

By: Leibowitz

H.B. No. 2298

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibiting discrimination against certain employees  
3 who sustain an injury in the course and scope of employment.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 451.001, Labor Code, is amended to read  
6 as follows:

7 Sec. 451.001. DISCRIMINATION AGAINST EMPLOYEES PROHIBITED.

8 (a) A person may not discharge or in any other manner discriminate  
9 against an employee whose employer has workers' compensation  
10 insurance coverage because the employee has:

11 (1) filed a workers' compensation claim in good faith;

12 (2) hired a lawyer to represent the employee in a  
13 workers' compensation claim;

14 (3) instituted or caused to be instituted in good  
15 faith a proceeding under Subtitle A; or

16 (4) testified or is about to testify in a proceeding  
17 described by Subdivision (3) [~~under Subtitle A~~].

18 (b) A person may not discharge or in any other manner  
19 discriminate against an employee whose employer does not have  
20 workers' compensation insurance coverage because the employee has:

21 (1) instituted or caused to be instituted in good  
22 faith a proceeding under common law relating to an injury sustained  
23 by the employee in the course and scope of the employee's  
24 employment, including an action described by Section 406.033; or

1           (2) testified or is about to testify in a proceeding  
2 described by Subdivision (1).

3           SECTION 2. The change in law made by this Act applies only  
4 to a cause of action that accrues on or after the effective date of  
5 this Act. A cause of action that accrues before that date is  
6 governed by the law as it existed immediately before the effective  
7 date of this Act, and that law is continued in effect for that  
8 purpose.

9           SECTION 3. This Act takes effect September 1, 2007.