

By: Harrison

H.B. No. 4114

A BILL TO BE ENTITLED

AN ACT

relating to unlawful employment practices with respect to the exercise of the right of free speech, right to petition, and right of association.

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

SECTION 1. Section 21.055, Labor Code, is amended to read as follows:

Sec. 21.055. RETALIATION. (a) An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against a person who, under this chapter:

- (1) opposes a discriminatory practice;
- (2) makes or files a charge;
- (3) files a complaint; or
- (4) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing.

(b) An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against a person who engages in lawful conduct involving the exercise of civil rights guaranteed by the Constitution of the United States or of this state:

- (1) during a period of time that is not during the person's assigned working hours; and

1 (2) in a location that is not the person's work site or
2 on the premises of the employer, labor union, or employment agency,
3 unless such work site or premises is also the person's place of
4 residence.

5 (c) Subsection (b) does not apply to employers, labor
6 unions, or employment agencies that are religious organizations,
7 including any place of worship, any religious charity, place of
8 education, or ministry, or any other organization that is organized
9 for a religious purpose or has declared in its governing documents
10 or through a resolution that it operates in accordance with
11 sincerely-held religious principles.

12 SECTION 2. The change in law made by this Act applies only
13 to an unlawful employment practice that occurs on or after the
14 effective date of this Act.

15 SECTION 3. This Act takes effect September 1, 2023.