
Planned Parenthood Advocates of Oregon

TO: Chair Taylor
Vice-Chair Knopp
Members of the Senate Labor and Business Committee

FR: *Planned Parenthood Advocates of Oregon*

RE: SB 1586 Support, Discrimination and Sexual Harassment NDA Clean-up

February 3, 2022

As the state's leading political voice for reproductive health care, Planned Parenthood Advocates of Oregon (PPAO) urges strong support for SB 1586 to 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. PPAO believes that every person has a right to bodily autonomy and should have the power and resources necessary to make decisions about their bodies, health and future. Workplace discrimination and harassment violate an individual's right to bodily autonomy; undercut their agency; devalue their dignity; and directly compromise their ability to achieve and maintain economic security by creating an unsafe work environment.

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.

While the intent of this 2019 law was to cover NDAs from the conduct all the way up to a settlement, in the year that the law has been in effect, it's been clear that some clarity needs to be added to the underlying statute to ensure this policy works as intended in practice:

- 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.

Increasingly we've seen that it's when people speak up and share their stories that others will also come forward to do the same and make meaningful change. PPAO encourages your Yes vote on SB 1586 to make sure the Oregon Workplace Fairness Act works as intended to help protect and empower workers to speak out when they've been discriminated, harassed or sexually assaulted on the job.

Signed,
Cassie Purdy
Political Director
Planned Parenthood Advocates of Oregon