented in
14 boilerplate "take-it-or-leave-it" fashion by employers; and
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16 WHEREAS, additional concerns arise from the secrecy
17 requirements of arbitration clauses, which disserve the public
18 interest by keeping both the harassment complaints and any
19 settlements confidential; and
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21 WHEREAS, the prevalence of mandatory arbitration clauses
22 and the associated secrecy requirements create a culture of
23 silence that protects serial perpetrators at the cost of their
24 victims; and
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26 WHEREAS, the United States Senate and House of
27 Representatives are considering legislation to address the issue
28 of forced arbitration and secrecy in sexual harassment and
29 sexual assault cases, and enable the victims of such egregious
30 misconduct to seek redress in the courts; and
31



S.C.R. NO. 12

1 WHEREAS, the Hawaii Women's Legislative Caucus applauds the
 2 female members of the United States Senate and House of
 3 Representatives who are working in a bipartisan fashion to craft
 4 and advance this important legislation; now, therefore,
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6 BE IT RESOLVED by the Senate of the Thirtieth Legislature
 7 of the State of Hawaii, Regular Session of 2019, the House of
 8 Representatives concurring, that members of the United States
 9 Congress are respectfully requested to amend federal law to
 10 ensure that victims of sexual harassment and sexual assault who
 11 might otherwise be forced into arbitration and silenced instead
 12 have access to the courts; and
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14 BE IT FURTHER RESOLVED that certified copies of this
 15 Concurrent Resolution be transmitted to the Speaker of the
 16 United States House of Representatives, President Pro Tempore of
 17 the United States Senate, members of each state's congressional
 18 delegation, and Governor.
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