

# Engage PEO Client Alert:

## Texas Law Expands Employer Responsibility for Sexual Harassment

**The Texas legislature recently passed S.B. 45, providing that it is an unlawful employment practice if an employer knew or should have known about sexual harassment and failed to take immediate action. The new law goes into effect on September 1, 2021.**

This amended law now expands claims of sexual harassment against employers with as few as only one employee. Previously, prohibitions against discrimination and retaliation were applicable to employers with fifteen or more employees. The fifteen-employee threshold remains applicable to other protected groups **except** for the new prohibitions against sexual harassment, which applies to all employers with at least one employee.

The law also provides for liability for those who act “directly in the interests of an employer in relation to an employee.” The significance of this language creates the potential for individual liability, including supervisors and managers, which would be a new development.

This new law creates a heightened importance for employers who employ fewer than 15 employees. Now, employers with as few as one employee should implement sexual harassment prevention training programs. Upon the first complaint or indication of sexual harassment, employers should immediately investigate and take proper corrective action where appropriate.

**If you have any questions, please contact your Engage Human Resource Consultant.**