

Committee on Labor and Public Employees

Public Testimony of the Connecticut Women's Education and Legal Fund (CWEALF)

S.B. 697: An Act Concerning Nondisclosure Agreements in the Workplace

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The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide, nonprofit organization that advocates for and empowers women and girls in Connecticut, especially those who are underserved or marginalized. For forty-five years, CWEALF has developed policy solutions that enhance women's economic security and combat discrimination at work.

CWEALF encourages the Committee to support *S.B. 697: An Act Concerning Nondisclosure Agreements in the Workplace* to prohibit the silencing of sexual assault victims in the workplace and prevent sexual harassment by repeat offenders.

Nondisclosure agreements (NDAs) are tools often used by companies large and small to prevent sexual harassment victims from speaking out publicly about the harassment they experienced in the workplace. NDAs are a protection for a company's reputation and any employees accused of sexual assault by prohibiting victims from disclosing any negative information about their employer, including accusations of sexual misconduct. These actions hide the true extent of sexual harassment at a workplace, shield a serial harasser from accountability, prevent other victims from coming forward, and can lead to other unsuspecting victims.

Senate Bill No. 697 properly recognizes that victims of workplace sexual harassment deserve to have a voice in the remedial process, including the determination of what communication is confidential and who is privileged to such information.

As S.B. 697 is drafted, CWEALF recommends the Committee consider that, on occasion, victims may want to ensure confidentiality with regard to sexual assault or harassment claims in their workplace to protect themselves from retaliation or damage to their professional reputation and job prospects. A complete ban on NDAs may also make employers less likely to settle claims of harassment and force victims of harassment to pursue expensive, difficult, and time consuming legal remedies in court.

Accordingly, regulation of NDAs must be calibrated prudently to balance these competing interests, restoring power to a victim to decide what should be confidential. Any legislation must prioritize the survivor and the power to decide whether such an agreement is most beneficial to them, their case, and their livelihood.