

1 H.731

2 moves that the bill be amended in Sec. 1, 21 V.S.A. § 625, by striking out
3 the section in its entirety and inserting in lieu thereof a new Sec. 1 to read:

4 Sec. 1. 21 V.S.A. § 710 is amended to read:

5 § 710. UNLAWFUL DISCRIMINATION

6 (a) No person, firm, or corporation shall refuse to employ any applicant for
7 employment because ~~such~~ the applicant asserted a claim for workers'
8 compensation benefits under this chapter or under the law of any state or of the
9 United States. Nothing in this section shall require a person to employ an
10 applicant who does not meet the qualifications of the position sought.

11 (b) No person shall discharge or discriminate against an employee from
12 employment because ~~such~~ the employee asserted or attempted to assert a claim
13 for benefits under this chapter or under the law of any state or of the United
14 States.

15 (c) The Department shall not include in any publication or public report the
16 name or contact information of any individual who has alleged that an
17 employer has made a false statement or misclassified any employees, unless it
18 is required by law or necessary to enable enforcement of this chapter.

19 (d) An employer shall not retaliate or take any other negative action against
20 an individual because the employer knows or suspects that the individual has
21 filed a complaint ~~with the Department or other authority~~, or reported a

1 violation of this chapter, or has testified, assisted, or cooperated in any manner
2 with the Department or any other authority, including the Department of
3 Financial Regulation or an employer's insurance carrier, in an investigation of
4 misclassification, discrimination, or other violation of this chapter.

5 (e) The Attorney General or a State's Attorney may enforce the provisions
6 of this section by restraining prohibited acts, seeking civil penalties, obtaining
7 assurances of discontinuance, and conducting civil investigations in
8 accordance with the procedures established in 9 V.S.A. §§ 2458-2461 as
9 though ~~discrimination under~~ a violation of this section were an unfair act in
10 commerce.

11 (f) The provisions against retaliation in subdivision 495(a)(8) of this title
12 and the penalty and enforcement provisions of section 495b of this title shall
13 apply to this ~~subchapter~~ section.