

A REMINDER FOR EMPLOYERS: EXPANDED RESPONSIBILITY & LIABILITY FOR SEXUAL HARASSMENT CLAIMS IN TX

In the dynamic landscape of legal regulations, it's crucial for businesses to stay informed about recent legislation to ensure ongoing compliance. As part of our commitment to keeping our clients updated, we want to revisit 3 significant laws that took effect in September 2021 in Texas: Senate Bill 45 ("S.B. 45"), Senate Bill 282 ("S.B. 282"), and House Bill 21 ("H.B. 21). These laws, signed by Governor Greg Abbott, amended crucial aspects of the Texas Commission on Human Rights Act ("the Act") with a focus on extending protections for victims of sexual harassment in the workplace.

Expansion of Employer Definition

S.B. 45 introduced a pivotal change by expanding the definition of an employer to now include businesses with a minimum of one employee. This is a significant extension from the federal threshold of 15 employees. It's important to note that the employer definition applies specifically when sexual harassment charges are brought against the employer.

Broader Scope of Tortfeasors

S.B. 45 also widened the scope of individuals liable for sexual harassment, now including supervisors, managers, or other agents of the employer, who fail to take immediate corrective action and can be held individually liable for the harms caused to victims of sexual harassment. The shift from a requirement for a prompt response to an "immediate and appropriate" action aims to reduce the burden on employees asserting sexual harassment claims.

Extended Filing Period

H.B. 21 increased the statutory filing period for sexual harassment claims from 180 to 300 days. This gives Texas employees an additional 120 days to file a claim with the Equal Employment Opportunity Commission (EEOC). The extended timeframe mirrors the 300-day standard under federal law.

Restrictions on Taxpayer Dollars

S.B. 282 introduced measures to prevent the use of taxpayer dollars to pay sexual harassment awards against appointed or elected officials and their staff. This legislative move emphasized financial accountability by stipulating that public funds cannot be used to settle claims against government officials.

Ensuring Compliance:

To remain consistently compliant with these legislative changes, employers are advised to:

- Regularly review and revise handbook policies addressing discrimination and harassment. Policies should clearly articulate reporting procedures for employees and mandate an *immediate* investigation of sexual harassment complaints. Additionally, provisions for appropriate corrective action should be included.
- Prioritize robust sexual harassment prevention training for employees. This training should encompass awareness, reporting mechanisms, and the importance of creating a safe and respectful workplace culture.

Moving Forward:

Staying abreast of legislative changes is a cornerstone of effective business management. By understanding and implementing policy changes based on these September 2021 amendments, employers can foster a workplace environment that upholds the rights and protections of all employees. Regular policy reviews and comprehensive training programs are essential tools in navigating the evolving landscape of workplace regulations. As always, please reach out to us if you need help with implementing policy changes or conducting training or with any questions or concerns.

For More Information

If you have any questions, please contact our HR team at **210-775-6082**, toll-free at **1-888-757-2104**, or HRmanagement@BFGonline.com.



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