

# LEGISLATIVE PROPOSAL

**Title:** An Act to prohibit forced arbitration of racial and religious discrimination claims in employment.

1. Problem to be Solved Current Nevada employment contracts force victims of racial and religious discrimination into secret, binding arbitration. While federal law (the *Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021*) protects victims of sexual misconduct, no such protection exists for victims of racial or religious hate. This proposal closes that loophole.

## 2. Proposed Statutory Language

(Drafted following the "General Template" and "Amendatory" guidelines )

### SECTION 1. PROHIBITION ON MANDATORY ARBITRATION FOR DISCRIMINATION.

**(a) General Rule.** Notwithstanding any other provision of law, an employer may not require an employee to arbitrate a dispute arising from a claim of discrimination based on race, color, religion, or national origin as a condition of employment or continued employment.

**(b) Enforceability.** Any provision in a contract or agreement that violates subsection (a) is void and unenforceable as against the public policy of this State.

**(c) Retaliation Prohibited.** An employer may not retaliate against an employee for refusing to sign an agreement that contains a provision prohibited by subsection (a).

### SECTION 2. DEFINITIONS. For purposes of this Act:

1. **"Employer"** means any person or entity that employs one or more persons in this State.
2. **"Discrimination Claim"** means any claim alleging a violation of Title VII of the Civil Rights Act of 1964 or Chapter 613 of the Nevada Revised Statutes related to race, color, religion, or national origin.

**SECTION 3. EFFECTIVE DATE.** This Act shall take effect upon enactment and applies to any dispute or claim that arises or accrues on or after the date of enactment.