

Good morning Chairman Nadler and Members of the Committee. My name is Eliza Dushku. I am an actress and producer, a new mother of two, and currently a graduate student in my hometown of Boston.

I have worked in the entertainment industry from the time I was nine years old in numerous movies with actors such as Robert DeNiro, Leonardo DiCaprio, Halle Berry and Arnold Schwarzenegger -- and more recently as the lead in two television series.

I appreciate the opportunity to speak to you today about this important issue and will share my experience as a victim and survivor of sexual harassment in the workplace-- and as someone who was fired and silenced when I attempted to address it.

Though I had decades of experience, this was the first time that I became aware (painfully) of what mandatory arbitration was, and how it kept me and my ability to seek justice in the shadows.

Four years ago, in 2017, I was aggressively pursued by CBS to become a co-lead on a show called "Bull." I was told that the role would be a smart, strong, leading lady, a confident high-powered lawyer, and that the role had been written "specifically with me in mind."

CBS's representatives said they wanted to turn this still newly established show into one with two leading roles-- the existing male lead, and me as the new co-star.

This was to be a 6-year commitment. Most actors dream of being offered such a role.

However, in my first week in my new job, I found myself the brunt of crude sexualized, lewd verbal assaults. I suffered near constant sexual harassment from my costar.

This was beyond anything I had experienced in my 30-year career.

- On a daily basis my male costar-- who was also one of the show's Producers-- would, in front of everyone, refer to me as "Legs," he would smell me and leeringly look me up and down.
- Off-script, in front of about a hundred crew and cast members, he said that he would take me to his "rape van" and use lube and lots of "long phallic things" on me, or "take me over his knee and spank me like a little girl."
- Another time, he told me that his sperm were "powerful swimmers."

These are just a few examples. These were not lines in the script. They were incessant and demeaning and directed at me in the middle of what was supposed to be a professional

workplace. Per my history, I tried to be professional and just do my job, but was relentlessly sexualized, crudely mocked and laughed at. I began dreading going to work each day, and often rode home in silence, on the verge of tears, feeling this confusing shame over not having been able to “stick up for myself more.”

I feared that if I reacted strongly my job could be at risk.

I worried, too, that if I pushed back, I could be deemed “difficult” which would harm my professional reputation.

One day, after I delivered a Courtroom monologue that I’d spent significant time rehearsing, my costar shouted out-loud that he and his buddy wanted to have a “threesome” with me, and began mock penis-jousting, while the camera was still rolling. Then, as I walked off to my coffee-break in between scenes, a random male crew member sidled up to me at the food service table and whispered, “I’m with Bull, I want to have a threesome with you, too, Eliza.”

I was horrified and became physically nauseous. I’d just been humiliated in front of a hundred of co-workers on set by the star of the show. And now it seemed it was open season for others to demean me sexually.

My co-star’s behavior continued and increased. It was pervasive and mean, and intentionally disempowering. This behavior caused genuine pain. It was awful. As vulnerable as it now feels to admit, I began to borrow my husband’s sweatpants and wore big Timberland boots to work because I wanted to avoid any more comments about my appearance.

Over the years, I had become accustomed to the usual banter that occurs on a set. This was very different and intolerable. But the multi-year contract I’d agreed to was a big deal. My drive to succeed was strong. I had received rave reviews from the showrunner (the person in charge of the show) and others at CBS. I wanted to make the show work and I loved the role that had been created for me.

I spoke with my manager, and we decided that I would try to address the intolerable sexual harassment I was being forced to endure. I had built a professional reputation and should have been able to speak directly with my costar as an equal. I specifically asked him to “be my ally” on set, and perhaps “tone down” some of the sexualized comments directed at me-- especially because he set the tone for the workplace.

Admittedly, I was nervous, but I shared with him how he made me feel on set and asked if he would work with me to rectify this. He responded in feigned shock: “no one is more respectful of women than me, I grew up with sisters.”

What I found out later was that about 40 minutes after this discussion, he texted the then head of CBS Studios that I had a “humor deficit” and didn’t want me on the show. The CBS studio head replied that I was great and made the show better.

I was fired the next day. The Showrunner telling me straight-up that after these three episodes I would not be returning. He even suggested that I ask CBS and Steve Spielberg (his company, Amblin, co-produced *Bull*) for my own show because he thought my work was so impressive.

I've worked as an actress since I was a child and signed countless contracts negotiated on my behalf but never understood that there were mandatory arbitration clauses that would be used to keep what had happened to me a secret and would protect CBS and the sexual harassment perpetrator who had blatantly retaliated against me for trying to stop the harassment in my workplace. I was shocked to learn that I had signed away my rights to a public forum before taking a job.

Who would ever think up such a clause?

Who are these clauses meant to favor and protect?

It suddenly became clear: not me.

I began to understand how very limited my options were to try to address the prohibited sexual harassment and retaliation I had experienced.

In response to a letter from my counsel, CBS handed over hundreds of hours of tape, which included video of the actual harassment I had suffered. No one other than my legal advisors and CBS has ever seen, or will ever see, those tapes. I was trapped by the binding arbitration clause I had unknowingly signed.

For the next year, I found myself pitted against one of the most powerful media corporations in the world, CBS, with unlimited resources, which was controlled by the men who used the arbitration clause to protect themselves, their profitable show, and to silence me.

Ironically, I was eventually able to speak publicly because an internal investigation of CBS was leaked to the media and CBS violated the NDA. As a result I was able to pen an op-ed piece that ran in my hometown newspaper, *The Boston Globe*. Even then, because the tapes remained hidden, the perpetrator was able to deceptively spin the narrative and avoid being held accountable for his misconduct by the public.

What happened to me is still extremely difficult to talk about and triggers feelings of dread. I am not proud to say that, denied a public forum, I ultimately entered into a confidential settlement agreement with CBS in which I was paid a little over half of the salary I would have earned, along with other terms I insisted upon that were intended to remediate future sexual harassment on the show.

To this day whenever my career-- my life's work-- is referenced, my accomplishments as an actor are ignored, and I've been reduced to being Eliza Dushku who was paid off for "allegedly" being sexually harassed on a TV series. As I hope you understand, this was not the outcome I

desired or ever expected, but because of binding arbitration there will never be real justice for me and for countless other victims of sexual harassment.

Lastly, there's an irony that I fully understand-- I am getting to break that silence today. Countless others who are bound by arbitration are not so fortunate.

I offer my strength and solidarity to all the other brave women who will speak today. We can help end this. Accountability and transparency aren't partisan issues.

Thank you for hearing me, and for considering this important legislation.