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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*
Submitted by: Madeline Granato, Policy Manager and Camden Weber, Legal Intern
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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.

Dear Members of Labor and Public Employees Committee of the Connecticut General Assembly:

My name is Claire Pritchard and I live in Hartford, Connecticut. I stand in support of S.B. 1: An Act Concerning Paid Family and Medical Leave and H.B. 5003: An Act Implementing a Paid Family and Medical Leave Program.

Paid family and medical leave is critical for individuals who work to support their families, because sometimes these activities end up at odds to each other. A person may need to support their families financially by working a full-time job, but illnesses can always come up, resulting in lost work time. Without paid family and medical leave, an individual must choose between earning money for food and necessities and caring for themselves or their dependents. Paid family and medical leave would allow people to cope with unexpected illnesses and occurrences that require them to take time off work, without worrying whether they are going to be able to pay their bills that month as well.

The current Family and Medical Leave Act does not provide for paid leave and therefore does not serve many individuals who do not have the resources to take unpaid leave. Many states surrounding Connecticut have set an example by passing paid leave programs and it is time for Connecticut to join in. Passing this program in CT would also attract workers to the state, bolstering the economy.

The lack of paid leave disproportionately impacts workers of color and in order to achieve racial justice, Connecticut must give these workers an opportunity to continue to support their families while taking leave. Unpaid leave can result in unpaid bills and medical expenses, which can go so far as to force people to file for bankruptcy and hurt the economy. In California, where paid leave has been in effect for over 10 years, most employers report positive or neutral impact on their business, rather than negative.

I strongly support S.B. 1. I hope the Committee and Connecticut lawmakers will vote favorably this year to make paid family and medical leave a reality for all Connecticut workers.

Thank you for your time,
Claire Pritchard