



COBB MARTINEZ WOODWARD

### **How Changes to Texas' Sexual Harassment Law Affect You!**

Texas substantially broadened the scope of sexual harassment claims under state law effective September 1<sup>st</sup>. So what are the changes, and how do they affect you?

1. **Number of employees:** Any employer – regardless of the number of employees – can be held liable for sexual harassment. There is no requirement to have 15 or more employees. Employers with even one employee can be sued.
2. **Statute of limitations:** Texas extended the deadline for an employee to file a claim for sexual harassment from 180 days to 300 days. This extension makes Texas state law consistent with federal law.
3. **Personal liability:** Supervisors, coworkers, and anyone who “acts directly in the interests of an employer in relation to an employee” can be held personally liable for sexual harassment. Given the breadth of the language, it’s possible the statute could apply to independent contractors, vendors, volunteers, and corporate officers.
4. **Employer’s defense:** The standard is similar to the previous law, however, the time to act has changed. An employer can be held liable for sexual harassment if it knew, or should have known, the harassment was occurring and failed to take *immediate and appropriate corrective action*. The statute does not define “immediate and appropriate corrective action” but it’s clear the legislature intended an employer to act more quickly than under the current standard requiring “prompt corrective action.”

With these changes, we recommend you review and update your employee handbook including your policy prohibiting harassment and your procedure for filing a complaint, and provide updated training for your supervisors to prevent harassment and immediately respond to any complaints of harassment.

If you have any questions regarding the new law, updating your employee handbook, or providing training to your employees, CMW is here to help you!