

BILL ANALYSIS

S.B. 46
By: Zaffirini
International Relations & Economic Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that current law does not sufficiently provide for protections against sexual harassment in the workplace for employees who work for an employer with a workforce count below a certain threshold. Further concerns have been raised regarding a lack of explicit language defining sexual harassment as an unlawful employment practice. S.B. 46 seeks to address these concerns by removing the workforce count threshold for purposes of employment discrimination law relating to sexual harassment of an employee and defining sexual harassment for those purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 46 amends the Labor Code to establish that an employer, defined by the bill as a person who employs one or more employees or acts directly in the interests of an employer in relation to an employee, commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. The bill defines "sexual harassment."

EFFECTIVE DATE

September 1, 2019.