

SENATE, No. 121

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Bars provisions in employment contracts that waive rights or remedies; bars agreements that conceal details relating to discrimination claims.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2018)

1 **AN ACT** concerning discrimination and supplementing Title 10 of
2 the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 *of New Jersey:*

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7 1. a. A provision in any employment contract that waives any
8 substantive or procedural right or remedy relating to a claim of
9 discrimination, retaliation, or harassment shall be deemed against
10 public policy and unenforceable.

11 b. No right or remedy under the “Law Against Discrimination,”
12 P.L.1945, c.169 (C.10:5-1 et seq.) or any other statute or case law
13 shall be prospectively waived.

14 c. This section shall not apply to the terms of any collective
15 bargaining agreement between an employer and the collective
16 bargaining representative of the employees.

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18 2. A provision in any employment contract or agreement which
19 has the purpose or effect of concealing the details relating to a
20 claim of discrimination, retaliation, or harassment shall be deemed
21 against public policy and unenforceable.

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23 3. A person who enforces or attempts to enforce a provision
24 deemed against public policy and unenforceable pursuant to P.L. ,
25 c. (C.) (pending before the Legislature as this bill) shall be
26 liable for the employee’s reasonable attorney fees and costs.

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28 4. No person shall take any retaliatory action, including but not
29 limited to failure to hire, discharge, suspension, demotion,
30 discrimination in the terms, conditions, or privileges of
31 employment, or other adverse action, against a person, on grounds
32 that the person does not enter into an agreement or contract that
33 contains a provision deemed against public policy and
34 unenforceable pursuant to P.L. , c. (C.) (pending before the
35 Legislature as this bill).

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37 5. Any person claiming to be aggrieved by a violation of P.L. ,
38 c. (C.) (pending before the Legislature as this bill) may
39 initiate suit in Superior Court. An action pursuant to this section
40 shall be commenced within two years next after the cause of any
41 such action shall have accrued. All remedies available in common
42 law tort actions shall be available to prevailing plaintiffs. These
43 remedies are in addition to any provided by P.L. , c. (C.)
44 (pending before the Legislature as this bill) or any other statute. A
45 prevailing plaintiff shall be awarded reasonable attorney fees and
46 costs.

STATEMENT

The bill would take effect immediately and apply to all contracts and agreements entered into, renewed, modified, or amended on or after the effective date.