



## Service Employees International Union Local 503

72,000 public services workers, care providers, and non-profit employees in Oregon.

**To: Senate Committee on Labor and Business**

**On: February 3<sup>rd</sup>, 2022**

**Re: Senate Bill 1586**

Chair Taylor, Vice Chair Knopp, and members of the committee,

My name is David Ramos, and I am submitting this testimony on behalf of SEIU Local 503 – a labor union representing more than 72,000 public sector workers and care providers across the state of Oregon – in support of SB 1586 which cleans up existing statute related to when an employer can ask an employee to sign a Non-Disclosure Agreement after workplace discrimination, harassment, or sexual assault has occurred.

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 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 communicating this essential 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 have seen that it is when people speak up and share their stories that others will also come forward to do the same and make meaningful changes. We urge you to vote "YES" 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 against, harassed, or sexually assaulted on the job.

Sincerely,

David Ramos  
Policy & Political Strategist  
SEIU Local 503, OPEU