

Legal Update Article

Vermont Passes Law Aimed at Sexual Harassment Prevention

By

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Vermont’s “An act relating to the prevention of sexual harassment” makes numerous changes to state law related to sexual harassment. The act provides expansive protections for both current and prospective employees and creates new restrictions and obligations for employers. The changes go into effect on July 1, 2018.

The new provisions of Act No. 183 ([H. 707](#)), signed by Governor Phil Scott on May 28, 2018, include:

- Requiring that a working relationship with a person hired “to perform work or services” be free from sexual harassment. This language is broad and likely encompasses independent contractors and unpaid interns.
- Prohibiting employment contracts from containing provisions that prevent an employee from disclosing sexual harassment or waiving an employee’s rights or remedies with respect to a claim of sexual harassment.
- Prohibiting settlement agreements regarding claims of sexual harassment from including provisions that prevent an employee from working for the employer, or working for an affiliate of the employer, in the future.
- Requiring settlement agreements regarding claims of sexual harassment to include provisions stating the agreement does not prevent the employee from reporting sexual harassment to an appropriate government agency, complying with a discovery request or testifying at a hearing or trial related to a claim of sexual harassment, or exercising his or her right under state or federal labor law to engage in concerted activity for mutual aid and protection.
- Permitting the Attorney General or Human Rights Commission, with 48 hours’ notice, to inspect a place of business or employment for purposes of determining whether the employer is complying with the law related to sexual harassment.
- Directing the Attorney General and the Human Rights Commission to develop “mechanisms” for employees and members of the public to submit complaints of discrimination and sexual harassment. These mechanisms include, at a minimum, an easy-to-use portal on the Attorney General’s or Human Rights Commission’s website and a telephone hotline.
- Instructing the Vermont Commission on Women to develop educational and outreach materials regarding the laws related to and best practices for preventing sexual harassment.

In addition, the Commissioner of Labor is instructed to update the model notice and model poster to reflect the new law.

Vermont employers should ensure their policies and practices address this new law and comply with its provisions.

Jackson Lewis attorneys are available to answer inquiries regarding this new law and assist employers in achieving compliance with its requirements.

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