

BILL ANALYSIS

Senate Research Center

H.B. 768
By: Junell (Duncan)
Economic Development
5-14-97
Engrossed

DIGEST

Currently, if a company chooses to terminate an employee who has a workers' compensation claim in the background of the company, the employee has to prove that the employer's motivation for termination was linked to the worker's historical compensation claim. If the employee is able to prove that the termination was based on a historical claim, the employee may recover damages incurred as a result of the employer's actions. This bill limits damages available in a suit for retaliatory discharge due to a workers' compensation claim to economic damages.

PURPOSE

As proposed, H.B. 768 limits damages available in a suit for retaliatory discharge due to a workers' compensation claim to economic damages.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 451.002, Labor Code, by adding Subsection (d), to provide that "reasonable damages" does not include damages for pain and suffering, mental anguish, loss associated with disfigurement, or loss of companionship or consortium.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.