

SUBJECT: Authorizing a cause of action for workplace victims of sexual assault

COMMITTEE: Business & Industry — committee substitute recommended

VOTE: 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado
0 nays

WITNESSES: For — Javier Perez (*Registered, but did not testify*: Ana Gonzalez, Texas AFL-CIO)

Against — Lee Ann Alexander, American Property & Casualty Insurance Association (*Registered, but did not testify*: Jon Schnautz, National Association of Mutual Insurance Companies)

On — (*Registered, but did not testify*: Allen Craddock, Texas Department of Insurance, Division of Workers' Compensation)

BACKGROUND: Some have suggested that authorizing a victim of sexual assault in the workplace to bring an action against an employer in certain circumstances could allow for the full extent of the injury to be covered.

DIGEST: CSHB 3799 would establish that an employee who is the victim of sexual assault could bring a cause of action against the employer if the employee's injuries arose from the employer's gross negligence, with respect to an employer's civil liability under the Texas Workers' Compensation act.

The bill would take effect September 1, 2023, and would apply only to a cause of action that accrued on or after the effective date.

NOTES: According to the Legislative Budget Board, the full fiscal impact cannot be determined because the number of sexual assault cases that would be filed is unknown.