



# Senate

General Assembly

**File No. 446**

January Session, 2019

Substitute Senate Bill No. 697

*Senate, April 4, 2019*

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING NONDISCLOSURE AGREEMENTS IN THE WORKPLACE.***

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) An employer shall not  
2 enter into or negotiate a contract with an employee or prospective  
3 employee as a condition of employment, continued employment,  
4 promotion, compensation or benefit, if such contract contains a  
5 nondisclosure clause, nondisparagement clause, waiver or other  
6 provision that has the purpose or effect of preventing the employee  
7 from disclosing or discussing sexual harassment or sexual assault  
8 occurring in the workplace, at a work-related event coordinated by or  
9 through the employer or between employees, or between an employer  
10 and an employee, off the employment premises.

11 (b) An action to redress a violation of subsection (a) of this section  
12 may be maintained in any court of competent jurisdiction by any one  
13 or more employees or prospective employees.

14 (c) An employer who violates subsection (a) of this section may be  
15 found liable for compensatory damages, attorney's fees and costs,  
16 punitive damages and such legal and equitable relief as the court  
17 deems just and proper.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	New section

**Statement of Legislative Commissioners:**

"Section 1." was added for proper form.

**LAB** Joint Favorable Subst. -LCO

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which prohibits an employer from entering into or negotiating a contract with an employee or prospective employee that contains certain nondisclosure or nondisparagement provisions, does not result in a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 697*****AN ACT CONCERNING NONDISCLOSURE AGREEMENTS IN THE WORKPLACE.*****SUMMARY**

This bill bars an employer from entering into or negotiating a contract with an employee or prospective employee that contains a nondisclosure or nondisparagement clause, waiver, or other provision that prevents the employee from disclosing or discussing workplace sexual harassment or sexual assault. Under the bill, the contract provisions may not prohibit the employee from disclosing or discussing such harassment or assault occurring (1) in the workplace, (2) at a work-related event coordinated by the employer or employees, or (3) between employees or between an employer and an employee off the employment premises.

The bill allows employees or prospective employees to bring a lawsuit to redress a violation of its provisions in any court of competent jurisdiction. The court may find an employer liable for compensatory damages, attorney's fees and costs, punitive damages, and other equitable relief as the court deems just and proper.

EFFECTIVE DATE: July 1, 2019

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 11      Nay 3      (03/19/2019)