AN ACT PROMOTING THE USE OF HONEST RECOMMENDATIONS BETWEEN EMPLOYERS AND PROHIBITING AN EMPLOYER'S USE OF A NONDISCLOSURE AGREEMENT RELATING TO ACTS OF DISCRIMINATION OCCURRING IN THE EMPLOYER'S WORKPLACE.

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

Section 1. (NEW) (Effective October 1, 2019) (a) As used in this section:

(1) "Employee" means any person engaged in service to an employer in a business of his or her employer;

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision of the state;

(3) "Occurring in the workplace" includes attendance at an off-premises work-related event that is coordinated by or through the employer, between employees or between an employer and an employee;

(4) "Sexual assault" means any act that would constitute a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a of the general statutes; and

(5) "Sexual harassment" has the same meaning as provided in subdivision (8) of subsection (b) of section 46a-60 of the general statutes.

(b) Notwithstanding the provisions of section 31-128f of the general
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statutes, if an employer knows that a person is contemplating hiring a current or former employee of the employer, and the employer provides such person with a recommendation or positive commentary relating to the current or former employee's work performance, such employer has a duty to timely disclose to such person any known act of sexual harassment or sexual assault committed by the employee occurring in the workplace of the employer. For purposes of this section, an employer knows about an act of sexual assault when the individual who provides the recommendation or positive commentary, is an employee or agent of the employer and knows of such act. For purposes of this section, an employer knows about an act of sexual harassment when the individual who provides the recommendation or positive commentary is an employee or agent of the employer and knows of such act, and a complaint alleging the sexual harassment was filed with the Commission on Human Rights and Opportunities or a court of competent jurisdiction.

(c) If an employer owes a duty to disclose to a person who is contemplating hiring a current or former employee of the employer under subsection (b) of this section, and such person hires the current or former employee in reliance on the recommendation or positive commentary, then for such time that the former employee is employed by the person, the employer shall be liable to any employee of the person who relied on such recommendation or positive commentary for the following acts committed by the former employee occurring in the workplace of the person, (1) any act of sexual harassment committed by the former employee, if the employer breached its duty to disclose sexual harassment, and (2) any sexual harassment and sexual assault committed by the former employee, if the employer breached its duty to disclose sexual assault.

Sec. 2. (NEW) (Effective October 1, 2019) (a) As used in this section: (1) "Employee" means any person engaged in service to an employer in a business of his or her employer; and (2) "employer" means a person engaged in business who has employees, including the state and any political subdivision of the state.
(b) No employer shall enter into or negotiate a contract with an employee or prospective employee, that as a condition of employment, continued employment, promotion, compensation for employment services or employment benefits, contains a nondisclosure clause, nondisparagement clause, waiver or other provision that has the purpose or effect of preventing the employee from disclosing or discussing discrimination, including harassment, occurring in the employer's workplace or at an off-premises work-related event that is coordinated by or through the employer, between employees, or between an employer and an employee. The Labor Department may issue a civil penalty, not exceeding five hundred dollars, for each violation of this subsection.

(c) An action to redress a violation of subsection (b) of this section may be maintained in any court of competent jurisdiction by any one or more employees or prospective employees. An employer who violates subsection (b) of this section may be found liable for compensatory damages, attorney's fees and costs, punitive damages and such legal and equitable relief as the court deems just and proper.

This act shall take effect as follows and shall amend the following sections:

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<td>Sec. 2</td>
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