



IWV Opposes The Speak Out Act

July 27, 2022

Dear Senators and Members of Congress,

Independent Women's Voice (IWV) fights for women and their loved ones by expanding support among women, independents, and millennials for policy solutions that aren't just well-intended, but actually enhance people's freedom, opportunities, and well-being. On behalf of IWV, we urge you to reject H.R. 8227/S. 4524, the Speak Out Act.

As currently written, this proposed legislation would prohibit courts from enforcing nondisclosure agreements (NDAs) between employers and employees wherever the employee claims sexual assault or harassment. As an organization dedicated to advancing opportunities for women, IWV stands firmly against workplace sexual misconduct. This bill, however, has serious flaws and will do nothing to prevent harassment or assault, nor will it help victims receive just compensation.

By preventing enforcement of NDAs, this bill will allow both employers and employees to disparage each other in the media. This is not good for employers, but it is certainly not good for the vast majority of victims who would prefer not to have the details of their claims, as well as their HR files and/or private emails, made public.

Although the bill allows employers and employees (or former employees) to negotiate NDAs *after* the filing of a lawsuit, this provision discourages pre litigation settlement and increases costs and attorneys' fees. Indeed, this portion of the bill can only be understood as an unnecessary gift to the trial lawyers of America at the expense of the vast majority of victims who wish to avoid court.

For the above reasons, we urge Congress to reject the Speak Out Act.

Respectfully,

A handwritten signature in black ink that reads "Hadley Heath Manning".

Hadley Heath Manning

Vice President for Policy

Independent Women's Voice

A handwritten signature in black ink that reads "Jennifer C. Bracer".

Jennifer C. Bracer

Director

Independent Women's Law Center