

STOP PUNISHING EMPLOYEES WHO HAVE BEEN DISCRIMINATED AGAINST!

THE RIGHT TO WORK IS A FUNDAMENTAL RIGHT

Work is the most important mechanism to realize one's hopes and dreams. It is the only path out of poverty for most Vermonters. Why then are we punishing employees who experience discrimination?

No-rehire clauses, also known as "Don't Darken My Door" clauses prohibit employees who complain of discrimination, from ever reapplying for work with that employer and its affiliates, even in a different capacity or location.

HOW DO THESE NO-REHIRE CLAUSES HURT EMPLOYEES?

No re-hire clauses have been used against employees with meritorious claims of discrimination. Employees may be barred from an entire industry. It has been used to force good employees out of work and even out of the state when no other employer of that same kind exists.

These clauses are retaliatory and entirely contrary to the legislative intent behind anti-discrimination laws, diversity, equity and inclusion policies, trainings, and efforts to mitigate and eradicate discrimination in this state.

No re-hire clauses hurt all employees because they create a chilling effect by disincentivizing people from coming forward when there are already so many barriers. It perpetuates a culture of discrimination within the workplace.

WHY ARE EMPLOYERS USING THESE CLAUSES?

Employers use no-rehire clauses as a negotiation tool to settle cases. These clauses have been boilerplate language in settlement agreements for years. They are rooted in the belief that someone who complains about their employer is problematic regardless of the legitimacy of the complaint.

WHY WOULD AN EMPLOYEE WANT TO WORK FOR THIS EMPLOYER AGAIN?

Many times, the employee remains at work and is able to transfer to a safer facility or be assigned to a different supervisor or manager. Other times, the perpetrator of the harassment or discrimination has been disciplined or terminated. Even if an employee leaves the workplace because of discrimination, they may want to return to it in the future if the environment has improved.

WOULD ELIMINATING NO-REHIRE CLAUSES HURT EMPLOYERS?

No. Eliminating no-rehire clauses will not have an impact on an employer's ability to remove a bad employee. Employers already have mechanisms and processes to discipline and/or terminate bad actors in the workplace. Furthermore, nothing requires that an employer hire someone other than the most qualified person for the position.

VERMONT HAS BEEN THE LEADER BUT THE WORK IS NOT DONE! Vermont was the first state to ban no-rehire clauses. In 2018, Vermont passed Act 183, a law that prohibits employers from barring survivors of sexual harassment from reapplying for work. That law passed with 131 votes out of 133 in the House and unanimously in the Senate. Why then aren't we protecting BIPOC, LGBTQIA or people with disabilities from the same?

HAVE QUESTIONS? NEED HELP?

If you think you have been the victim of discrimination, contact us:

Vermont Human Rights Commission (VHRC)

☎ 802-828-2480

☎ 800-416-2010 (in-state only)

✉ human.rights@vermont.gov

To learn more, visit:
HRC.VERMONT.GOV

12 Baldwin Street, Montpelier, VT 05633
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✉ human.rights@vermont.gov

"No country can ever truly flourish if it stifles the potential of its women and deprives itself of the contributions of half of its citizens." Michelle Obama