



Commission on Human Rights

FOR IMMEDIATE RELEASE: June 29, 2021

CONTACT: Alicia McCauley, amccauley@cchr.nyc.gov, 646-385-5364

NYC COMMISSION ON HUMAN RIGHTS ANNOUNCES LANDMARK \$1,000,000 SEXUAL HARASSMENT SETTLEMENT AGAINST FOX NEWS NETWORK

\$1,000,000 civil penalties highest ordered in Commission history

The Commission requires Fox News Network LLC to forgo mandatory arbitration over City human rights claims with its employees for the next four years; requires Commission-approved harassment and bystander training; and requires reporting to the Commission for the next two years

NEW YORK –The New York City Commission on Human Rights announces a historic settlement with Fox News Network LLC (“Fox News”) after the Commission initiated its own investigation into a series of high-profile reports alleging a culture of pervasive sexual harassment and retaliation at the network. The Commission fined Fox News \$1,000,000 in civil penalties – the highest ever ordered for violations under the NYC Human Rights Law. This settlement represents the first of its kind against a major news network by a civil rights enforcement agency in the country.

The settlement aims to create long-term change with respect to how Fox News addresses allegations of sexual harassment and retaliation. As part of the settlement, the Commission required the network to, for a four-year period, waive forced arbitration in agreements executed with its employees, talent, and contributors for any claims brought under the New York City Human Rights Law. In addition to requiring the network to hold regular, Commission-approved sexual harassment prevention and bystander training for all its New York City employees, including executives and employees, the agreement also requires Fox News to implement, for a period of at least two years, a policy and complaint procedure for reporting of discrimination and harassment complaints that allows for multiple levels of reporting.

“With this settlement, the Commission not only ordered the largest civil penalty in the Commission’s history, but has mandated dramatic and critical policy changes at Fox News Network,” **said Chair and Commissioner of the NYC Commission on Human Rights Carmelyn P. Malalis.** “Among these policy changes is a remarkable shift in how Fox News Network uses mandatory arbitration. Employers seeking to improve transparency and accountability on discrimination and harassment should look to this change in mandatory arbitration as a model for future policy. The Commission takes all allegations of sexual harassment, gender-based discrimination, and retaliation very seriously and our settlement today demonstrates that in New York City no one is above the law. Every New Yorker, whether in a newsroom or lunchroom, deserves to be treated with dignity and respect in their workplace.”

“Today’s settlement reflects structural changes within Fox News that will make it easier for employees to report harassment without fear of retaliation or reprisal,” **said Sapna V. Raj, Deputy Commissioner of the Law Enforcement Bureau at the NYC Commission on Human Rights.** “The modification of the mandatory arbitration clause to exclude claims brought under the New York City Human Rights Law will allow for employees, talent, and contributors to bring claims of gender-based harassment to an outside venue, which in turn removes the aspect of secrecy from such claims. The Commission retains the right to add additional penalties to those outlined in this settlement should additional claims of harassment or retaliation be brought forth. The message we are sending is simple: there is no room for discrimination in New York City, and the Commission will enforce the law to the highest possible extent for violators who think otherwise.”

Under this agreement, for a period of four years, Fox News must allow any employee, contributor, or on-air personality to file any claim brought under the NYC Human Rights Law in court or administratively, exempting such claims from the mandatory arbitration provision in Fox News employment contracts. This widely criticized practice is often the most significant barrier to determining whether a workplace has a pervasive culture of sexual harassment and prevents victims from seeking relief in other legal venues such as civil or district court. In New York City, the statute of limitations for reporting sexual harassment in employment is three years from the date of the last discriminatory act.

Today’s settlement represents the Commission’s highest civil penalty ever ordered in Commission history. The New York City Human Rights Law authorizes the Commission to order a maximum civil penalty of \$250,000 for each violation. This settlement builds on the Commission’s established practice of assessing penalties based on multiple violations, cementing the Commission’s ability to enforce the law in the most egregious instances of discrimination and harassment. Since the resurgence of the #MeToo movement in 2017, the Commission has: opened over 600 claims of gender-based discrimination; awarded over \$7 million to victims of gender-based discrimination in the workplace; and collected over \$1.3 million in civil penalties.¹ In Fiscal Year 2021, to date, over 25% of all employment claims are gender related.

The settlement provides for workplace sexual harassment prevention training for all Fox News employees, including all New York City-based executives, employees, independent contractors, contributors, interns, and any worker in the aforementioned groups who are located elsewhere but regularly do business or interact with individuals based in New York City. In order to ensure compliance with the training provisions of this agreement, Fox News will be required to provide proof of sexual harassment prevention training completions and confirmation of the distribution of anti-sexual harassment materials to the Commission for a period of two years. Any further violations that occur during this period will be considered succeeding violations and additional penalties will be assessed accordingly. Trainings must be completed in groups of 60 or less for non-management employees, and groups of 30 or less for management-level employees. All training materials and persons conducting the training must be approved by the Commission. Additionally, the network will distribute a clear, Commission-approved definition of retaliation to all employees, and facilitate bystander intervention trainings, which teaches how to interrupt,

¹ Data represents Fiscal Years as of June 24, 2021

defuse, and report harassment as it happens. These measures aim to create change in the policies, practices, and culture at Fox News.

New York City is home to one of the strongest anti-discrimination laws in the nation and includes a broad standard for what constitutes unlawful workplace harassment. Treating someone less well because of their gender in a way that demeans, embarrasses, or threatens them, is sexual harassment. Additionally, victims of sexual harassment in New York City may file claims at the Commission even when they are bound by arbitration agreements that prevent them from filing cases in court. In April 2019, the Commission launched a comprehensive sexual harassment prevention training, available for free on its website in 11 languages, which satisfies training mandates under both city and state law. To date, the training has been completed 750,000 times.

If you believe you are the victim of sexual harassment or any other type of discrimination under the NYC Human Rights Law, call the Commission by dialing 212-416-0197. Reports may also be filed anonymously and reported on the [Commission's website](#).

###