



## Oregon moms and caregivers fighting for gender, economic, and racial justice.

Feb 3, 2022

Senate Committee on Labor & Business  
RE: In Support of Senate Bill 1586

Chair Taylor, Vice Chair Knopp, and Members of the Committee:

Thank you for the opportunity to provide testimony in support of Senate Bill 1586. Family Forward Oregon is committed to advancing policies that support women and families and help them succeed, including policies to better protect them from sexual harassment in the workplace.

Far too many workers experience harassment and discrimination on the job and for far too long the norm was to silence these workers by requiring them to sign a non-disclosure agreement at the time of hire, after the conduct, or in a legal settlement negotiations.

In coalition, we worked to address that rampant problem in 2019 with the bipartisan Oregon Workplace Fairness Act which, among other things, prevents the employer from being the first to request a non-disclosure agreement that relates to workplace discrimination, harassment or sexual assault. SB 1586 will clean-up existing statute related to when an employer can ask an employee to sign a Non-Disclosure Agreement (NDA) after workplace discrimination, harassment or sexual assault has occurred.

- SB 1586 attaches a penalty to violations of the Oregon Workplace Fairness Act so if an employer violates the law by asking for an NDA, they can get a civil penalty per violation
- SB 1586 clarifies that former employees are also covered under the Oregon Workplace Fairness Act protections so if a worker is in settlement negotiations after they quit or are terminated, the employer can still not be the first to request an NDA
- SB 1586 clarifies that an employee must be notified of their rights (as outlined in the Oregon Workplace Fairness Act) in the language that they regularly communicate with their employer in. This ensures that primarily non-English

worksites are actually communicating this important information to workers.

- In addition to the discrimination or harassment conduct, SB 1586 clarifies that employers cannot be the first to ask for an NDA on the fact that a settlement occurred and what the company settled with the worker for.
- These changes are specific to NDAs related to harassment, discrimination or sexual assault and the worker is still empowered to ask for an NDA if they want one. However, these clarifications to existing Oregon law allow workers to *choose* what information they want to disclose and to whom.

Ultimately, we must change the culture that allows sexual harassment to persist in the workplaces, where it is tolerated or covered up, where harassors act with impunity and where women do not feel safe in bringing complaints forward. Just as SB 726 was, SB 1568 is a critical step in this process to ensure the intent of the 2019 bill is fully realized.

We appreciate this committee's attention to this important issue. Sexual harassment in the workplace has been tolerated long enough and it is time to strengthen and update these protections for workers. Everyone should be safe from harassment at work, regardless of their gender, race, color, religion, sexual orientation, national origin, marital status, age or disability. Please support Senate Bill 1568.

Sincerely,



Courtney Helstein

