



General Assembly

Substitute Bill No. 5443

February Session, 2022



**AN ACT CONCERNING DISCLOSURE OF SOCIAL SECURITY
NUMBERS ON EMPLOYMENT APPLICATIONS.**

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

1 Section 1. Subsection (b) of section 46a-60 of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2022*):

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

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

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, physical disability, including, but not
22 limited to, blindness or status as a veteran;

23 (3) For a labor organization, because of the race, color, religious creed,
24 age, sex, gender identity or expression, marital status, national origin,
25 ancestry, present or past history of mental disability, intellectual
26 disability, learning disability, physical disability, including, but not
27 limited to, blindness or status as a veteran 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 person
34 because such person has opposed any discriminatory employment
35 practice or because such person has filed a complaint or testified or
36 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

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

40 (6) For any person, employer, employment agency or labor
41 organization, except in the case of a bona fide occupational qualification
42 or need, to advertise employment opportunities in such a manner as to
43 restrict such employment so as to discriminate against individuals
44 because of their race, color, religious creed, age, sex, gender identity or
45 expression, marital status, national origin, ancestry, present or past
46 history of mental disability, intellectual disability, learning disability,
47 physical disability, including, but not limited to, blindness or status as a
48 veteran;

49 (7) For an employer, by the employer or the employer's agent: (A) To

50 terminate a woman's employment because of her pregnancy; (B) to
51 refuse to grant to that employee a reasonable leave of absence for
52 disability resulting from her pregnancy; (C) to deny to that employee,
53 who is disabled as a result of pregnancy, any compensation to which
54 she is entitled as a result of the accumulation of disability or leave
55 benefits accrued pursuant to plans maintained by the employer; (D) to
56 fail or refuse to reinstate the employee to her original job or to an
57 equivalent position with equivalent pay and accumulated seniority,
58 retirement, fringe benefits and other service credits upon her signifying
59 her intent to return unless, in the case of a private employer, the
60 employer's circumstances have so changed as to make it impossible or
61 unreasonable to do so; (E) to limit, segregate or classify the employee in
62 a way that would deprive her of employment opportunities due to her
63 pregnancy; (F) to discriminate against an employee or person seeking
64 employment on the basis of her pregnancy in the terms or conditions of
65 her employment; (G) to fail or refuse to make a reasonable
66 accommodation for an employee or person seeking employment due to
67 her pregnancy, unless the employer can demonstrate that such
68 accommodation would impose an undue hardship on such employer;
69 (H) to deny employment opportunities to an employee or person
70 seeking employment if such denial is due to the employee's request for
71 a reasonable accommodation due to her pregnancy; (I) to force an
72 employee or person seeking employment affected by pregnancy to
73 accept a reasonable accommodation if such employee or person seeking
74 employment (i) does not have a known limitation related to her
75 pregnancy, or (ii) does not require a reasonable accommodation to
76 perform the essential duties related to her employment; (J) to require an
77 employee to take a leave of absence if a reasonable accommodation can
78 be provided in lieu of such leave; and (K) to retaliate against an
79 employee in the terms, conditions or privileges of her employment
80 based upon such employee's request for a reasonable accommodation;

81 (8) For an employer, by the employer or the employer's agent, for an
82 employment agency, by itself or its agent, or for any labor organization,
83 by itself or its agent, to harass any employee, person seeking

84 employment or member on the basis of sex or gender identity or
85 expression. If an employer takes immediate corrective action in
86 response to an employee's claim of sexual harassment, such corrective
87 action shall not modify the conditions of employment of the employee
88 making the claim of sexual harassment unless such employee agrees, in
89 writing, to any modification in the conditions of employment.
90 "Corrective action" taken by an employer, includes, but is not limited to,
91 employee relocation, assigning an employee to a different work
92 schedule or other substantive changes to an employee's terms and
93 conditions of employment. Notwithstanding an employer's failure to
94 obtain a written agreement from an employee concerning a modification
95 in the conditions of employment, the commission may find that
96 corrective action taken by an employer was reasonable and not of
97 detriment to the complainant based on the evidence presented to the
98 commission by the complainant and respondent. As used in this
99 subdivision, "sexual harassment" means any unwelcome sexual
100 advances or requests for sexual favors or any conduct of a sexual nature
101 when (A) submission to such conduct is made either explicitly or
102 implicitly a term or condition of an individual's employment, (B)
103 submission to or rejection of such conduct by an individual is used as
104 the basis for employment decisions affecting such individual, or (C)
105 such conduct has the purpose or effect of substantially interfering with
106 an individual's work performance or creating an intimidating, hostile or
107 offensive working environment;

108 (9) For an employer, by the employer or the employer's agent, for an
109 employment agency, by itself or its agent, or for any labor organization,
110 by itself or its agent, to request or require information from an
111 employee, person seeking employment or member relating to the
112 individual's child-bearing age or plans, pregnancy, function of the
113 individual's reproductive system, use of birth control methods, or the
114 individual's familial responsibilities, unless such information is directly
115 related to a bona fide occupational qualification or need, provided an
116 employer, through a physician may request from an employee any such
117 information which is directly related to workplace exposure to

118 substances which may cause birth defects or constitute a hazard to an
119 individual's reproductive system or to a fetus if the employer first
120 informs the employee of the hazards involved in exposure to such
121 substances;

122 (10) For an employer, by the employer or the employer's agent, after
123 informing an employee, pursuant to subdivision (9) of this subsection,
124 of a workplace exposure to substances which may cause birth defects or
125 constitute a hazard to an employee's reproductive system or to a fetus,
126 to fail or refuse, upon the employee's request, to take reasonable
127 measures to protect the employee from the exposure or hazard
128 identified, or to fail or refuse to inform the employee that the measures
129 taken may be the subject of a complaint filed under the provisions of
130 this chapter. Nothing in this subdivision is intended to prohibit an
131 employer from taking reasonable measures to protect an employee from
132 exposure to such substances. For the purpose of this subdivision,
133 "reasonable measures" shall be those measures which are consistent
134 with business necessity and are least disruptive of the terms and
135 conditions of the employee's employment;

136 (11) For an employer, by the employer or the employer's agent, for an
137 employment agency, by itself or its agent, or for any labor organization,
138 by itself or its agent: (A) To request or require genetic information from
139 an employee, person seeking employment or member, or (B) to
140 discharge, expel or otherwise discriminate against any person on the
141 basis of genetic information. For the purpose of this subdivision,
142 "genetic information" means the information about genes, gene
143 products or inherited characteristics that may derive from an individual
144 or a family member;

145 (12) For an employer, by the employer or the employer's agent, to
146 request or require a prospective employee's age, date of birth, dates of
147 attendance at or date of graduation from an educational institution or
148 Social Security number on an initial employment application, provided
149 the provisions of this subdivision shall not apply to any employer
150 requesting or requiring such information (A) based on a bona fide

151 occupational qualification or need, or (B) when such information is
152 required to comply with any provision of state or federal law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	46a-60(b)

Statement of Legislative Commissioners:

In Section 1(b)(12) the comma after "at" and the brackets around "or" were removed for clarity.

LAB *Joint Favorable Subst. -LCO*