

**SUMMARY OF S. 83 AS PASSED BY SENATE:**  
**AN ACT RELATING TO PROHIBITING AGREEMENTS THAT PREVENT AN EMPLOYEE  
FROM WORKING FOR THE EMPLOYER FOLLOWING THE SETTLEMENT OF A  
DISCRIMINATION CLAIM**

**Sec. 1 – 21 V.S.A. § 495 – Unlawful Employment Practice**

- Adds subsection (i), which prohibits agreements that settle a claim of a violation of subsection (a) from including a provision that prohibits the employee from working for the employer or any parent company, subsidiary, division, or affiliate of the employer.
- Any provision that that violates subsection is void and unenforceable.
- Subsection (a) includes discrimination based on: race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, crime victim status, age, qualified individual with a disability, or people that test positive for HIV. Also includes failing to properly classify an individual, or retaliation due to whistleblowing.

**Sec. 3 – Effective Date**

- July 1, 2019
  
- 21 V.S.A. § 495b (penalties and enforcement) allows the Attorney General to enforce these provision (restraining prohibited acts, seeking civil penalties, etc.), and allows employee to bring action in court to seek compensatory and punitive damages or equitable relief (includes restraint of prohibited acts, restitution of wages or other benefits, reinstatement, costs, attorneys' fees, etc.).
- 21 V.S.A. § 495d (definitions): Employer is defined broadly, includes private and public employer.
- 21 V.S.A. § 495h (sexual harassment): Already includes do not darken my door provision.
- Puts all types on discrimination on par with sexual harassment, which is a type a sexual discrimination.