



General Assembly

January Session, 2025

Committee Bill No. 1035

LCO No. 5558



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

**AN ACT CONCERNING LIMITATIONS ON THE USE OF
NONDISCLOSURE AGREEMENTS.**

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

1 Section 1. Section 46a-60 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) As used in this section:

4 (1) "Pregnancy" means pregnancy, childbirth or a related condition,
5 including, but not limited to, lactation;

6 (2) "Reasonable accommodation" means, but is not limited to, being
7 permitted to sit while working, more frequent or longer breaks, periodic
8 rest, assistance with manual labor, job restructuring, light duty
9 assignments, modified work schedules, temporary transfers to less
10 strenuous or hazardous work, time off to recover from childbirth or
11 break time and appropriate facilities for expressing breast milk; and

12 (3) "Undue hardship" means an action requiring significant difficulty
13 or expense when considered in light of factors such as (A) the nature

14 and cost of the accommodation; (B) the overall financial resources of the
15 employer; (C) the overall size of the business of the employer with
16 respect to the number of employees, and the number, type and location
17 of its facilities; and (D) the effect on expenses and resources or the
18 impact otherwise of such accommodation upon the operation of the
19 employer.

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

21 (1) For an employer, by the employer or the employer's agent, except
22 in the case of a bona fide occupational qualification or need, to refuse to
23 hire or employ or to bar or to discharge from employment any
24 individual or to discriminate against any individual in compensation or
25 in terms, conditions or privileges of employment because of the
26 individual's race, color, religious creed, age, sex, gender identity or
27 expression, marital status, national origin, ancestry, present or past
28 history of mental disability, intellectual disability, learning disability,
29 physical disability, including, but not limited to, blindness, status as a
30 veteran or status as a victim of domestic violence;

31 (2) For any employment agency, except in the case of a bona fide
32 occupational qualification or need, to fail or refuse to classify properly
33 or refer for employment or otherwise to discriminate against any
34 individual because of such individual's race, color, religious creed, age,
35 sex, gender identity or expression, marital status, national origin,
36 ancestry, present or past history of mental disability, intellectual
37 disability, learning disability, physical disability, including, but not
38 limited to, blindness, status as a veteran or status as a victim of domestic
39 violence;

40 (3) For a labor organization, because of the race, color, religious creed,
41 age, sex, gender identity or expression, marital status, national origin,
42 ancestry, present or past history of mental disability, intellectual
43 disability, learning disability, physical disability, including, but not
44 limited to, blindness, status as a veteran or status as a victim of domestic
45 violence of any individual to exclude from full membership rights or to

46 expel from its membership such individual or to discriminate in any
47 way against any of its members or against any employer or any
48 individual employed by an employer, unless such action is based on a
49 bona fide occupational qualification;

50 (4) For any person, employer, labor organization or employment
51 agency to discharge, expel or otherwise discriminate against any person
52 because such person has opposed any discriminatory employment
53 practice or because such person has filed a complaint or testified or
54 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

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

58 (6) For any person, employer, employment agency or labor
59 organization, except in the case of a bona fide occupational qualification
60 or need, to advertise employment opportunities in such a manner as to
61 restrict such employment so as to discriminate against individuals
62 because of their race, color, religious creed, age, sex, gender identity or
63 expression, marital status, national origin, ancestry, present or past
64 history of mental disability, intellectual disability, learning disability,
65 physical disability, including, but not limited to, blindness, status as a
66 veteran or status as a victim of domestic violence;

67 (7) For an employer, by the employer or the employer's agent: (A) To
68 terminate a woman's employment because of her pregnancy; (B) to
69 refuse to grant to that employee a reasonable leave of absence for
70 disability resulting from her pregnancy; (C) to deny to that employee,
71 who is disabled as a result of pregnancy, any compensation to which
72 she is entitled as a result of the accumulation of disability or leave
73 benefits accrued pursuant to plans maintained by the employer; (D) to
74 fail or refuse to reinstate the employee to her original job or to an
75 equivalent position with equivalent pay and accumulated seniority,
76 retirement, fringe benefits and other service credits upon her signifying
77 her intent to return unless, in the case of a private employer, the

78 employer's circumstances have so changed as to make it impossible or
79 unreasonable to do so; (E) to limit, segregate or classify the employee in
80 a way that would deprive her of employment opportunities due to her
81 pregnancy; (F) to discriminate against an employee or person seeking
82 employment on the basis of her pregnancy in the terms or conditions of
83 her employment; (G) to fail or refuse to make a reasonable
84 accommodation for an employee or person seeking employment due to
85 her pregnancy, unless the employer can demonstrate that such
86 accommodation would impose an undue hardship on such employer;
87 (H) to deny employment opportunities to an employee or person
88 seeking employment if such denial is due to the employee's request for
89 a reasonable accommodation due to her pregnancy; (I) to force an
90 employee or person seeking employment affected by pregnancy to
91 accept a reasonable accommodation if such employee or person seeking
92 employment (i) does not have a known limitation related to her
93 pregnancy, or (ii) does not require a reasonable accommodation to
94 perform the essential duties related to her employment; (J) to require an
95 employee to take a leave of absence if a reasonable accommodation can
96 be provided in lieu of such leave; and (K) to retaliate against an
97 employee in the terms, conditions or privileges of her employment
98 based upon such employee's request for a reasonable accommodation;

99 (8) For an employer, by the employer or the employer's agent, for an
100 employment agency, by itself or its agent, or for any labor organization,
101 by itself or its agent, to harass any employee, person seeking
102 employment or member on the basis of sex or gender identity or
103 expression. If an employer takes immediate corrective action in
104 response to an employee's claim of sexual harassment, such corrective
105 action shall not modify the conditions of employment of the employee
106 making the claim of sexual harassment unless such employee agrees, in
107 writing, to any modification in the conditions of employment.
108 "Corrective action" taken by an employer, includes, but is not limited to,
109 employee relocation, assigning an employee to a different work
110 schedule or other substantive changes to an employee's terms and
111 conditions of employment. Notwithstanding an employer's failure to

112 obtain a written agreement from an employee concerning a modification
113 in the conditions of employment, the commission may find that
114 corrective action taken by an employer was reasonable and not of
115 detriment to the complainant based on the evidence presented to the
116 commission by the complainant and respondent. As used in this
117 subdivision, "sexual harassment" means any unwelcome sexual
118 advances or requests for sexual favors or any conduct of a sexual nature
119 when (A) submission to such conduct is made either explicitly or
120 implicitly a term or condition of an individual's employment, (B)
121 submission to or rejection of such conduct by an individual is used as
122 the basis for employment decisions affecting such individual, or (C)
123 such conduct has the purpose or effect of substantially interfering with
124 an individual's work performance or creating an intimidating, hostile or
125 offensive working environment;

126 (9) For an employer, by the employer or the employer's agent, for an
127 employment agency, by itself or its agent, or for any labor organization,
128 by itself or its agent, to request or require information from an
129 employee, person seeking employment or member relating to the
130 individual's child-bearing age or plans, pregnancy, function of the
131 individual's reproductive system, use of birth control methods, or the
132 individual's familial responsibilities, unless such information is directly
133 related to a bona fide occupational qualification or need, provided an
134 employer, through a physician may request from an employee any such
135 information which is directly related to workplace exposure to
136 substances which may cause birth defects or constitute a hazard to an
137 individual's reproductive system or to a fetus if the employer first
138 informs the employee of the hazards involved in exposure to such
139 substances;

140 (10) For an employer, by the employer or the employer's agent, after
141 informing an employee, pursuant to subdivision (9) of this subsection,
142 of a workplace exposure to substances which may cause birth defects or
143 constitute a hazard to an employee's reproductive system or to a fetus,
144 to fail or refuse, upon the employee's request, to take reasonable
145 measures to protect the employee from the exposure or hazard

146 identified, or to fail or refuse to inform the employee that the measures
147 taken may be the subject of a complaint filed under the provisions of
148 this chapter. Nothing in this subdivision is intended to prohibit an
149 employer from taking reasonable measures to protect an employee from
150 exposure to such substances. For the purpose of this subdivision,
151 "reasonable measures" are those measures which are consistent with
152 business necessity and are least disruptive of the terms and conditions
153 of the employee's employment;

154 (11) For an employer, by the employer or the employer's agent, for an
155 employment agency, by itself or its agent, or for any labor organization,
156 by itself or its agent: (A) To request or require genetic information from
157 an employee, person seeking employment or member, or (B) to
158 discharge, expel or otherwise discriminate against any person on the
159 basis of genetic information. For the purpose of this subdivision,
160 "genetic information" means the information about genes, gene
161 products or inherited characteristics that may derive from an individual
162 or a family member;

163 (12) For an employer, by the employer or the employer's agent, to
164 request or require a prospective employee's age, date of birth, dates of
165 attendance at or date of graduation from an educational institution on
166 an initial employment application, provided the provisions of this
167 subdivision shall not apply to any employer requesting or requiring
168 such information (A) based on a bona fide occupational qualification or
169 need, or (B) when such information is required to comply with any
170 provision of state or federal law; [and]

171 (13) (A) For an employer or the employer's agent to deny an employee
172 a reasonable leave of absence in order to: (i) Seek attention for injuries
173 caused by domestic violence including for a child who is a victim of
174 domestic violence, provided the employee is not the perpetrator of the
175 domestic violence against the child; (ii) obtain services including safety
176 planning from a domestic violence agency or rape crisis center, as those
177 terms are defined in section 52-146k, as a result of domestic violence;
178 (iii) obtain psychological counseling related to an incident or incidents

179 of domestic violence, including for a child who is a victim of domestic
180 violence, provided the employee is not the perpetrator of the domestic
181 violence against the child; (iv) take other actions to increase safety from
182 future incidents of domestic violence, including temporary or
183 permanent relocation; or (v) obtain legal services, assisting in the
184 prosecution of the offense, or otherwise participate in legal proceedings
185 in relation to the incident or incidents of domestic violence.

186 (B) An employee who is absent from work in accordance with the
187 provisions of subparagraph (A) of this subdivision shall, within a
188 reasonable time after the absence, provide a certification to the employer
189 when requested by the employer. Such certification shall be in the form
190 of: (i) A police report indicating that the employee or the employee's
191 child was a victim of domestic violence; (ii) a court order protecting or
192 separating the employee or employee's child from the perpetrator of an
193 act of domestic violence; (iii) other evidence from the court or
194 prosecuting attorney that the employee appeared in court; or (iv)
195 documentation from a medical professional, domestic violence
196 counselor, as defined in section 52-146k, or other health care provider,
197 that the employee or the employee's child was receiving services,
198 counseling or treatment for physical or mental injuries or abuse
199 resulting in victimization from an act of domestic violence.

200 (C) Where an employee has a physical or mental disability resulting
201 from an incident or series of incidents of domestic violence, such
202 employee shall be treated in the same manner as an employee with any
203 other disability.

204 (D) To the extent permitted by law, employers shall maintain the
205 confidentiality of any information regarding an employee's status as a
206 victim of domestic violence; and

207 (14) For an employer, by the employer or the employer's agent to: (A)
208 Refuse to hire or employ, discriminate in compensation or in terms,
209 conditions or privileges of employment, or bar or discharge from
210 employment, any employee or independent contractor because such

211 person disclosed conduct the person reasonably believes to be a
212 discriminatory employment practice, or because such person
213 disparaged the employer for engaging in conduct the person reasonably
214 believes to be a discriminatory employment practice, or (B) require or
215 request a prospective, current or former employee or independent
216 contractor to enter into an agreement containing a provision that is void
217 pursuant to subsection (e) of this section, or for an employer to attempt
218 to enforce such provision. An employer who violates the provisions of
219 this subdivision shall be liable to an employee or independent
220 contractor for actual damages or statutory damages of ten thousand
221 dollars, whichever is more, as well as other remedies provided under
222 law, including, but not limited to, the remedies prescribed in section 2
223 of this act. The provisions of this subdivision and subsection (e) of this
224 section shall be liberally construed so as to effectuate their remedial
225 purpose and such provisions shall extend to an intern, who is paid or
226 unpaid, and any volunteer engaged in service to an employer in this
227 state in the business of the employer.

228 (c) (1) The provisions of this section concerning age shall not apply
229 to: (A) The termination of employment of any person with a contract of
230 unlimited tenure at an independent institution of higher education who
231 is mandatorily retired, on or before July 1, 1993, after having attained
232 the age of seventy; (B) the termination of employment of any person
233 who has attained the age of sixty-five and who, for the two years
234 immediately preceding such termination, is employed in a bona fide
235 executive or a high policy-making position, if such person is entitled to
236 an immediate nonforfeitable annual retirement benefit under a pension,
237 profit-sharing, savings or deferred compensation plan, or any
238 combination of such plans, from such person's employer, which equals,
239 in aggregate, at least forty-four thousand dollars; (C) the termination of
240 employment of persons in occupations, including police work and fire-
241 fighting, in which age is a bona fide occupational qualification; (D) the
242 operation of any bona fide apprenticeship system or plan; or (E) the
243 observance of the terms of a bona fide seniority system or any bona fide
244 employee benefit plan for retirement, pensions or insurance which is not

245 adopted for the purpose of evading said provisions, except that no such
246 plan may excuse the failure to hire any individual and no such system
247 or plan may require or permit the termination of employment on the
248 basis of age. No such plan which covers less than twenty employees may
249 reduce the group hospital, surgical or medical insurance coverage
250 provided under the plan to any employee who has reached the age of
251 sixty-five and is eligible for Medicare benefits or any employee's spouse
252 who has reached age sixty-five and is eligible for Medicare benefits
253 except to the extent such coverage is provided by Medicare. The terms
254 of any such plan which covers twenty or more employees shall entitle
255 any employee who has attained the age of sixty-five and any employee's
256 spouse who has attained the age of sixty-five to group hospital, surgical
257 or medical insurance coverage under the same conditions as any
258 covered employee or spouse who is under the age of sixty-five.

259 (2) No employee retirement or pension plan may exclude any
260 employee from membership in such plan or cease or reduce the
261 employee's benefit accruals or allocations under such plan on the basis
262 of age. The provisions of this subdivision shall be applicable to plan
263 years beginning on or after January 1, 1988, except that for any
264 collectively bargained plan this subdivision shall be applicable on the
265 earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of
266 the collective bargaining agreement, or (ii) January 1, 1988.

267 (3) The provisions of this section concerning age shall not prohibit an
268 employer from requiring medical examinations for employees for the
269 purpose of determining such employees' physical qualification for
270 continued employment.

271 (4) Any employee who continues employment beyond the normal
272 retirement age in the applicable retirement or pension plan shall give
273 notice of intent to retire, in writing, to such employee's employer not
274 less than thirty days prior to the date of such retirement.

275 (d) (1) An employer shall provide written notice of the right to be free
276 from discrimination in relation to pregnancy, childbirth and related

277 conditions, including the right to a reasonable accommodation to the
278 known limitations related to pregnancy pursuant to subdivision (7) of
279 subsection (b) of this section to: (A) New employees at the
280 commencement of employment; (B) existing employees within one
281 hundred twenty days of October 1, 2017; and (C) any employee who
282 notifies the employer of her pregnancy within ten days of such
283 notification. An employer may comply with the provisions of this
284 section by displaying a poster in a conspicuous place, accessible to
285 employees, at the employer's place of business that contains the
286 information required by this section in both English and Spanish. The
287 Labor Commissioner may adopt regulations, in accordance with
288 chapter 54, to establish additional requirements concerning the means
289 by which employers shall provide such notice.

290 (2) The Commission on Human Rights and Opportunities shall
291 develop courses of instruction and conduct ongoing public education
292 efforts as necessary to inform employers, employees, employment
293 agencies and persons seeking employment about their rights and
294 responsibilities under this section.

295 (e) Any provision in an agreement between an employer and a
296 prospective, current or former employee or independent contractor
297 shall be void as against public policy if such provision prohibits
298 disparagement or disclosure relating to conduct the employee or
299 independent contractor reasonably believes to be a discriminatory
300 employment practice.

301 Sec. 2. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

302 (1) "Employee" has the same meaning as provided in subdivision (9)
303 of section 46a-51 of the general statutes. "Employee" includes a current,
304 former or prospective employee, or an independent contractor;

305 (2) "Employer" has the same meaning as provided in subdivision (10)
306 of section 46a-51 of the general statutes. "Employer" includes any person
307 who acts, directly or indirectly, in the interest of an employer to any of
308 the employees of such employer and any successor in interest of an

309 employer; and

310 (3) "Volunteer" means any person who provides services to an
311 employer without compensation for such services. "Volunteer" includes
312 an intern providing service to an employer.

313 (b) Any provision in an agreement between an employer and an
314 employee or volunteer not to disclose or discuss conduct, or the
315 existence of a settlement involving conduct, that the employee or
316 volunteer reasonably believed under state, federal or common law to be:
317 Legally impermissible discrimination, legally impermissible
318 harassment, legally impermissible retaliation directed at an employee or
319 volunteer, a wage and hour violation or a sexual assault, or that is
320 recognized as against a clear mandate of public policy, shall be void and
321 unenforceable. Prohibited nondisclosure and nondisparagement
322 provisions in an agreement between an employee or volunteer and an
323 employer are those provisions concerning legally impermissible
324 conduct that occurs at the workplace, at work-related events
325 coordinated by or through the employer, between employees or
326 volunteers, or between an employer and an employee or volunteer,
327 whether on or off the employment premises. Prohibited nondisclosure
328 and nondisparagement provisions include those contained in
329 employment agreements, independent contractor agreements,
330 agreements to pay compensation in exchange for the release of a legal
331 claim, or any other form of agreement between the employer and an
332 employee or a volunteer.

333 (c) It shall be a violation of this section for an employer to: (1)
334 Discharge or otherwise discriminate or retaliate against an employee or
335 volunteer for disclosing or discussing conduct that the employee or
336 volunteer reasonably believed to be legally impermissible
337 discrimination, legally impermissible harassment, legally impermissible
338 retaliation directed at an employee or volunteer, a wage and hour
339 violation or a sexual assault, or that is recognized as against a clear
340 mandate of public policy, occurring in the workplace, at work-related
341 events coordinated by or through the employer, between employees or

342 volunteers, or between the employer and an employee or volunteer,
343 whether on or off the employment premises; (2) request or require that
344 an employee or volunteer enter into any agreement provision that is
345 prohibited by this section; or (3) enforce a provision of an agreement
346 prohibited by this section, whether through a lawsuit, a threat to enforce
347 or any other attempt to influence a party to comply with a provision in
348 any agreement that is prohibited by this section.

349 (d) The provisions of this section shall not prohibit: (1) An employer
350 and an employee or volunteer from protecting trade secrets, proprietary
351 information or confidential information that does not involve illegal
352 acts; (2) an employee or volunteer from requesting that the employee
353 and employer enter into a binding written agreement, which may
354 include terms and conditions that preclude the employer from
355 disclosing certain confidential information relating to an employee or a
356 volunteer that does not involve illegal acts; and (3) the enforcement of a
357 provision in any agreement that prohibits the disclosure of the amount
358 paid in settlement of a claim.

359 (e) Any employer who, on or after October 1, 2025, violates the
360 provisions of this section shall be liable in a civil cause of action for
361 actual damages or statutory damages of ten thousand dollars,
362 whichever is more, as well as reasonable attorneys' fees and costs.

363 (f) A nondisclosure or nondisparagement provision prohibited under
364 subsection (b) of this section and entered into prior to October 1, 2025,
365 shall be void and unenforceable only where such provision was entered
366 into at the outset of employment or during the course of employment.
367 For a nondisclosure or nondisparagement provision void and
368 unenforceable under this subsection, an employee may recover only
369 damages relating to preventing the enforcement of the provision. The
370 provisions of this subsection shall not apply to a nondisclosure or
371 nondisparagement provision contained in an agreement to settle a legal
372 claim.

373 (g) A nondisclosure or nondisparagement provision in any

374 agreement signed by an employee or volunteer who is a resident of this
375 state is governed by the laws of this state.

376 (h) The provisions of this section are to be liberally construed so as to
377 effectuate its remedial purpose. The remedies provided by this section
378 are cumulative and shall not be construed as restricting any other
379 remedy that is available under any other law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025</i>	46a-60
Sec. 2	<i>October 1, 2025</i>	New section

LAB *Joint Favorable*