



September 6, 2019

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol Building  
Sacramento, CA 95814

**Re: AB 51 (Gonzalez) – Employment Discrimination: Enforcement.  
(SUPPORT – Request for Signature)**

Dear Governor Newsom:

The Writers Guild of America West (WGAW), on behalf of our members who write television shows, movies, news programs, documentaries and online video programming, strongly supports AB 51. AB 51 will prevent employers from requiring workers to agree to mandatory arbitration or otherwise waive their rights to a judicial forum as a condition of employment. We respectfully request that you sign this measure when it comes before you.

Recent revelations of widespread sexual assault and harassment have focused policy makers on the need to ensure that survivors have access to justice and that violators are held accountable. Mandatory arbitration of sexual assault and harassment claims in employee contracts has enabled widespread abuse to remain confidential and undetected, exposing countless other workers to similar abuses.

In recent years, it has become increasingly common for employers to require applicants or employees to agree to mandatory arbitration as a condition of employment. This limits workers' power to pursue justice in court and elsewhere and allows employers to conceal toxic patterns of discrimination and abuse, including sexual harassment, in the workplace. A recent study from the Economic Policy Institute found that over 67% of all California workplaces use forced arbitration agreements. Unlike union-negotiated arbitration processes, where unions and management share control of arbitration, mandatory employment arbitration is controlled by employers and is therefore heavily weighted against employees.<sup>1</sup> In a February 2018 report entitled "The Black Hole of Mandatory Arbitration," Cynthia Estlund at the New York University School of Law concludes that the vast majority of employment disputes subject to mandatory arbitration agreements "simply evaporate before they are ever filed," demonstrating the power of mandatory arbitration to suppress claims.

AB 51 does not prohibit employers from using arbitration agreements to resolve workplace disputes. Instead, it requires that employees choose to sign such agreements without the threat of

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<sup>1</sup> Alexander J.S. Colvin, "The Growing Use of Mandatory Arbitration," Economic Policy Institute, April 6, 2018.

job loss or other retaliatory actions. AB 51 provides injunctive relief when employers force workers to waive rights in order to apply for, maintain, or keep a job. AB 51 also prohibits employers from utilizing non-disparagement agreements relating to the disclosure of sexual harassment and any unlawful practices, which would grant employees more freedom in pursuing justice in the workplace.

Since its founding in 1933, WGAW has fought to ensure a safe and fair workplace for its members, and is active in the fight against workplace discrimination, including sexual harassment. It is time for California to take action, and AB 51 is an important step toward protecting victims and holding violators accountable.

***For these reasons, we urge your support for AB 51.***

Sincerely,



David A. Goodman  
President



Marjorie David  
Vice President



Aaron Mendelsohn  
Secretary-Treasurer

CC: Assemblymember Gonzalez