

1-1 By: Zaffirini S.B. No. 45  
 1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 17, 2021, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 17, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the prohibition against sexual harassment in the  
 1-20 workplace.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 21, Labor Code, is amended by adding  
 1-23 Subchapter C-1 to read as follows:

1-24 SUBCHAPTER C-1. SEXUAL HARASSMENT

1-25 Sec. 21.141. DEFINITIONS. In this subchapter:

1-26 (1) "Employer" means a person who:

1-27 (A) employs one or more employees; or

1-28 (B) acts directly in the interests of an employer  
 1-29 in relation to an employee.

1-30 (2) "Sexual harassment" means an unwelcome sexual  
 1-31 advance, a request for a sexual favor, or any other verbal or  
 1-32 physical conduct of a sexual nature if:

1-33 (A) submission to the advance, request, or  
 1-34 conduct is made a term or condition of an individual's employment,  
 1-35 either explicitly or implicitly;

1-36 (B) submission to or rejection of the advance,  
 1-37 request, or conduct by an individual is used as the basis for a  
 1-38 decision affecting the individual's employment;

1-39 (C) the advance, request, or conduct has the  
 1-40 purpose or effect of unreasonably interfering with an individual's  
 1-41 work performance; or

1-42 (D) the advance, request, or conduct has the  
 1-43 purpose or effect of creating an intimidating, hostile, or  
 1-44 offensive working environment.

1-45 Sec. 21.142. UNLAWFUL EMPLOYMENT PRACTICE. An employer  
 1-46 commits an unlawful employment practice if sexual harassment of an  
 1-47 employee occurs and the employer or the employer's agents or  
 1-48 supervisors:

1-49 (1) know or should have known that the conduct  
 1-50 constituting sexual harassment was occurring; and

1-51 (2) fail to take immediate and appropriate corrective  
 1-52 action.

1-53 SECTION 2. The change in law made by this Act applies only  
 1-54 to a claim based on conduct that occurs on or after the effective  
 1-55 date of this Act. A claim that is based on conduct that occurs  
 1-56 before the effective date of this Act is governed by the law in  
 1-57 effect on the date the conduct occurred, and the former law is  
 1-58 continued in effect for that purpose.

1-59 SECTION 3. This Act takes effect September 1, 2021.

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