

TESTIMONY

In support of

LD 965: An Act Concerning Nondisclosure Agreements in Employment

Andrew Mason, General Counsel, Maine Education Association

Before the Joint Standing Committee on Labor and Housing

April 30th, 2021

Senator Hickman, Representative Sylvester and other esteemed members of the Labor and Housing Committee,

My name is Andrew Mason and I am here on behalf of the Maine Education Association to testify in support of LD 965, An Act Concerning Nondisclosure Agreements in Employment. The MEA represents 24,000 educators in our great state, including thousands of teachers, ed techs, support staff and nearly 5,000 retired educators.

It is no surprise that employees typically have little leverage when negotiating settlement agreements and often feel they have no choice but to accept terms in an agreement drafted by counsel for the employer, and struggle to understand the breadth and scope of its terms. In instances where there are issues, incidents, or allegations concerning harassment or discrimination the desire for closure often clouds the judgment of an individual who is already under stress, leading to acceptance of terms in a settlement agreement that could be seen to limit their ability to participate in actions or even disclose evidence of harassment or discrimination – potentially protecting an employer who desires to keep such information from being exposed.

MEA supports this bill in order to provide notice to employers that they can no longer hide behind onerous nondisclosure terms which are intended to pressure employees to stay silent in matters concerning allegations of harassment and discrimination. It is important to note that this bill does not ban nondisclosure agreements – it merely gives power to employees to decide if such a term is appropriate in their circumstances. There have been a number of states across the country that have seen the value in enacting similar provisions in the wake of the Me Too movement – it is time for Maine to do the same.

Thank you for your time and I am happy to answer any questions.