

1 SB375
2 212057-1
3 By Senators Smitherman, Coleman-Madison, Figures and Singleton
4 RFD: Judiciary
5 First Read: 01-APR-21

8 SYNOPSIS: Under existing state law, it is unlawful for
9 any person to discriminate against an individual
10 because of his or her race, color, religion, sex,
11 or national origin with respect to housing.

12 Under existing state law, it is also
13 unlawful for an employer to pay an employee at wage
14 rates less than those paid to employees of another
15 race or sex for substantially similar work.

16 Under existing state law, it is unlawful for
17 an employer, employment agency, or labor
18 organization to discriminate against a worker 40
19 years of age or over in hiring, job retention,
20 compensation, or other terms or conditions of
21 employment.

22 This bill would make it unlawful for a
23 person to deny any individual full and equal
24 enjoyment of public accommodations based upon
25 certain protected classes.

1 This bill would also make it unlawful for a
2 local school board to discriminate against any
3 individual based upon certain protected classes.

4 This bill would make it unlawful for an
5 employer or employment agency to discriminate
6 against any individual based upon certain protected
7 classes.

8 This bill would make it unlawful for a labor
9 organization to exclude or expel from its
10 membership, or otherwise to discriminate against,
11 any individual based upon certain protected
12 classes.

13 This bill would create a state cause of
14 action against an employer, employment agency, or
15 labor organization that discriminates against any
16 individual based upon certain protected classes.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to discrimination; to make it unlawful for
23 a person to deny any individual full and equal enjoyment of
24 public accommodations based upon certain protected classes; to
25 make it unlawful for a local school board to discriminate
26 against any individual based upon certain protected classes;
27 to make it unlawful for an employer or employment agency to

1 discriminate against any individual based upon certain
2 protected classes; to make it unlawful for a labor
3 organization to exclude or expel from its membership, or
4 otherwise discriminate against, any individual based upon
5 certain protected classes; and to create a state cause of
6 action against an employer, employment agency, or labor
7 organization that discriminates against any individual based
8 upon certain protected classes.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. As used in this act, the following terms
11 have the following meanings:

12 (1) PLACE OF PUBLIC ACCOMMODATION, RESORT, or
13 AMUSEMENT. Any place, store, or other establishment, either
14 licensed or unlicensed, which supplies goods or services to
15 the general public or which solicits or accepts the patronage
16 or trade of the general public or which is supported directly
17 or indirectly by government funds.

18 (2) PROTECTIVE HAIRSTYLES. Hairstyles, including but
19 not limited to, braids, locks, and twists.

20 (3) RACE. Ancestry, color, ethnic group
21 identification, and ethnic background, and traits historically
22 associated with race, including, but not limited to, skin
23 complexion, hair texture, and protective hairstyles.

24 (4) RELIGIOUS ORGANIZATION. An organization whose
25 main purpose is to study or advance religion. The term does
26 not include any organization that teaches or advocates hatred
27 or superiority based on race or ethnicity.

1 Section 2. (a) It is unlawful for a person to deny
2 any individual the full and equal enjoyment of the goods,
3 services, facilities, privileges, advantages, and
4 accommodations of a place of public accommodation, resort, or
5 amusement on the basis of race, religion, sex, age,
6 disability, or national origin.

7 (b) A place of public accommodation, resort, or
8 amusement does not include any of the following:

9 (1) A private club whose policies are determined by
10 its members and its facilities or services are available only
11 to its members and their bona fide guests.

12 (2) A rooming or boarding house containing not more
13 than one room for rent or hire and which is within a building
14 occupied by the proprietor as his or her residence.

15 (3) A religious organization and its activities and
16 facilities if compliance with this section would be
17 inconsistent with the religious tenets of the organization.

18 Section 3. It is unlawful for a local school board
19 to discriminate against any individual on the basis of race,
20 sex, disability, or national origin.

21 Section 4. (a) It shall be an unlawful employment
22 practice for an employer to fail or refuse to hire, or
23 discharge any individual, or to otherwise discriminate against
24 any individual with respect to his or her terms, conditions,
25 or benefits of employment, because of his or her race,
26 religion, sex, age, disability, or national origin.

1 (b) It shall be an unlawful employment practice for
2 an employment agency to fail or refuse to refer for
3 employment, or otherwise to discriminate against, any
4 individual because of his or her race, religion, sex, age,
5 disability, or national origin, or to classify or refer for
6 employment any individual on the basis of his or her
7 race, religion, sex, age, disability, or national origin.

8 (c) It shall be an unlawful employment practice for
9 a labor organization to exclude or to expel from its
10 membership, or otherwise to discriminate against, any
11 individual because of his or her race, religion, sex, age,
12 disability, or national origin.

13 (d) An employer, employment agency, or labor
14 organization shall be deemed to have engaged in an action
15 prohibited under this subsection if the individual's race,
16 religion, sex, age, disability, or national origin was a
17 motivating factor in the action, unless the employer,
18 employment agency, or labor organization can prove that there
19 was a legitimate, nondiscriminatory reason for the action.

20 (e) An employer, employment agency, or labor
21 organization may not take any adverse employment action
22 against, or otherwise discriminate against, any individual
23 because the individual has done any of the following:

24 (1) Taken an action to enforce a protection afforded
25 any individual under this act.

26 (2) Testified or otherwise made a statement in or in
27 connection with any proceeding under this act.

1 (3) Assisted or otherwise participated in an
2 investigation under this act.

3 (4) Exercised a right provided for under this act.

4 (f) An employer, employment agency, or labor
5 organization shall be deemed to have engaged in an action
6 prohibited under subsection (e) if the individual's action to
7 enforce a protection afforded any individual under this act,
8 testimony or making of a statement in connection with any
9 proceeding under this act, assistance or other participation
10 in an investigation under this act, or exercise of a right
11 provided for under this act, is a motivating factor in the
12 action, unless the employer, employment agency, or labor
13 organization can prove that there was a legitimate,
14 nondiscriminatory reason for the action.

15 Section 5. (a) Any individual whose rights under
16 Section 4 have been violated by an employer, employment
17 agency, or labor organization may bring a cause of action
18 against the employer, employment agency, or labor
19 organization.

20 (b) In any action filed under this section, the
21 court may award relief and require the employer, employment
22 agency, or labor organization to do any one or more of the
23 following:

24 (1) Comply with Section 4.

25 (2) Compensate the individual for any loss of wages
26 or benefits suffered by reason of a failure to comply with
27 Section 4.

1 (3) Pay the individual liquidated damages in an
2 amount equal to the amount of lost wages or benefits suffered
3 by reason of a failure to comply with Section 4, if the court
4 determines that the failure to comply was willful.

5 (c) No fees or court costs may be charged or taxed
6 against any individual who brings a cause of action under
7 subsection (a).

8 (d) If an individual who obtained private counsel to
9 bring an action or proceeding under subsection (a) prevails in
10 the action or proceeding, the court may award the individual
11 reasonable attorney fees, expert witness fees, and other
12 litigation expenses.

13 Section 6. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.