S.B. No. 45

AN ACT

relating to the prohibition against sexual harassment in the workplace.

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

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

SUBCHAPTER C-1. SEXUAL HARASSMENT

Sec. 21.141. DEFINITIONS. In this subchapter:

(1) "Employer" means a person who:

(A) employs one or more employees; or

(B) acts directly in the interests of an employer in relation to an employee.

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

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

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

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

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

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

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

(2) fail to take immediate and appropriate corrective action.

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

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

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President of the Senate Speaker of the House

I hereby certify that S.B. No. 45 passed the Senate on March 25, 2021, by the following vote: Yeas 29, Nays 1.

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Secretary of the Senate

I hereby certify that S.B. No. 45 passed the House on

May 14, 2021, by the following vote: Yeas 104, Nays 25, one present not voting.

_____
Chief Clerk of the House

Approved:

_____
Date

_____
Governor