

August 21, 2020

The Honorable Kirsten Gillibrand
United States Senate
478 Russell
Washington, DC 20510

Dear Senator Gillibrand,

Thank you for being a leader in the fight to prevent sexual harassment and assault survivors from being forced into arbitration and for your support of the Forced Arbitration Injustice Repeal (FAIR) Act. I write to you today in the hopes that you will continue that fight by re-introducing and passing the bi-partisan legislation, the Ending Forced Arbitration of Sexual Harassment Act, which you and Senator Graham introduced last congress. I am a constituent of yours and a former Best Buy Counter Intelligence Agent Senior who is currently fighting a forced arbitration agreement in state court after being subjected to extensive sexual harassment during my employment. I hope that my story will help to shed some light on the injustice of forced arbitration agreements and their effect on everyday people including myself.

I started working at Best Buy in 2014. I was a hardworking and top-performing employee, receiving ratings between a 4.0 (“Above Expectations”) and a 5.0 (“Exceptional”) during my annual performance evaluations. I was even promoted to full-time on the Geek Squad in February 2015, Advanced Repair Agent in May 2016, and Counter Intelligence Agent Senior in July 2017. Yet, even though I received almost every performance-based bonus available to me, I was promptly fired in October of 2018 after deciding to speak out against the sexual harassment that I was constantly subjected to while working at Best Buy.

In July 2017, I moved to a store in Bay Shore, Long Island and became a part of the “Geek Squad,” a team of technical specialists who service and repair devices purchased at Best Buy. I was the only woman on an all-male team of ten people. While working with my colleagues, I was repeatedly the target of sexualized comments, getting yelled at about “deep-throat blowjobs” among other explicit sexual remarks. Each time I voiced my concerns to my supervisors, I was dismissed as overreacting.

To make matters worse, the male “gamer” customers I assisted day in and day out sexually harassed and assaulted me, as a woman on the Geek Squad team appeared to be a novelty to them. In October 2017, I was physically assaulted when a customer lunged at me and wrapped his arms around my waist. Terrified, I ran to the employees-only space, but he followed me without hesitation. On another occasion, a different customer grabbed me, grinding his body into mine, and slobbered onto my neck. One man was openly stalking me at the store. Best Buy did nothing, and management actually delivered a “gift” to me that my stalker had left for me on a day I wasn’t at the store.

Increasingly frightened for my safety, I faithfully reported these attacks to Best Buy as they occurred. These incidents occurred in open view of my colleagues, adding another level of shame and humiliation. Yet, Best Buy took no steps to remove these perpetrators from the store, or even to identify them. The man who slobbered on my neck actually returned later that same

week, crept up behind me, and whispered “I love you” into my ear. These were among the most frightening experiences of my life. Of course, Best Buy has plenty of measures designed to prohibit shoplifters and other ill-behaving customers from visiting the stores. But my assailants were permitted simply to continue shopping, purchase their items, and return to the store at their leisure.

When I finally escalated my complaints to Best Buy’s central Human Resources department, I was promptly fired. Working at Best Buy as a woman, due to these discriminatory and retaliatory acts, caused me grievous harm. I was diagnosed with Post-Traumatic Stress Disorder, as well as depression and anxiety. After some of the worst harassment, of which Best Buy was aware, I was placed on an emergency suicide intervention program. I continue to suffer, including recurring nightmares. Best Buy treated me as though I was completely worthless, and then fired me for complaining. It was a traumatic experience that I would not wish on anyone.

Now, after everything I have been through, to learn that I am being forced into arbitration, and deprived of my day in court, feels like a slap in the face. Best Buy’s forced-arbitration policy requires me to pursue my claims in a hidden, secretive process. My adjudicator, who will make decisions not only about the merits of my case but also the scope of documents I am allowed to access, is compensated directly by Best Buy. The worst part is that without public accountability, Best Buy has no real incentive to change its practices. As a victim, being silenced is hard, on a personal level; but to think that my efforts could have no benefit to future female Best Buy employees, who may suffer exactly as I have suffered, is unspeakably disheartening. It is the ultimate disempowerment.

Ending forced arbitration would change the landscape for so many victims of sexual harassment and gender discrimination, including me. Companies would no longer feel emboldened to dismiss their female employees’ complaints as trivial, which they often do when they are armed with an arbitration agreement - and the arbitrators themselves - as a backup. And most importantly, if forced arbitration was no longer the norm, victims of sexual harassment would feel empowered to speak up and seek justice for themselves at work and in public court, without the shadow of private arbitration looming over them.

Thank you for taking the time to read my story as you continue to support the passage of the FAIR Act and the Ending Forced Arbitration of Sexual Harassment Act. Please do not hesitate to reach out to me or my attorneys if you would like more information or have any questions.

Sincerely,

Sarah Tremblay
New York, New York 11520

cc: The Honorable Lindsey Graham
Chairman, Committee on the Judiciary
United States Senate
290 Russell Senate Office Building
Washington, DC 20510