



**AN ACT PROMOTING THE USE OF HONEST RECOMMENDATIONS
BETWEEN EMPLOYERS AND PROHIBITING AN EMPLOYER'S USE
OF A NONDISCLOSURE AGREEMENT RELATING TO ACTS OF
DISCRIMINATION OCCURRING IN THE EMPLOYER'S WORKPLACE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) As used in this
2 section:

3 (1) "Employee" means any person engaged in service to an employer
4 in a business of his or her employer;

5 (2) "Employer" means a person engaged in business who has
6 employees, including the state and any political subdivision of the
7 state;

8 (3) "Occurring in the workplace" includes attendance at an off-
9 premises work-related event that is coordinated by or through the
10 employer, between employees or between an employer and an
11 employee;

12 (4) "Sexual assault" means any act that would constitute a violation
13 of section 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or
14 53a-73a of the general statutes; and

15 (5) "Sexual harassment" has the same meaning as provided in

16 subdivision (8) of subsection (b) of section 46a-60 of the general
17 statutes.

18 (b) Notwithstanding the provisions of section 31-128f of the general
19 statutes, if an employer knows that a person is contemplating hiring a
20 current or former employee of the employer, and the employer
21 provides such person with a recommendation or positive commentary
22 relating to the current or former employee's work performance, such
23 employer has a duty to timely disclose to such person any known act
24 of sexual harassment or sexual assault committed by the employee
25 occurring in the workplace of the employer. For purposes of this
26 section, an employer knows about an act of sexual assault when the
27 individual who provides the recommendation or positive commentary
28 is an employee or agent of the employer and knows of such act. For
29 purposes of this section, an employer knows about an act of sexual
30 harassment when the individual who provides the recommendation or
31 positive commentary is an employee or agent of the employer and
32 knows of such act, and a complaint alleging the sexual harassment was
33 filed with the Commission on Human Rights and Opportunities or a
34 court of competent jurisdiction.

35 (c) If an employer owes a duty to disclose to a person who is
36 contemplating hiring a current or former employee of the employer
37 under subsection (b) of this section, and such person hires the current
38 or former employee in reliance on the recommendation or positive
39 commentary, then for such time that the former employee is employed
40 by the person, the employer shall be liable to any employee of the
41 person who relied on such recommendation or positive commentary
42 for the following acts committed by the former employee occurring in
43 the workplace of the person, (1) any act of sexual harassment
44 committed by the former employee, if the employer breached its duty
45 to disclose sexual harassment, and (2) any act of sexual harassment
46 and sexual assault committed by the former employee, if the employer
47 breached its duty to disclose sexual assault.

48 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) As used in this section:

49 (1) "Employee" means any person engaged in service to an employer in
50 a business of his or her employer; and (2) "employer" means a person
51 engaged in business who has employees, including the state and any
52 political subdivision of the state.

53 (b) No employer shall enter into or negotiate a contract with an
54 employee or prospective employee, that as a condition of employment,
55 continued employment, promotion, compensation for employment
56 services or employment benefits, contains a nondisclosure clause,
57 nondisparagement clause, waiver or other provision that has the
58 purpose or effect of preventing the employee from disclosing or
59 discussing discrimination, including harassment, occurring in the
60 employer's workplace or at an off-premises work-related event that is
61 coordinated by or through the employer, between employees, or
62 between an employer and an employee. The Labor Department may
63 impose a civil penalty, not exceeding five hundred dollars, for each
64 violation of this subsection.

65 (c) An action to redress a violation of subsection (b) of this section
66 may be maintained in any court of competent jurisdiction by any one
67 or more employees or prospective employees. An employer who
68 violates subsection (b) of this section may be found liable for
69 compensatory damages, attorney's fees and costs, punitive damages
70 and such legal and equitable relief as the court deems just and proper.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	New section

Statement of Legislative Commissioners:

In Section 2(b), "may issue a civil penalty" was changed to "may impose a civil penalty" for clarity.

JUD *Joint Favorable Subst.*