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HOUSE BILL 21

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Dayan Hochman-Vigil

AN ACT

RELATING TO EMPLOYMENT LAW; PROVIDING THAT NONDISCLOSURE AGREEMENTS IN SEXUAL HARASSMENT OR SEXUAL ASSAULT CASES ARE UNENFORCEABLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] WORKPLACE SEXUAL HARASSMENT AND SEXUAL ASSAULT CLAIMS--NONDISCLOSURE AGREEMENTS AND CERTAIN ACTIONS PROHIBITED.--

A. An employer shall not, as a term of employment, require an employee to sign a nondisclosure provision of a settlement agreement relating to a claim of sexual harassment or sexual assault in the workplace brought by the employee or prevent the employee from disclosing a claim of sexual harassment or sexual assault occurring in the workplace or at a work-related event coordinated by or through the employer.

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B. This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment or sexual assault from containing confidentiality provisions. A confidentiality provision is permitted when:

(1) it relates to the monetary amount of a settlement; or

(2) at the employee's request, it prohibits disclosure of facts that could lead to the identification of the employee.

SECTION 2. APPLICABILITY.--The provisions of this act apply to agreements entered into on or after May 20, 2020.