

Madam Chairperson, Mr. Vice Chair, Committee members, thank you for allowing me time to speak today in support of House bill 707.

My name is Lisa Senecal. I am a communications professional, entrepreneur, and a member of the Vermont Commission on Women. I am co-founded of The Maren Group, a company dedicated to protecting the rights and interests of women who have suffered physical, emotional, or economic harm due to domestic abuse and workplace sexual assault and harassment. We also work with private organizations to identify and correct cultural weaknesses that create risk for organizations due to sexual harassment and assault and cause harm to women. Most importantly, I am the proud, single mother of two exceptional young men who are 19 and 17 years old and am native Vermonter who grew up in the town of Orange and have spent nearly my entire life in our beautiful state.

I am also a survivor of workplace related sexual assault and harassment.

The #MeToo and #TimesUp movements may be new, but there is nothing new about sexual harassment. My first experience was working as a waitress when I was 15. The harasser was the restaurant owner's father. My second experience was in retail when I was 16 years old. The harasser owned the company. Neither company had a formal HR department and going to my supervisor to complain would have meant accusing the owner's father of harassment or reporting directly to my harasser. That situation is not unique and occurs in businesses not just throughout our country, but within our state every day.

A recent study concluded that sixty percent of women have experienced sexual harassment. Seventy-five percent of people who report harassment experience retaliation in their workplaces. Within two years of reporting harassment, a majority of women will leave their job and take a lower paying job, or more junior position at another company. Sexual harassment is not merely a violation of the decency with which we all deserve to be treated, but causes real economic harm both the survivors and the overall economy.

I've continued to face harassment to varying degrees throughout my professional career in both entry-level positions and as an executive. The most egregious incident was an assault by a male executive who I thought I could trust. When I came forward, his defenders reached for the tried and true playbook: I wanted it, enjoyed it, should be ashamed it happened, and I should fear that others – my family, my friends, my community - would find out. Predators use various forms of psychological, physical, and often financial power to victimize. When an assailant uses

his professional position as the source of that power, employers often utilize the company's substantial financial and legal resources to overpower the victim a second time.

I was fortunate to have the financial resources and emotional support system to pursue justice for myself with the assistance of an attorney. I was able to hold the company and perpetrator responsible, but my case was the exception, not the rule, and even in my case, my settlement came with a non-disclose agreement. Victims of sexual harassment or assault need other options than to incur tens of thousands of dollars in legal fees that they may or may not get back or be forced to engage in lengthy legal battles.

H707 provides those options and helps to enable survivors of workplace sexual harassment and assault to protect their right to go to work, do their jobs, and support themselves and their families without being subjected to physical or verbal assault. The very least that each of us should be able to expect is that we will be treated with decency, dignity, and respect when we go to work.

With the passage of H707, sexual harassment survivors, particularly those at the lower end of the wage scale, would finally have some viable options. For employees whose workplaces are hostile, retaliatory, or just too small to have a separate human resources department, those facing sexual harassment would be able to contact the Attorney General's office directly through a newly formed reporting mechanism. Not only would this allow individuals to report, but it would enable the AG's office to address harassment issues directly with the company in question. Further, by compiling data on these complaints, the AG's office would be able to recognize patterns and repeat offenders and take additional steps to ensure changes were made to protect employees. Aggregated data would also enable us, as a state, to get our arms and heads around the overall scope of the problem and measure the success of any steps taken to curb the abuses.

Another critical aspect of the bill is to address the issues of pre-employment NDAs and mandatory arbitration clauses. Vermonters should not be required to surrender their rights in order to accept a job. Arbitration clauses overwhelmingly favor the employer and do not require settlements based in the law. And, too often, pre-employment NDAs are used not only to silence sexual harassment victims from speaking of their experience publicly but are used to prevent the filing of a sexual harassment complaint altogether.

The other type of NDA is one that is nearly ubiquitous in settlement agreements. They can serve a useful purpose and I believe that companies and complainants should be allowed to enter

into them. However, when these agreements allow a perpetrator to continue harassing or assaulting, or for a company to continue operating in a way that allows the offenses to continue, survivors' voices must be heard. We have seen in high-profile cases such as Bill O'Reilly and Harvey Weinstein that non-disclose agreements enabled these men to silence their victims and continue to prey on women. That must stop. As provided in H707, if a person under an NDA learns that the person or the company involved in their complaint has continued their behavior, they would be allowed to protect others. Shrouding these situations in silence, allows the abuse to continue. Whistleblower protections should be extended to protect survivors who find the courage to speak out about their harassment or assault when others are at risk.

The final component of H707 that I want to highlight is a prohibition against settlement agreements containing clauses that prevent the survivor from ever working for the company or its affiliates again. This practice is particularly retaliatory and wrongheaded. Survivors who have the courage to come forward, who are seeking to protect their rights, and improve the company in which the offense happened are precisely the people employers should want at their company. Instead, too often, it is the perpetrator who is protected, and the survivor is treated as though coming forward has caused the company harm.

That must end. It is time that those who come forward and report sexual harassment are seen as protecting the company, not harming it. Reputational and financial risk is not created by the people who report harassment, but those perpetrating it and the elements of the corporate culture and structure that enable it and protect the harasser.

It will take true cultural change to eliminate workplace sexual harassment and assault. H707 is an important step in shifting the culture and can be a model for the nation. Vermont has long been a leader in protecting and enhancing individual's civil rights. It is a most basic right for all people to have the ability to pursue their careers and opportunities, to do their jobs and to support themselves and their families in safe, respectful environments. With the passage of H707, Vermont would take a leadership role in ensuring this is the case both within our borders and set the bar for other states. Creating an environment where every Vermonter can work to their full potential not only benefits the individual, but it is good for employers, our economy, and our business environment. As we seek to grow our economy, attract and retain talented people, and to start and grow the businesses that employ them, a key component of the special quality of life Vermont provides should be protecting the dignity of our citizens and opportunity for all.

Thank you.