

BILL ANALYSIS

Senate Research Center
84R380 JSC-D

H.B. 1151
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Natural Resources & Economic Development
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A recent federal court ruling in a suit relating to sexual harassment of an unpaid intern established that there was no claim because the law protects paid employees, not unpaid interns. This result led to the enactment of legislation to protect unpaid interns from sexual harassment in a number of states. Interested parties contend that the lack of certain legal protections for unpaid interns may leave the door open for employers to take advantage of this vulnerable workforce group in Texas. H.B. 1151 seeks to address this concern.

H.B. 1151 amends current law relating to sexual harassment protection for unpaid interns.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 21, Labor Code, by adding Section 21.1065, as follows:

Sec. 21.1065. SEXUAL HARASSMENT PROTECTIONS FOR UNPAID INTERNS.

(a) Defines "sexual harassment."

(b) Provides that an employer commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the employer or the employer's agents or supervisors:

(1) know or should have known that the conduct constituting sexual harassment was occurring; and

(2) fail to take immediate and appropriate corrective action.

(c) Provides that, in this section, an individual is considered to be an unpaid intern of an employer if:

(1) the individual's internship, even though it includes engagement in the employer's operations or the performance of productive work for the employer, is similar to training that would be given in an educational environment;

(2) the individual's internship experience is for the individual's benefit;

(3) the individual does not displace the employer's regular employees but works under close supervision of the employer's existing staff;

(4) the employer does not derive any immediate advantage from the individual's internship activities and on occasion the employer's operations may be impeded by those activities;

(5) the individual is not entitled to a job at the conclusion of the internship; and

(6) the individual is not entitled to wages for the time spent in the internship.

SECTION 2. Provides that the change in law made by this Act applies only to a claim of discrimination based on conduct that occurs on or after the effective date of this Act. Provides that a claim of discrimination that is based on conduct that occurs before the effective date of this Act is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2015.