

- SUBJECT:** Making failure of employer to act on sexual harassment unlawful
- COMMITTEE:** International Relations and Economic Development — favorable, without amendment
- VOTE:** 7 ayes — Button, C. Morales, Beckley, C. Bell, Canales, Metcalf, Ordaz Perez
- 0 nays
- 2 absent — Hunter, Larson
- WITNESSES:** For — Katherine Strandberg, Texas Association Against Sexual Assault; Adam Orman, Texas Business First; (*Registered, but did not testify*: Kevin Stewart, American Association of University Women, Texas Chapter; Caitlin Boehne, Equal Justice Center; Rene Lara, Texas AFL-CIO; Dena Donaldson, Texas AFT; Stephanie Gharakhanian, Workers Defense Action Fund; Idona Griffith; Vanessa MacDougal; Thomas Parkinson)
- Against — None
- On — Bryan Snoddy, Texas Workforce Commission
- BACKGROUND:** Some have called for establishing that a person who employs at least one person commits an unlawful practice if sexual harassment of an employee occurs and the person fails to take action.
- DIGEST:** HB 48 would make it an unlawful employment practice if sexual harassment of an employee occurred and the employer or the employer's agents or supervisors:
- knew or should have known that the conduct constituting sexual harassment was occurring; and
  - failed to take immediate and appropriate corrective action.

"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 advance, request, or conduct was made a term or condition of an individual's employment, either explicitly or implicitly;
- submission to or rejection of the advance, request, or conduct by an individual was used as the basis for a decision affecting the individual's employment;
- the advance, request, or conduct had the purpose or effect of unreasonably interfering with an individual's work performance; or
- the advance, request, or conduct had the purpose or effect of creating an intimidating, hostile, or offensive working environment.

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

The bill would take effect September 1, 2021, and would apply only to a claim based on conduct that occurred on or after that date.