

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1539

By: Virgin

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5  
6 AS INTRODUCED

7 An Act relating to definitions and general  
8 provisions; amending 25 O.S. 2011, Sections 1302,  
9 1303, 1304, 1305 and 1306, which relate to  
10 discrimination in employment; expanding what  
11 constitutes discriminatory practices for certain  
12 entities; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 25 O.S. 2011, Section 1302, is  
15 amended to read as follows:

16 Section 1302. A. It is a discriminatory practice for an  
17 employer:

18 1. To fail or refuse to hire, to discharge, or otherwise to  
19 discriminate against an individual with respect to compensation or  
20 the terms, conditions, privileges or responsibilities of employment,  
21 because of race, color, religion, sex, national origin, age, genetic  
22 information or disability, unless the employer can demonstrate that  
23 accommodation for the disability would impose an undue hardship on  
24 the operation of the business of such employer; ~~or~~

1        2. To limit, segregate, or classify an employee or applicant  
2 for employment in a way which would deprive or tend to deprive an  
3 individual of employment opportunities or otherwise adversely affect  
4 the status of an employee, because of race, color, religion, sex,  
5 national origin, age, genetic information or disability, unless the  
6 employer can demonstrate that accommodation for the disability would  
7 impose an undue hardship on the operation of the business of such  
8 employer;

9        3. To take adverse action against an employee based on a  
10 reproductive health decision of an employee or an employee's spouse  
11 or dependent, including the use of any drug, device or medical  
12 service. Adverse action includes but is not limited to termination,  
13 demotion or refusal to promote or advance, loss of career specialty,  
14 reassignment to a different shift, reduction of wages or benefits,  
15 refusal to provide training opportunities or transfer to a different  
16 department, adverse administrative action or any other penalty, or  
17 disciplinary or retaliatory action;

18        4. To require an employee to sign a waiver or other document  
19 which purports to deny an employee, or an employee's spouse or  
20 dependent, the right to make their own reproductive health care  
21 decisions, including whether to use any particular drug, device or  
22 medical service; or

23        5. To retaliate against an employee for asserting rights or  
24 remedies pursuant to this section.

1 B. This section does not apply to the employment of an  
2 individual by his or her parents, spouse, or child or to employment  
3 in the domestic service of the employer.

4 C. An employer that provides an employee handbook to its  
5 employees shall include in the handbook notice of employee rights  
6 and remedies pursuant to this section.

7 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1303, is  
8 amended to read as follows:

9 Section 1303. It is a discriminatory practice for an employment  
10 agency ~~to~~:

11 1. To fail or refuse to refer for employment, or otherwise to  
12 discriminate against, an individual because of race, color,  
13 religion, sex, national origin, age, genetic information or  
14 disability, unless the agency can demonstrate that accommodation for  
15 the disability would impose an undue hardship on the operation of  
16 the business of such agency, or to classify or refer for employment  
17 an individual on the basis of race, color, religion, sex, national  
18 origin, age, genetic information or disability, unless the agency  
19 can demonstrate that accommodation for the disability would impose  
20 an undue hardship on the operation of the business of such agency;

21 2. To fail or refuse to refer for employment, or otherwise take  
22 adverse action against an individual based on a reproductive health  
23 decision of an individual or an individual's spouse or dependent,  
24 including the use of any drug, device or medical service. Adverse

1 action includes but is not limited to termination, demotion or  
2 refusal to promote or advance, loss of career specialty,  
3 reassignment to a different shift, reduction of wages or benefits,  
4 refusal to provide training opportunities or transfer to a different  
5 department, adverse administrative action or any other penalty, or  
6 disciplinary or retaliatory action;

7 3. To require an individual to sign a waiver or other document  
8 which purports to deny an individual, or an individual's spouse or  
9 dependent, the right to make their own reproductive health care  
10 decisions, including whether to use any particular drug, device or  
11 medical service; and

12 4. To retaliate against an individual for asserting rights or  
13 remedies under this section.

14 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1304, is  
15 amended to read as follows:

16 Section 1304. A. It is a discriminatory practice for a labor  
17 organization:

18 1. To exclude or to expel from membership, or otherwise to  
19 discriminate against, a member or applicant for membership because  
20 of race, color, religion, sex, national origin, age, genetic  
21 information or disability, unless the organization can demonstrate  
22 that accommodation for the disability would impose an undue hardship  
23 on the operation of the business of such organization;

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1           2. To limit, segregate, or classify membership, or to classify  
2 or to fail or refuse to refer for employment an individual in a way:

3           a. which would deprive or tend to deprive an individual  
4 of employment opportunities, or

5           b. which would limit employment opportunities or  
6 otherwise adversely affect the status of an employee  
7 or of an applicant for employment, because of race,  
8 color, religion, sex, national origin, age, genetic  
9 information or disability, unless the organization can  
10 demonstrate that accommodation for the disability  
11 would impose an undue hardship on the operation of the  
12 business of such organization; ~~or~~

13           3. To cause or attempt to cause an employer to violate Section  
14 1101 et seq. of this title;

15           4. To exclude or to expel from membership, or otherwise to take  
16 adverse action against a member or applicant for membership based on  
17 a reproductive health decision of the member or applicant or the  
18 member or applicant's spouse or dependent, including the use of any  
19 drug, device or medical service. Adverse action includes but is not  
20 limited to termination, demotion or refusal to promote or advance,  
21 loss of career specialty, reassignment to a different shift,  
22 reduction of wages or benefits, refusal to provide training  
23 opportunities or transfer to a different department, adverse  
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1 administrative action or any other penalty, or disciplinary or  
2 retaliatory action;

3 5. To require a member or applicant for membership to sign a  
4 waiver or other document which purports to deny a member or  
5 applicant, or a member's spouse or dependent, the right to make  
6 their own reproductive health care decisions, including whether to  
7 use any particular drug, device or medical service; and

8 6. To retaliate against an employee for asserting rights or  
9 remedies under this section.

10 B. A labor organization that provides a handbook to its members  
11 shall include in the handbook notice of rights and remedies pursuant  
12 to this section.

13 SECTION 4. AMENDATORY 25 O.S. 2011, Section 1305, is  
14 amended to read as follows:

15 Section 1305. It is a discriminatory practice for an employer,  
16 labor organization, or joint labor-management committee controlling  
17 apprenticeship, on-the-job, or other training or retraining program,  
18 ~~to~~:

19 1. To discriminate against an individual because of race,  
20 color, religion, sex, national origin, age, genetic information or  
21 disability, unless the employer, organization or committee can  
22 demonstrate that accommodation for the disability would impose an  
23 undue hardship on the operation of the business of such employer,  
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1 organization or committee, in admission to, or employment in, a  
2 program established to provide apprenticeship or other training;

3 2. To take adverse action against an individual based on a  
4 reproductive health decision of the member or an individual's spouse  
5 or dependent, including the use of any drug, device or medical  
6 service. Adverse action includes but is not limited to termination,  
7 demotion or refusal to promote or advance, loss of career specialty,  
8 reassignment to a different shift, reduction of wages or benefits,  
9 refusal to provide training opportunities or transfer to a different  
10 department, adverse administrative action or any other penalty, or  
11 disciplinary or retaliatory action;

12 3. To require an individual to sign a waiver or other document  
13 which purports to deny an individual, or an individual's spouse or  
14 dependent, the right to make their own reproductive health care  
15 decisions, including whether to use any particular drug, device or  
16 medical service; and

17 4. To retaliate against an individual for asserting rights or  
18 remedies pursuant to this section.

19 SECTION 5. AMENDATORY 25 O.S. 2011, Section 1306, is  
20 amended to read as follows:

21 Section 1306. It is a discriminatory practice for an employer,  
22 labor organization, or employment agency to print or publish or  
23 cause to be printed or published a notice or advertisement relating  
24 to employment by the employer or membership in or a classification

1 or referral for employment by the labor organization, or relating to  
2 a classification or referral for employment by the employment  
3 agency, indicating a preference, limitation, specification, or  
4 discrimination, based on race, color, religion, sex, national  
5 origin, age, genetic information, reproductive health or disability,  
6 unless the employer, organization or agency can demonstrate that  
7 accommodation for the disability would impose an undue hardship on  
8 the operation of the business of such employer, organization or  
9 agency; but a notice or advertisement may indicate a preference,  
10 limitation, specification, or discrimination based on religion, sex,  
11 or national origin when religion, sex, or national origin is a bona  
12 fide occupational qualification for employment.

13 SECTION 6. This act shall become effective November 1, 2017.

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15 56-1-6162 LRB 01/04/17

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