

By: Zaffirini

S.B. No. 46

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prohibition against sexual harassment in the  
3 workplace.

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

5 SECTION 1. Chapter 21, Labor Code, is amended by adding  
6 Subchapter C-1 to read as follows:

7 SUBCHAPTER C-1. SEXUAL HARASSMENT

8 Sec. 21.141. DEFINITIONS. In this subchapter:

9 (1) "Employer" means a person who:

10 (A) employs one or more employees; or

11 (B) acts directly in the interests of an employer  
12 in relation to an employee.

13 (2) "Sexual harassment" means an unwelcome sexual  
14 advance, a request for a sexual favor, or any other verbal or  
15 physical conduct of a sexual nature if:

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

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

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

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

4                    Sec. 21.142. UNLAWFUL EMPLOYMENT PRACTICE. An employer  
5 commits an unlawful employment practice if sexual harassment of an  
6 employee occurs and the employer or the employer's agents or  
7 supervisors:

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

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

12                    SECTION 2. The change in law made by this Act applies only  
13 to a claim based on conduct that occurs on or after the effective  
14 date of this Act. A claim that is based on conduct that occurs  
15 before the effective date of this Act is governed by the law in  
16 effect on the date the conduct occurred, and the former law is  
17 continued in effect for that purpose.

18                    SECTION 3. This Act takes effect September 1, 2019.