

By: West

S.B. No. 2868

A BILL TO BE ENTITLED

AN ACT

relating to unlawful employment practices based on sexual harassment, including complaints and civil actions arising from those practices.

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 an individual ~~[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) The protections against retaliation and discrimination provided by this section apply to an individual who engages in an act listed under Subsection (a) in relation to a discriminatory practice based on sexual harassment under Subchapter C-1.

SECTION 2. Section 21.141(2), Labor Code, is amended to read as follows:

- (2) "Sexual harassment" means an unwelcome sexual

1 advance, a request for a sexual favor, or any other verbal or  
2 physical conduct of a sexual nature if:

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

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

9 (C) the advance, request, or conduct has the  
10 purpose or effect of unreasonably interfering with an individual's  
11 work performance; or

12 (D) the advance, request, or conduct has the  
13 purpose or effect of creating an intimidating, hostile, abusive, or  
14 offensive working environment.

15 SECTION 3. Section [21.254](#), Labor Code, is amended to read as  
16 follows:

17 Sec. 21.254. CIVIL ACTION BY COMPLAINANT. Except as  
18 provided by Section 21.2545, within ~~Within~~ 60 days after the date  
19 a notice of the right to file a civil action is received, the  
20 complainant may bring a civil action against the respondent.

21 SECTION 4. Subchapter [F](#), Chapter [21](#), Labor Code, is amended  
22 by adding Section 21.2545 to read as follows:

23 Sec. 21.2545. CIVIL ACTION BY COMPLAINANT BASED ON SEXUAL  
24 HARASSMENT. Notwithstanding Sections [21.201](#), [21.211](#), and [21.254](#),  
25 an individual may bring a civil action for damages or other relief  
26 arising from an unlawful employment practice based on sexual  
27 harassment under Subchapter C-1 regardless of whether:

1           (1) the individual has filed a complaint with the  
2 commission based on the grievance; or

3           (2) if the individual has filed a complaint with the  
4 commission based on the grievance, the complaint is still pending  
5 or the individual has not received a notice of the right to file a  
6 civil action.

7           SECTION 5. Section 21.256, Labor Code, is amended to read as  
8 follows:

9           Sec. 21.256. STATUTE OF LIMITATIONS. A civil action may not  
10 be brought under this subchapter later than the second anniversary  
11 of the date the complaint relating to the action is filed, except  
12 that for a civil action arising from an unlawful employment  
13 practice based on sexual harassment under Subchapter C-1 filed  
14 without filing a complaint as described by Section 21.2545(1), the  
15 civil action may not be brought later than the second anniversary of  
16 the date the conduct constituting an unlawful employment practice  
17 under Subchapter C-1 occurred.

18           SECTION 6. Section 21.2585, Labor Code, is amended by  
19 amending Subsection (d) and adding Subsection (f) to read as  
20 follows:

21           (d) Except as provided by Subsection (f), the ~~The~~ sum of  
22 the amount of compensatory damages awarded under this section for  
23 future pecuniary losses, emotional pain, suffering, inconvenience,  
24 mental anguish, loss of enjoyment of life, and other nonpecuniary  
25 losses and the amount of punitive damages awarded under this  
26 section may not exceed, for each complainant:

27           (1) \$50,000 in the case of a respondent that has fewer

1 than 101 employees;

2 (2) \$100,000 in the case of a respondent that has more  
3 than 100 and fewer than 201 employees;

4 (3) \$200,000 in the case of a respondent that has more  
5 than 200 and fewer than 501 employees; and

6 (4) \$300,000 in the case of a respondent that has more  
7 than 500 employees.

8 (f) Subsection (d) does not apply to a civil action for  
9 damages arising from an unlawful employment practice based on  
10 sexual harassment under Subchapter C-1. A civil action described  
11 by this subsection is subject to Section 41.008, Civil Practice and  
12 Remedies Code.

13 SECTION 7. The changes in law made by this Act apply only to  
14 a claim or action based on conduct occurring on or after the  
15 effective date of this Act. A claim or action based on conduct  
16 occurring before that date is governed by the law in effect on the  
17 date the conduct occurred, and the former law is continued in effect  
18 for that purpose.

19 SECTION 8. This Act takes effect September 1, 2025.