



General Assembly

February Session, 2026

Substitute Bill No. 355



**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 2026 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2026*):

4 (a) As used in this section:

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

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

13 (3) "Undue hardship" means an action requiring significant difficulty
14 or expense when considered in light of factors such as (A) the nature
15 and cost of the accommodation; (B) the overall financial resources of the
16 employer; (C) the overall size of the business of the employer with
17 respect to the number of employees, and the number, type and location
18 of its facilities; and (D) the effect on expenses and resources or the

19 impact otherwise of such accommodation upon the operation of the
20 employer.

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

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

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

43 (3) For a labor organization, because of the race, color, religious creed,
44 age, sex, gender identity or expression, marital status, national origin,
45 ancestry, present or past history of mental disability, intellectual
46 disability, learning disability, physical disability, including, but not
47 limited to, blindness, status as a veteran, status as a victim of domestic
48 violence, status as a victim of sexual assault or status as a victim of
49 trafficking in persons of any individual to exclude from full membership
50 rights or to expel from its membership such individual or to

51 discriminate in any way against any of its members or against any
52 employer or any individual employed by an employer, unless such
53 action is based on a bona fide occupational qualification;

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

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

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

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

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

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

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

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

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

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

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

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

176 (13) (A) For an employer or the employer's agent to deny an employee
177 a reasonable leave of absence in order to: (i) Seek attention for injuries
178 caused by domestic violence, sexual assault or trafficking in persons,
179 including for a child who is a victim of domestic violence, sexual assault
180 or trafficking in persons, provided the employee is not the perpetrator
181 of any act of domestic violence, sexual assault or trafficking in persons
182 committed against a child; (ii) obtain services including safety planning
183 from a domestic violence agency or rape crisis center, as those terms are

184 defined in section 52-146k, as a result of domestic violence, sexual
185 assault or trafficking in persons; (iii) obtain psychological counseling
186 related to an incident or incidents of domestic violence, sexual assault
187 or trafficking in persons, including for a child who is a victim of
188 domestic violence, sexual assault or trafficking in persons, provided the
189 employee is not the perpetrator of any act of domestic violence, sexual
190 assault or trafficking in persons committed against a child; (iv) take
191 other actions to increase safety from future incidents of domestic
192 violence, sexual assault or trafficking in persons, including temporary
193 or permanent relocation; or (v) obtain legal services, assisting in the
194 prosecution of the offense, or otherwise participate in legal proceedings
195 in relation to the incident or incidents of domestic violence, sexual
196 assault or trafficking in persons.

197 (B) An employee who is absent from work in accordance with the
198 provisions of subparagraph (A) of this subdivision shall, within a
199 reasonable time after the absence, provide a certification to the employer
200 when requested by the employer. Such certification shall be in the form
201 of: (i) A police report indicating that the employee or the employee's
202 child was a victim of domestic violence, sexual assault or trafficking in
203 persons; (ii) a court order protecting or separating the employee or
204 employee's child from the perpetrator of an act of domestic violence,
205 sexual assault or trafficking in persons; (iii) other evidence from the
206 court or prosecuting attorney that the employee appeared in court; or
207 (iv) documentation from a medical professional, including a domestic
208 violence counselor or sexual assault counselor, as those terms are
209 defined in section 52-146k, or other health care provider, that the
210 employee or the employee's child was receiving services, counseling or
211 treatment for physical or mental injuries or abuse resulting in
212 victimization from an act of domestic violence, sexual assault or
213 trafficking in persons.

214 (C) Where an employee has a physical or mental disability resulting
215 from an incident or series of incidents of domestic violence, sexual
216 assault or trafficking in persons, such employee shall be treated in the
217 same manner as an employee with any other disability.

218 (D) To the extent permitted by law, employers shall maintain the
219 confidentiality of any information regarding an employee's status as a
220 victim of domestic violence, sexual assault or trafficking in persons; and

221 (14) For an employer, by the employer or the employer's agent to: (A)
222 Refuse to hire or employ, discriminate in compensation or in terms,
223 conditions or privileges of employment, or bar or discharge from
224 employment, any employee or independent contractor because such
225 employee or independent contractor disclosed conduct the employee or
226 independent contractor reasonably believes to be a discriminatory
227 employment practice, or because such employee or independent
228 contractor disparaged the employer for engaging in conduct the
229 employee or independent contractor reasonably believes to be a
230 discriminatory employment practice, or (B) require or request a
231 prospective, current or former employee or independent contractor to
232 enter into an agreement containing a provision that is void pursuant to
233 subsection (e) of this section, or for an employer to attempt to enforce
234 such provision. Notwithstanding the provisions of section 46a-86, an
235 employer who violates the provisions of this subdivision shall be liable
236 to an employee or independent contractor for actual damages or
237 statutory damages of ten thousand dollars, whichever is more, as well
238 as other remedies provided under law, including, but not limited to, the
239 remedies prescribed in section 2 of this act. The provisions of this
240 subdivision and subsection (e) of this section shall be liberally construed
241 so as to effectuate their remedial purpose and such provisions shall
242 extend to an intern, who is paid or unpaid, and any volunteer engaged
243 in service to an employer in this state in the business of the employer.

244 (c) (1) The provisions of this section concerning age shall not apply
245 to: (A) The termination of employment of any person with a contract of
246 unlimited tenure at an independent institution of higher education who
247 is mandatorily retired, on or before July 1, 1993, after having attained
248 the age of seventy; (B) the termination of employment of any person
249 who has attained the age of sixty-five and who, for the two years
250 immediately preceding such termination, is employed in a bona fide
251 executive or a high policy-making position, if such person is entitled to

252 an immediate nonforfeitable annual retirement benefit under a pension,
253 profit-sharing, savings or deferred compensation plan, or any
254 combination of such plans, from such person's employer, which equals,
255 in aggregate, at least forty-four thousand dollars; (C) the termination of
256 employment of persons in occupations, including police work and fire-
257 fighting, in which age is a bona fide occupational qualification; (D) the
258 operation of any bona fide apprenticeship system or plan; or (E) the
259 observance of the terms of a bona fide seniority system or any bona fide
260 employee benefit plan for retirement, pensions or insurance which is not
261 adopted for the purpose of evading said provisions, except that no such
262 plan may excuse the failure to hire any individual and no such system
263 or plan may require or permit the termination of employment on the
264 basis of age. No such plan which covers less than twenty employees may
265 reduce the group hospital, surgical or medical insurance coverage
266 provided under the plan to any employee who has reached the age of
267 sixty-five and is eligible for Medicare benefits or any employee's spouse
268 who has reached age sixty-five and is eligible for Medicare benefits
269 except to the extent such coverage is provided by Medicare. The terms
270 of any such plan which covers twenty or more employees shall entitle
271 any employee who has attained the age of sixty-five and any employee's
272 spouse who has attained the age of sixty-five to group hospital, surgical
273 or medical insurance coverage under the same conditions as any
274 covered employee or spouse who is under the age of sixty-five.

275 (2) No employee retirement or pension plan may exclude any
276 employee from membership in such plan or cease or reduce the
277 employee's benefit accruals or allocations under such plan on the basis
278 of age. The provisions of this subdivision shall be applicable to plan
279 years beginning on or after January 1, 1988, except that for any
280 collectively bargained plan this subdivision shall be applicable on the
281 earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of
282 the collective bargaining agreement, or (ii) January 1, 1988.

283 (3) The provisions of this section concerning age shall not prohibit an
284 employer from requiring medical examinations for employees for the
285 purpose of determining such employees' physical qualification for

286 continued employment.

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

291 (d) (1) An employer shall provide written notice of the right to be free
292 from discrimination in relation to pregnancy, childbirth and related
293 conditions, including the right to a reasonable accommodation to the
294 known limitations related to pregnancy pursuant to subdivision (7) of
295 subsection (b) of this section to: (A) New employees at the
296 commencement of employment; (B) existing employees within one
297 hundred twenty days of October 1, 2017; and (C) any employee who
298 notifies the employer of her pregnancy within ten days of such
299 notification. An employer may comply with the provisions of this
300 section by displaying a poster in a conspicuous place, accessible to
301 employees, at the employer's place of business that contains the
302 information required by this section in both English and Spanish. The
303 Labor Commissioner may adopt regulations, in accordance with
304 chapter 54, to establish additional requirements concerning the means
305 by which employers shall provide such notice.

306 (2) The Commission on Human Rights and Opportunities shall
307 develop courses of instruction and conduct ongoing public education
308 efforts as necessary to inform employers, employees, employment
309 agencies and persons seeking employment about their rights and
310 responsibilities under this section.

311 (e) Any provision in an agreement between an employer and a
312 prospective, current or former employee or independent contractor
313 shall be void as against public policy if such provision prohibits the
314 disparagement or disclosure of conduct by the employer that the
315 employee or independent contractor reasonably believes to be a
316 discriminatory employment practice.

317 Sec. 2. (NEW) (*Effective October 1, 2026*) (a) As used in this section:

318 (1) "Employee" means any person employed by an employer but does
319 not include any individual employed by such individual's parents,
320 spouse or child. "Employee" includes (A) any elected or appointed
321 official of a municipality, board, commission, counsel or other
322 governmental body, and (B) a current, former or prospective employee,
323 or an independent contractor;

324 (2) "Employer" means any person or employer with one or more
325 persons in such person's or employer's employ. "Employer" includes (A)
326 the state and all political subdivisions thereof, and (B) any person who
327 acts, directly or indirectly, in the interest of an employer to any of the
328 employees of such employer and any successor in interest of an
329 employer; and

330 (3) "Volunteer" means any person who provides services to an
331 employer without compensation for such services. "Volunteer" includes
332 an intern providing service to an employer.

333 (b) Any provision in an agreement between an employer and an
334 employee or volunteer to not disclose or discuss conduct, or the
335 existence of a settlement involving conduct, that the employee or
336 volunteer reasonably believes, under state, federal or common law to
337 be: Legally impermissible discrimination, legally impermissible
338 harassment, legally impermissible retaliation directed at an employee or
339 volunteer, a wage and hour violation or a sexual assault, or that is
340 recognized as against a clear mandate of public policy, shall be void and
341 unenforceable. Prohibited nondisclosure and nondisparagement
342 provisions in an agreement between an employee or volunteer and an
343 employer are those provisions concerning legally impermissible
344 conduct that occurs at the workplace, at work-related events
345 coordinated by or through the employer, between employees or
346 volunteers, or between an employer and an employee or volunteer,
347 whether on or off the employment premises. Prohibited nondisclosure
348 and nondisparagement provisions include those contained in
349 employment agreements, independent contractor agreements,
350 agreements to pay compensation in exchange for the release of a legal

351 claim, or any other form of agreement between the employer and an
352 employee or a volunteer.

353 (c) It shall be a violation of this section for an employer to: (1)
354 Discharge or otherwise discriminate or retaliate against an employee or
355 volunteer for disclosing or discussing conduct that the employee or
356 volunteer reasonably believes to be legally impermissible
357 discrimination, legally impermissible harassment, legally impermissible
358 retaliation directed at an employee or volunteer, a wage and hour
359 violation or a sexual assault, or that is recognized as against a clear
360 mandate of public policy, occurring in the workplace, at work-related
361 events coordinated by or through the employer, between employees or
362 volunteers, or between the employer and an employee or volunteer,
363 whether on or off the employment premises; (2) request or require that
364 an employee or volunteer enter into any agreement provision that is
365 prohibited under this section; or (3) enforce a provision of an agreement
366 prohibited under this section, whether through a lawsuit, a threat to
367 enforce or any other attempt to influence a party to comply with a
368 provision in any agreement that is prohibited by this section.

369 (d) The provisions of this section shall not prohibit: (1) An employer
370 and an employee or volunteer from protecting trade secrets, proprietary
371 information or confidential information that does not involve illegal
372 acts; (2) an employee or volunteer from requesting that the employee
373 and employer enter into a binding written agreement, which may
374 include terms and conditions that preclude the employer from
375 disclosing certain confidential information relating to an employee or a
376 volunteer that does not involve illegal acts; and (3) the enforcement of a
377 provision in any agreement that prohibits the disclosure of the amount
378 paid in settlement of a claim.

379 (e) Any employer who, on or after October 1, 2026, violates the
380 provisions of this section shall be liable in a civil cause of action for
381 actual damages or statutory damages of ten thousand dollars,
382 whichever is more, as well as reasonable attorneys' fees and costs.

383 (f) A prohibited nondisclosure or nondisparagement provision
384 included in any contract or agreement entered into prior to October 1,
385 2026, shall be void and unenforceable only where such provision was
386 entered into at the outset of employment or during the course of
387 employment. For a prohibited nondisclosure or nondisparagement
388 provision void and unenforceable under this subsection, an employee
389 may recover only damages relating to preventing the enforcement of the
390 provision. The provisions of this subsection shall not apply to any
391 nondisclosure or nondisparagement provision contained in an
392 agreement to settle a legal claim.

393 (g) A nondisclosure or nondisparagement provision in any
394 agreement signed by an employee or volunteer who is a resident of this
395 state is governed by the laws of this state.

396 (h) The provisions of this section are to be liberally construed so as to
397 effectuate its remedial purpose. The remedies provided under this
398 section are cumulative and shall not be construed as restricting any
399 other remedy that is available under any other law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	46a-60
Sec. 2	October 1, 2026	New section

Statement of Legislative Commissioners:

In Section 1(e), "the" was removed for clarity; and in Section 2(a)(1), "shall not include" was changed to "does not include" for consistency with standard drafting conventions.

LAB Joint Favorable Subst. -LCO