



General Assembly

February Session, 2012

Raised Bill No. 5199

LCO No. 268

00268_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING DISCRIMINATORY HIRING PRACTICES AND UNEMPLOYED INDIVIDUALS.

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

1 Section 1. Subsection (a) of section 46a-60 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (a) It shall be a discriminatory practice in violation of this section:

5 (1) For an employer, by the employer or the employer's agent,
6 except in the case of a bona fide occupational qualification or need, to
7 refuse to hire or employ or to bar or to discharge from employment
8 any individual or to discriminate against such individual in
9 compensation or in terms, conditions or privileges of employment
10 because of the individual's race, color, religious creed, age, sex, gender
11 identity or expression, marital status, national origin, ancestry, present
12 or past history of mental disability, intellectual disability, learning
13 disability or physical disability, including, but not limited to,
14 blindness;

15 (2) For any employment agency, except in the case of a bona fide

16 occupational qualification or need, to fail or refuse to classify properly
17 or refer for employment or otherwise to discriminate against any
18 individual because of such individual's race, color, religious creed, age,
19 sex, gender identity or expression, marital status, national origin,
20 ancestry, present or past history of mental disability, intellectual
21 disability, learning disability or physical disability, including, but not
22 limited to, blindness;

23 (3) For a labor organization, because of the race, color, religious
24 creed, age, sex, gender identity or expression, marital status, national
25 origin, ancestry, present or past history of mental disability,
26 intellectual disability, learning disability or physical disability,
27 including, but not limited to, blindness of any individual to exclude
28 from full membership rights or to expel from its membership such
29 individual or to discriminate in any way against any of its members or
30 against any employer or any individual employed by an employer,
31 unless such action is based on a bona fide occupational qualification;

32 (4) For any person, employer, labor organization or employment
33 agency to discharge, expel or otherwise discriminate against any
34 person because such person has opposed any discriminatory
35 employment practice or because such person has filed a complaint or
36 testified or assisted in any proceeding under section 46a-82, 46a-83 or
37 46a-84;

38 (5) For any person, whether an employer or an employee or not, to
39 aid, abet, incite, compel or coerce the doing of any act declared to be a
40 discriminatory employment practice or to attempt to do so;

41 (6) For any person, employer, employment agency or labor
42 organization, except in the case of a bona fide occupational
43 qualification or need, to advertise employment opportunities in such a
44 manner as to restrict such employment so as to discriminate against
45 [individuals] any individual because (A) of [their] such individual's
46 race, color, religious creed, age, sex, gender identity or expression,
47 marital status, national origin, ancestry, present or past history of

48 mental disability, intellectual disability, learning disability or physical
49 disability, including, but not limited to, blindness, or (B) such
50 individual is unemployed;

51 (7) For an employer, by the employer or the employer's agent: (A)
52 To terminate a woman's employment because of her pregnancy; (B) to
53 refuse to grant to that employee a reasonable leave of absence for
54 disability resulting from her pregnancy; (C) to deny to that employee,
55 who is disabled as a result of pregnancy, any compensation to which
56 she is entitled as a result of the accumulation of disability or leave
57 benefits accrued pursuant to plans maintained by the employer; (D) to
58 fail or refuse to reinstate the employee to her original job or to an
59 equivalent position with equivalent pay and accumulated seniority,
60 retirement, fringe benefits and other service credits upon her
61 signifying her intent to return unless, in the case of a private employer,
62 the employer's circumstances have so changed as to make it impossible
63 or unreasonable to do so; (E) to fail or refuse to make a reasonable
64 effort to transfer a pregnant employee to any suitable temporary
65 position which may be available in any case in which an employee
66 gives written notice of her pregnancy to her employer and the
67 employer or pregnant employee reasonably believes that continued
68 employment in the position held by the pregnant employee may cause
69 injury to the employee or fetus; (F) to fail or refuse to inform the
70 pregnant employee that a transfer pursuant to subparagraph (E) of this
71 subdivision may be appealed under the provisions of this chapter; or
72 (G) to fail or refuse to inform employees of the employer, by any
73 reasonable means, that they must give written notice of their
74 pregnancy in order to be eligible for transfer to a temporary position;

75 (8) For an employer, by the employer or the employer's agent, for an
76 employment agency, by itself or its agent, or for any labor
77 organization, by itself or its agent, to harass any employee, person
78 seeking employment or member on the basis of sex or gender identity
79 or expression. "Sexual harassment" shall, for the purposes of this
80 section, be defined as any unwelcome sexual advances or requests for

81 sexual favors or any conduct of a sexual nature when (A) submission
82 to such conduct is made either explicitly or implicitly a term or
83 condition of an individual's employment, (B) submission to or rejection
84 of such conduct by an individual is used as the basis for employment
85 decisions affecting such individual, or (C) such conduct has the
86 purpose or effect of substantially interfering with an individual's work
87 performance or creating an intimidating, hostile or offensive working
88 environment;

89 (9) For an employer, by the employer or the employer's agent, for an
90 employment agency, by itself or its agent, or for any labor
91 organization, by itself or its agent, to request or require information
92 from an employee, person seeking employment or member relating to
93 the individual's child-bearing age or plans, pregnancy, function of the
94 individual's reproductive system, use of birth control methods, or the
95 individual's familial responsibilities, unless such information is
96 directly related to a bona fide occupational qualification or need,
97 provided an employer, through a physician may request from an
98 employee any such information which is directly related to workplace
99 exposure to substances which may cause birth defects or constitute a
100 hazard to an individual's reproductive system or to a fetus if the
101 employer first informs the employee of the hazards involved in
102 exposure to such substances;

103 (10) For an employer, by the employer or the employer's agent, after
104 informing an employee, pursuant to subdivision (9) of this subsection,
105 of a workplace exposure to substances which may cause birth defects
106 or constitute a hazard to an employee's reproductive system or to a
107 fetus, to fail or refuse, upon the employee's request, to take reasonable
108 measures to protect the employee from the exposure or hazard
109 identified, or to fail or refuse to inform the employee that the measures
110 taken may be the subject of a complaint filed under the provisions of
111 this chapter. Nothing in this subdivision is intended to prohibit an
112 employer from taking reasonable measures to protect an employee
113 from exposure to such substances. For the purpose of this subdivision,

114 "reasonable measures" shall be those measures which are consistent
115 with business necessity and are least disruptive of the terms and
116 conditions of the employee's employment;

117 (11) For an employer, by the employer or the employer's agent, for
118 an employment agency, by itself or its agent, or for any labor
119 organization, by itself or its agent: (A) To request or require genetic
120 information from an employee, person seeking employment or
121 member, or (B) to discharge, expel or otherwise discriminate against
122 any person on the basis of genetic information. For the purpose of this
123 subdivision, "genetic information" means the information about genes,
124 gene products or inherited characteristics that may derive from an
125 individual or a family member;

126 (12) (A) For any person or employer to refuse to consider for
127 employment or refuse to offer employment to an individual on the
128 basis that such individual is unemployed, except where such
129 individual's employment in a similar or related job, for a period of
130 time reasonably proximate to the hiring of such individual, is a bona
131 fade occupational qualification reasonably necessary to successful
132 performance of the job that is being filled, or (B) for any employment
133 agency to refuse to consider or refer an individual for employment on
134 the basis that such individual is unemployed, except where such
135 individual's employment in a similar or related job, for a period of
136 time reasonably proximate to the hiring of such individual, is a bona
137 fade occupational qualification reasonably necessary to successful
138 performance of the job that is being filled.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	46a-60(a)

Statement of Purpose:

To prevent discrimination of unemployed individuals in employment advertisements and in hiring for employment positions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]