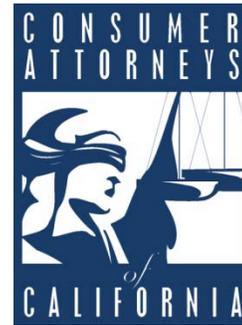




California  
**LABOR**  
Federation



**SAG-AFTRA**



## Allowing harassment victims their day in court

**AB 3080**  
*Asm. Lorena  
Gonzalez Fletcher*

### SUMMARY OF THE BILL

AB 3080 would ensure that a worker is not forced into arbitration and stripped of the right to take harassment, discrimination, and labor claims to court.

### PROBLEM

A woman receives unwanted sexual advances from her boss, who threatens retaliation unless she acquiesces. Shocked and disgusted by this behavior, she files a lawsuit as a victim of sexual harassment only to be told she cannot bring such a claim in court. The judge refuses to hear her claim and sends her to the company's private arbitration process. This is the story of Gretchen Carlson, the former Fox News anchor who sought justice against her former boss, Roger Ailes.

Her story is repeated again and again among workers with far less celebrity – in government and in private industry, in the farm fields and in fast food joints. Up and down California, mandatory waivers of rights are agreements that workers are required to sign as a condition of employment. These documents generally prohibit a worker from filing a claim to a state agency or court and require that any potential claims be submitted to the employer's arbitrator.

Forcing workers to sign these waivers lets companies keep harassment, discrimination, and labor violation claims out of court, effectively cloaking them in secrecy and, in some cases, allowing serial harassers and repeat violators to continue their conduct for years. Requiring workers to waive their basic rights as a condition of employment is fundamentally unfair. All contracts must be voluntary, not the result of coercion or simply to get a job. Employers are using forced arbitration agreements to deny employees basic workplace protections, and workers are powerless to stop it. A study by the Economic Policy Institute found that the share of workers subject to forced arbitration has more than doubled in less than a decade, and now exceeds 55



percent. Secrecy is another key reason for the increased use of forced arbitration. Unlike in court, where workers can stand together and collectively file claims, the arbitration process makes victims of workplace harassment stand alone and keeps the process secret. The few workers that win in arbitration, win significantly smaller awards. The deck is stacked against them.

### SOLUTION

AB 3080 ensures that a worker is not required as a condition of employment to waive the right to a day in court on claims involving sexual assault, harassment, discrimination, pay equity or retaliation. It also prohibits employers from firing or threatening workers because they refuse to consent to such a waiver.

### SUPPORT:

California Labor Federation; Consumer Attorneys of California; SAG-AFTRA; ACLU California; American Fed. Of State, County and Municipal Employees; CA Conference Board of the Amalgamated Transit Union; CA Conference of Machinists; California Employment Lawyers Assn.; California Partnership for Working Families; California Rural Legal Assistance Foundation; California Teamsters Public Affairs Council; Central Coast Alliance United for a Sustainable Economy; Courage Campaign; East Bay Alliance for Sustainable Economy; Engineers and Scientists of CA, Local 20; Equal Rights Advocates; International Longshore & Warehouse Union; Jockeys' Guild; LAANE; National Employment Law Project; Orange County Communities Organized for Responsible Development; Professional and Technical Engineers, Local 21; Restaurant Opportunities Centers (ROC); SEIU California; Silicon Valley Rising; Southern California Coalition for Occupational Safety & Health; Stronger California Advocates Network; UNITE-HERE; Utility Workers of America; Warehouse Worker Resource Center; Working Partnerships USA; Voices for Progress; CANOW.

### CONTACTS

Lea-Ann Tratten  
[ltratten@caoc.org](mailto:ltratten@caoc.org)

Jacquie Serna  
[jserna@caoc.org](mailto:jserna@caoc.org)