

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-697

AN ACT CONCERNING NONDISCLOSURE AGREEMENTS IN THE

Title: WORKPLACE.

Vote Date: 3/19/2019

Vote Action: Joint Favorable

PH Date: 2/14/2019

File No.:

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SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

The bill will prevent an employer from entering into an negotiating a contract with an employee or prospective employee that contains a nondisclosure clause, non-disparagement clause, waiver, or other provision that prevents the employee from disclosing or discussing the sexual harassment or sexual assault occurring at the workplace.

RESPONSE FROM ADMINISTRATION/AGENCY:

Sen. Martin M. Looney, President Pro Tempore, State of Connecticut: Sen. Looney's testimony said it has become frustrating clear that nondisclosure agreements have harmed not only the victims of sexual misconduct, but have emboldened offenders, perpetuated a culture of complacency and created secrecy that leads to additional victims.

NATURE AND SOURCES OF SUPPORT:

CT. Women's Education and Legal Fund (CWELF): Nondisclosure agreements are tools often used by companies to protect their reputation by preventing sexual harassment victims from speaking out publically. They provide a shield for the harasser from accountability, prevent other victims from coming forward and can lead to further abuse. They recommend recognizing when victims want to ensure confidentially in order to protect themselves from retaliation or damage to their professional reputation and future job prospects. A complete ban could make employers less likely to settle claims and force victims to pursue expensive, difficult and time consuming legal remedies. Regulation must be calibrated prudently to balance these competing interests and restore power to the victim to decide what should be confidential.

Lucy Nolan, Director of Policy and Public Relations, Connecticut Alliance: Non-disclosure agreements should have a victim-centered approach. When used as a condition of employment, it is women, women of color and immigrants who are vulnerable as they are more likely to be in low-income jobs without recourse to access legal protections, higher wages, fair and predictable schedules, health insurance, paid time off and other critical supports that add in reporting abuse. When they are an option, they offer some survivors the ability to maintain their privacy and protect them from retaliation. Among other suggestions, they recommend restoring power to survivors by prohibiting employers from requiring them to sign. NDAs should never be used to silence victims or be used as a weapon by employers.

NATURE AND SOURCES OF OPPOSITION:

None submitted.

Reported by: Marie Knudsen

Date: 3/21/19