

BILL ANALYSIS

Senate Research Center
86R1840 JSC-D

S.B. 46
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill addresses two issues related to sexual harassment. First, protections against sexual harassment in current law apply only to persons who work for an employer with 15 or more employees. Second, while sexual harassment is recognized as a form of gender discrimination, the Labor Code does include any language explaining this. Because victims of sexual harassment often are hesitant to report misconduct, it is particularly important that state law provide victims with clear notice regarding their right to work in an environment free of sexual harassment.

This bill would establish sexual harassment protections that cover all employers, not just those with 15 employees or more, which would ensure that all Texans enjoy protections against inappropriate behavior in the workplace. What's more, it would add explicit language to the Labor Code to define sexual harassment and make it clear that it is an unlawful employment practice.

As proposed, S.B. 46 amends current law relating to the prohibition against sexual harassment in the workplace.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21, Labor Code, by adding Subchapter C-1, and adding a heading to that subchapter, to read as follows:

SUBCHAPTER C-1. SEXUAL HARASSMENT

SECTION 2. Transfers Section 21.1065, Labor Code, to Subchapter C-1, Chapter 21, Labor Code, as added by this Act, redesignates it as Sections 21.141, 21.142, and 21.143, Labor Code, and amends it, as follows:

Sec. 21.141. New heading: DEFINITIONS. Defines "employer" and "sexual harassment." Makes nonsubstantive changes.

Sec. 21.142. UNLAWFUL EMPLOYMENT PRACTICE. Provides that an employer commits an unlawful employment practice if sexual harassment of an employee or unpaid intern 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.

Sec. 21.143. UNPAID INTERNS. Creates section from existing text of Section 21.1065(c). Makes a nonsubstantive change.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.