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33 Years of Feminism From Marching in the Streets to a Seat at the Table

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March 16, 2021

The Honorable Connie Leyva
California State Senate
State Capitol, Room 4061
Sacramento, CA 95814
Email: Jessica.Golly@sen.ca.gov

Re: SB 331 (Leyva) – Silenced No More Act — SUPPORT

Dear Senator Leyva:

SBWPC is proud to support SB 331, the Silenced No More Act, and we thank you for your leadership on this very important issue. SBWPC is one of the largest women's political PACs in California, representing approximately 300 members. We advocate for a variety of feminist issues including, but not limited to, racism and crimes against women. <https://sbwpc.org/positions/>

This bill would expand the prohibition on non-disclosure agreements (NDA's) in settlement agreements involving sexual harassment, sexual assault, and sex discrimination to cover settlement agreements involving all forms of harassment or discrimination. SB 331 would also expand the prohibition on overly broad confidentiality and non-disparagement clauses in employment agreements to cover workers who are required to sign these types of clauses as part of a severance agreement.

SB 331 is critical to addressing the role that "secret settlements" play in perpetuating hostile work environments by silencing workers and allowing complaints to be swept under the rug. In 2018, the Legislature passed the STAND (Stand Together Against Non-Disclosures) Act to specifically ban non-disclosure agreements in cases of sexual harassment, sexual assault, and sex discrimination. Of course, 'secret settlements' play as much a role in perpetuating workplace discrimination, harassment and bias based on race, ethnicity, sexual orientation, age, disability, religion, etc., because here too complaints are kept secret and those who raise the complaints are effectively silenced.

For example, two Black women recently raised gender and race discrimination claims against a company where they were underpaid, faced racist comments from their manager and were subject to retaliation. The women eventually settled their claims and were protected by the STAND Act, but only for their gender-based claims. This means that—though they can speak about their experience involving gender discrimination—they cannot speak about their experience involving race discrimination.

SB 331 will also address silencing mechanisms used to bar or intimidate workers from speaking out about harassment or discrimination. These types of confidentiality and non-disparagement agreements are now banned as a condition of employment under SB 1300 (Jackson, 2018), but many employers still force workers to sign these types of provisions as part of severance packages when a worker leaves a job. Whether a worker is taking a job or leaving a job, they should never have to give up their right to speak out about harassment or discrimination. Especially now, when critical public discourse about racism is happening across this country, workers must be able to speak about their own experiences if we are going to have meaningful and public conversations about effectuating real change.

For all the foregoing reasons, SBWPC wishes to sign on as a supporter of SB 331.

Respectfully submitted,

Luz Reyes-Martín, President SBWPC

cc: Senate Judiciary Committee and Members
cc: The Honorable Monique Limón, email: Jimmy.Wittrock@sen.ca.gov
cc: jtender@equalrights.org; mdymerski@equalrights.org

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<https://caleislation.lc.ca.aov/Advocates/>**