

2022 Employment Law Update

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TEXAS SEXUAL HARASSMENT LAW



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Texas Sexual Harassment Law

- Applies to **ALL** employers
- Allows potential individual liability
- Requires “immediate and appropriate” responses to claims
- Has an expanded statute of limitation
- Amendments went into effect September 1, 2021



Amendments Do NOT Apply To...

- Any other protected classes such as, age, race, national origin, religion, disability, or even gender (non-sexual) discrimination / harassment.
- Any type of retaliation claim



Sexual Harassment Defined by Statute (Quid Pro Quo)

An unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature when:

- **Submission is made a term or condition of employment (explicitly or implicitly);**
- **Submission or rejection is used as the basis for a decision affecting the individual's employment; or**



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Sexual Harassment Defined by Statute (Hostile Environment)

An unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature when:

- **It has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.**

The statutory definition somewhat mirrors current caselaw, but with differences likely to be litigated.



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First appeared as part of the conference materials for the
2022 Essential Employment Law: A Practical Course in the Basics session
"Changes in Employment Law Impacting Compliance Efforts"