

## **Gretchen Carlson Protecting Older Americans Act Testimony**

Chairman Scott, I don't think I've seen you since I was on Fox and Friends and we both tried to wrestle a baby alligator at the Villages in Florida. Great to see you. Ranking Member Gillibrand, and other distinguished members of the committee, thank you for the opportunity to testify about my experience with forced arbitration and the work I've done to make American workplaces safer for millions.

In 2016, I found the courage to sue the most powerful man in media, former Fox News Chair and CEO Roger Ailes, for sexual harassment. It was the toughest decision of my life, but after Fox fired me and tried to take away my career, I said, "If I don't do this, who will". My story made headlines around the world, but it could have easily been swept under the rug like countless others, simply because of a forced arbitration clause in my employment contract.

No one starts a new job expecting something bad to happen to them. I know I didn't. And, in the face of a new opportunity, few people can walk away from a job because of the fine print. I don't care who you are. Most people have no idea what forced arbitration means. In my case, it showed up in my

last contract with Fox, and while I asked questions, I was told not to worry because it was quote “becoming the way of the world”. Eerily, I had no idea at the time how true that was. Today, more than 60 million American workers are subject to forced arbitration. Most have no idea that signing on the dotted line means they’ve accepted forced arbitration as their only remedy for justice.

So, after my story I started walking the halls of Congress. And in 2022, thanks to members of this committee and other champions in Congress ***from both sides of the aisle*** — the “Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act” was signed into law -- one of the proudest moments of my life.

That meant, Kirsten Tiger, a bartender at a prestigious country club facing harassment, was able to bring a lawsuit against her employer last year. And even though her employer tried to silence her by filing a motion to compel arbitration — the request was denied because of the new law.

A federal judge in Texas also declined to grant Blaze Media’s Motion to Dismiss, after one of its employees, Sydney Watson, alleged

harassment. Watson's case can also continue in open court thanks to the new law.

But there's still more work to do.

Last year, a wife and mom died of an allergic reaction at a Disney restaurant *after* staff confirmed the food was safe for her. Disney tried to force her husband into arbitration because he'd previously signed up for a Disney+ account which included a forced arbitration clause. Only after enormous public outcry did Disney waive the arbitration clause and allow the case to proceed in court.

How about our kids? Parents of a 14-year-old girl in California claim she was coerced into sharing graphic images with a man she interacted with on Roblox and Discord online. Both companies are trying to force the family into secret arbitration meaning other families will never know the dangers of a predator who had at least 20 other victims.

Pertinent to why we're here today, Sam Casale was promoted seven times as a top sales representative throughout his 24-year career and despite a better sales record than his younger peers, he was suddenly terminated at age 52 for poor sales reasons that were false. Due to a forced arbitration

clause, he had no ability to seek justice in the court system.

Nurse Joanne Grace rose through the ranks to Director of Nursing Services at her company. But when new owners came in, older nurses, like herself, started being replaced with younger ones and Joanne says she was repeatedly harassed about retiring. Joanne says her complaints were dismissed and then she was fired and forced into arbitration.

These personal stories are why I'm a champion of the latest bipartisan bill to protect Americans from forced arbitration – the Protecting Older Americans Act – reintroduced today by Ranking Member Gillibrand and Senator Graham and also cosponsored by the Chair *and* Ranking Member of the Senate Judiciary Committee, Senators Grassley and Durbin.

Too many people ***are still not getting the freedom of choice*** when something bad happens at work.

If the fine print of forced arbitration severely restricts or eliminates any path towards justice and accountability, then something must be terribly wrong with our system.[\[DH1\]](#) [\[GC2\]](#)

For the naysayers out there, we haven't seen what groups like the Chamber claimed would happen. They said all hell would break loose if you let women file their assault and harassment claims in court. There'd be a slew of new cases and companies would go out of business, but none of that has happened. Instead, we're just cleaning up workplaces and getting rid of a few bad apples. I believe the same thing would be true with giving workers a choice with forced arbitration and age discrimination.

A close friend said to me after my story at Fox News, "Something good is going to come of this Gretchen". At the time I couldn't see it. But I'm here today to tell you something great has come of this.

I thank you for holding this hearing and I hope you'll agree this is a bill we can all get behind regardless of politics. Maybe we can start by agreeing that each of us here today are part of the age category we're talking about. Let's take this on together. Thank you.