

## **BILL ANALYSIS**

C.S.H.B. 2279

By: Zwiener

International Relations & Economic Development  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There is a concern that, although employees of small entities may not require less protection from sexual harassment in the workplace, current law does not sufficiently provide for such claims against an employer with a workforce count below a certain threshold. C.S.H.B. 2279 seeks to address this concern by removing that threshold for purposes of employment discrimination law relating to sexual harassment of an employee.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2279 amends the Labor Code to establish that an employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. The bill provides for the meaning of "sexual harassment" and defines "employer," for purposes of this unlawful employment practice, as a person who employs one or more employees or acts directly in the interests of an employer in relation to an employee.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2279 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include an employee within existing statutory provisions of employment discrimination law relating to sexual harassment of an unpaid intern and does not apply the bill's definition of "employer" to those provisions, but the substitute establishes an unlawful employment practice relating to sexual harassment of an employee using a revised definition of "employer" that does not include a person who acts indirectly in the interests of an employer in relation to an employee.