

e-Alert

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Texas Passes New Law on Sexual Harassment

Background

Effective September 1, 2021, Texas is boosting safeguards against sexual harassment in the workplace.

Summary

The law applies to employers with one or more employees, which is a significant change from the prior law (applied to employers with 15 or more employees). Texas employers may violate the new law if they knew or should have known of the sexual harassment of an employee and failed to take immediate and appropriate action to address it.

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

- Submission to the conduct is made a term or condition of an individual's employment, either explicitly or implicitly;
- Submission to or rejection of the conduct by an individual is used as the basis for a decision affecting the individual's employment;
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or

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- The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Important Note: The expanded employer definition includes supervisors and coworkers to be equally guilty parties should a harassment claim be filed in court. Due to this expansion, everyone (e.g., company, supervisor, or coworker) would be brought to trial as separate defendants.

Employer Next Steps

- HR Knowledge has a highly successful [Sexual Harassment Prevention Training](#) program that we can deliver live via webinar and/or a cloud-based Learning Management System; if you are interested in having your employees trained in any of the states you are in, please [contact us](#).
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).
- If you have further questions regarding this e-Alert, please [email us](#).

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