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By:  Neave H.B. No. 1527

A BILL TO BE ENTITLED

AN ACT

relating to an employee's liability for sexual harassment.

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

SECTION 1.  Section 21.002(13), Labor Code, is amended to read as follows:

(13)  "Respondent" means the person charged in a complaint filed under this chapter and may include an employer, employee, employment agency, labor organization, or joint labor-management committee that controls an apprenticeship or other training or retraining program, including an on-the-job training program.

SECTION 2.  Subchapter B, Chapter 21, Labor Code, is amended by adding Section 21.062 to read as follows:

Sec. 21.062.  DISCRIMINATION BY EMPLOYEE. (a) In this section, "sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

(1)  submission to the advance, request, or conduct is made a term or condition of an individual's employment, either explicitly or implicitly;

(2)  submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision affecting the individual's employment;

(3)  the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or

(4)  the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

(b)  An employee commits an unlawful employment practice if the employee engages in sexual harassment of another employee.

SECTION 3.  Section 21.2585, Labor Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d)  Except as provided by Subsection (f), the [~~The~~] sum of the amount of compensatory damages awarded under this section for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and the amount of punitive damages awarded under this section may not exceed, for each complainant:

(1)  $50,000 in the case of a respondent that has fewer than 101 employees;

(2)  $100,000 in the case of a respondent that has more than 100 and fewer than 201 employees;

(3)  $200,000 in the case of a respondent that has more than 200 and fewer than 501 employees; and

(4)  $300,000 in the case of a respondent that has more than 500 employees.

(f)  Subsection (d) does not apply to damages awarded against an employee.

SECTION 4.  The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2019.