

BILL ANALYSIS

H.B. 225
By: Johnson, Eric
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned that employment-related discrimination based on sexual orientation and gender identity or expression can negatively impact some individuals' ability to find or maintain employment. H.B. 225 seeks to address this concern by including sexual orientation and gender identity or expression as characteristics of a protected class against which certain employment-related discrimination is prohibited.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 225 amends the Labor Code to include sexual orientation and gender identity or expression as characteristics of a protected class against which discrimination in the form of specified employment-related actions particular to and taken by an employer, employment agency, labor organization, or person elected to public office is prohibited as an unlawful employment practice. The bill includes sexual orientation and gender identity or expression as characteristics of a protected class against which discrimination by an employer, labor organization, employment agency, or joint labor-management committee controlling an apprenticeship, on-the-job training, or other training or retraining program under certain circumstances constitutes an unlawful employment practice.

H.B. 225 specifies that a person subject to statutory provisions relating to employment discrimination is not required to grant preferential treatment to an individual or group on the basis of sexual orientation or gender identity or expression because of certain imbalances. The bill specifies that an unlawful employment practice is established when a complainant demonstrates that sexual orientation or gender identity or expression was a motivating factor for an employment practice, unless such a characteristic is combined with objective job-related factors to attain diversity in the employer's workforce.

H.B. 225 includes sexual orientation and gender identity or expression among the specified characteristics that are grounds for authorizing a political subdivision or two or more political subdivisions acting jointly to create a local commission to secure freedom for all individuals in the jurisdiction of each political subdivision from discrimination because of such specified characteristics. The bill includes sexual orientation and gender identity or expression among the specified characteristics that are grounds for requiring the Texas Workforce Commission (TWC)

to refer a complaint that is filed with the TWC concerning discrimination in employment because of those characteristics to a local commission with the necessary investigatory and conciliatory powers if certain conditions are met.

EFFECTIVE DATE

September 1, 2017.