By: Zaffirini S.B. No. 45

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	<pre>physical conduct of a sexual nature if:</pre>
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 <u>action</u>.
- 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.
- SECTION 3. This Act takes effect September 1, 2021.