

1-1 By: Zaffirini S.B. No. 46
1-2 (In the Senate - Filed November 12, 2018; February 1, 2019,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 8, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 46 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the prohibition against sexual harassment in the
1-22 workplace.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 21, Labor Code, is amended by adding
1-25 Subchapter C-1 to read as follows:

1-26 SUBCHAPTER C-1. SEXUAL HARASSMENT

1-27 Sec. 21.141. DEFINITIONS. In this subchapter:

1-28 (1) "Employer" means a person who:

1-29 (A) employs one or more employees; or

1-30 (B) acts directly in the interests of an employer
1-31 in relation to an employee.

1-32 (2) "Sexual harassment" means an unwelcome sexual
1-33 advance, a request for a sexual favor, or any other verbal or
1-34 physical conduct of a sexual nature if:

1-35 (A) submission to the advance, request, or
1-36 conduct is made a term or condition of an individual's employment,
1-37 either explicitly or implicitly;

1-38 (B) submission to or rejection of the advance,
1-39 request, or conduct by an individual is used as the basis for a
1-40 decision affecting the individual's employment;

1-41 (C) the advance, request, or conduct has the
1-42 purpose or effect of unreasonably interfering with an individual's
1-43 work performance; or

1-44 (D) the advance, request, or conduct has the
1-45 purpose or effect of creating an intimidating, hostile, or
1-46 offensive working environment.

1-47 Sec. 21.142. UNLAWFUL EMPLOYMENT PRACTICE. An employer
1-48 commits an unlawful employment practice if sexual harassment of an
1-49 employee occurs and the employer or the employer's agents or
1-50 supervisors:

1-51 (1) know or should have known that the conduct
1-52 constituting sexual harassment was occurring; and

1-53 (2) fail to take immediate and appropriate corrective
1-54 action.

1-55 SECTION 2. The change in law made by this Act applies only
1-56 to a claim based on conduct that occurs on or after the effective
1-57 date of this Act. A claim that is based on conduct that occurs
1-58 before the effective date of this Act is governed by the law in
1-59 effect on the date the conduct occurred, and the former law is
1-60 continued in effect for that purpose.

2-1 SECTION 3. This Act takes effect September 1, 2019.

2-2 * * * * *