

## [N.M. Stat. Ann. § 50-4-36](#)

Current with all 2020 legislation, including the 54th Legislature's 2nd Regular and 1st Special sessions

*Michie's™ Annotated Statutes of New Mexico > Chapter 50 Employment Law (Arts. 1 — 16) > Article 4 Labor Conditions; Payment of Wages (§§ 50-4-1 — 50-4-36)*

### **50-4-36. Workplace sexual harassment, discrimination and retaliation claims; nondisclosure agreements and certain actions prohibited.**

**A.** A private employer shall not, as a term of employment, require an employee to sign a nondisclosure provision of a settlement agreement relating to a claim of sexual harassment, discrimination or retaliation in the workplace brought by the employee or prevent the employee from disclosing a claim of sexual harassment, discrimination or retaliation occurring in the workplace or at a work-related event coordinated by or through the employer.

**B.** This section does not prohibit a settlement agreement between an employee or former employee alleging sexual harassment, discrimination or retaliation from containing confidentiality provisions. A confidentiality provision is permitted when:

- (1) it relates to the monetary amount of a settlement; or
- (2) at the employee's request, it prohibits disclosure of facts that could lead to the identification of the employee.

**C.** At the sole request of the employee, a settlement agreement subject to this section may contain a confidentiality provision that prevents the disclosure of factual information related to the underlying sexual harassment, discrimination or retaliation claim. The provisions of this subsection shall not be construed to prevent disclosure of information that is the subject of the confidentiality provision if disclosure is required to be made in a judicial, administrative or other governmental proceeding pursuant to a valid subpoena or other applicable order as otherwise required by law.

**D.** Except as provided in Subsections B and C of this section, a confidentiality provision in a settlement agreement subject to this section is void and unenforceable as a matter of law.

### **History**

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[2020, ch. 16, § 1](#), effective May 20, 2020.

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