

BILL ANALYSIS

S.B. 45
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International Relations & Economic Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law does not define sexual harassment as an unlawful employment practice, except in regard to unpaid interns, and the protections currently provided against sexual harassment apply only to employees of a company consisting of 15 or more employees. S.B. 45 seeks to address this issue by establishing 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.

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

S.B. 45 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, 2021.