

- SUBJECT:** Failing to act on sexual harassment as unlawful employment practice
- COMMITTEE:** International Relations and Economic Development — favorable, without amendment
- VOTE:** 9 ayes — Anchia, Frullo, Blanco, Cain, Larson, Metcalf, Perez, Raney, Romero
0 nays
- SENATE VOTE:** On final passage, April 17 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** *On House companion bill, HB 2279:*
For — Rebecca Eisenbrey, Equal Justice Center; Laura De La Paz, Hays Caldwell Women's Center; Joell Beagle, The SAFE Alliance; Alicia Weigel; (*Registered, but did not testify:* Rene Lara, Texas AFL-CIO; Chris Kaiser, Texas Association Against Sexual Assault; Julie Gilberg; Idona Griffith; Thomas Parkinson; Elisa Saslavsky; Arthur Simon)

Against — (*Registered, but did not testify:* John McCord, National Federation of Independent Business)

On — Lowell Keig, Texas Workforce Commission
- BACKGROUND:** Some have suggested that current law does not sufficiently provide for protections against sexual harassment in the workplace for all employees. Others have noted a lack of explicit language defining sexual harassment as an unlawful employment practice.
- DIGEST:** SB 46 would make it an unlawful employment practice if sexual harassment of an employee occurred and the employer knew or should have known that the conduct was occurring and failed to take immediate and appropriate corrective action.

Under the bill, an employer would mean a person who employed one or more employees or acted directly in the interests of an employer in

relation to an employee.

Sexual harassment would mean an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

- submission to the conduct was made an implicit or explicit condition of an individual's employment;
- submission to or rejection of the conduct was used as the basis for a decision affecting an individual's employment;
- the conduct unreasonably interfered with an individual's work performance; or
- the conduct had the purpose or effect of creating an intimidating, hostile, or offensive working environment.

SB 46 would take effect September 1, 2019, and would apply only to a claim based on conduct that occurred on or after that date.