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H.320

Introduced by Representatives Stevens of Waterbury and Christie of Hartford

Referred to Committee on

Date:

Subject: Labor; employment practices; fair employment

Statement of purpose of bill as introduced: This bill proposes to prohibit agreements to settle a discrimination claim from prohibiting the employee from working for the employer or an affiliate of the employer.

An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 495 is amended to read:

§ 495. UNLAWFUL EMPLOYMENT PRACTICE

(a) It shall be unlawful employment practice, except where a bona fide occupational qualification requires persons of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, crime victim status, or physical or mental condition:

* * *

1 ~~(i) An agreement to settle a claim of a violation of subsection (a) of this~~
2 ~~section shall not prohibit, prevent, or otherwise restrict the employee from~~
3 ~~working for the employer or any parent company, subsidiary, division, or~~
4 ~~affiliate of the employer. Any provision of an agreement to settle a claim of a~~
5 ~~violation of subsection (a) of this section that violates this subsection shall be~~
6 ~~void and unenforceable with respect to the individual who made the claim.~~

7 *(i)(1) An agreement to settle a claim of a violation of subsection (a) of this*
8 *section shall not prohibit, prevent, or otherwise restrict the employee from*
9 *working for the employer or any parent company, subsidiary, division, or*
10 *affiliate of the employer. Any provision of an agreement to settle a claim of a*
11 *violation of subsection (a) of this section that violates this subsection shall be*
12 *void and unenforceable with respect to the individual who made the claim.*

13 *(2) The provisions of this subsection shall not apply to any settlement*
14 *agreement that was entered into on or before June 30, 2022.*

15 Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, ~~2021~~2022.