

Insights, News & Events

TOP 5 NEW WORKPLACE LAWS PASSED BY TEXAS LAWMAKERS IN 2021

Insights

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The Texas legislature had a jam-packed legislative session over the summer that will end up having a profound impact on workplace law in Texas. Among the most significant new laws that passed and took effect were measures related to sexual harassment, guns in the workplace, and, of course, COVID-19. Below are the five most important labor and employment law bills from this year's session that all Texas employers need to know about.

[Senate Bill 45: Relating to the Prohibition Against Sexual Harassment in the Workplace](#)

The Texas Legislature expanded the definition of employer for sexual harassment claims to anyone that employs one or more employees rather than the current 15-person limit. The bill also says that anyone that "acts directly in the interests of an employer in relation to an employee" will now be counted as "employers," which means that supervisors and others may be included as individual defendants. The law took effect on September 1 and will likely result in more lawsuits related to sexual harassment as more employers are now covered under the law. [You can read more about the new law here.](#)

[House Bill 21: Extends Statute of Limitations for Sexual Harassment Claims](#)

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This bill expanded the statute of limitations for making sexual harassment claims from 180 to 300 days after the alleged sexual harassment. It also became effective September 1 and will result in more claims involving sexual harassment as employees have a longer time to file claims. [Again, you can read more about this new law here.](#)

SB 6: Texas Pandemic Liability Shield

The Texas Legislature passed SB 6 which limits the liability for a number of parties for injuries or deaths related to the pandemic. The most important provision of the new law holds that employers can only be liable for workplace exposures if:

- they knowingly failed to comply with government issued guidance or standards to lower the likelihood of COVID-19;
- they had a reasonable opportunity to implement practices related to the guidance or standards;
- they refused to comply with the standards or guidance;
- the guidance that the party did not comply with did not conflict with other government guidance or standards; and
- “reliable scientific evidence shows that the failure to warn the individual of the condition, remediate the condition, or implement or comply with the government-promulgated standards, guidance, or protocols was the cause in fact of the individual contracting” COVID-19.

The law limits potential lawsuits for employers, but it remains to be seen how effective it will be in protecting you from pandemic-related litigation. You can track COVID-19-related workplace litigation at our [FP COVID-19 Employment Litigation Tracker](#).

HB 1927: The Texas Firearm Carry Act

Texas became a “constitutional carry” state on September 1. The new law allows individuals that are 21 years old or older to carry handguns in public, either in a holster or concealed, without a government permit, provided they are not prohibited from owning a firearm under state or federal law. **Most important for employers, the law still permits businesses to prevent members of the public or employees from bringing firearms into their businesses.** It is a class C misdemeanor if a person carries a firearm into a business when they have oral or written notice that firearms are not allowed on the premises.

As a reminder, [Texas requires employers to allow employees to have firearms in their locked vehicles parked on company property](#) (barring a few exceptions for certain workplaces where it would not be safe to do so). The law does not change this requirement.

The law also does not permit individuals to carry handguns in government courts (unless allowed under regulations or with the authorization of the court); on racetrack premises; in the secured area of an airport; in bars; at high school, college, or professional sporting events; in prisons; in hospitals or nursing homes; and in amusement parks.

[House Bill 139: Relating to the Occupational Licensing of Military Veterans and Spouses](#)

This new law requires state agencies that issue licenses with a residency requirement to obtain an occupational license to accept a copy of a permanent change of station for the military service member that the spouse is married to establish residency. This means that a military spouse can show their husband’s or wife’s change of station (i.e. orders) transferring them to a Texas military base or location to satisfy any residency requirement for a military spouse to obtain an occupational license. The law expedites the processing of applications for a license for veterans or military spouses when they have a change of station order (i.e., they are ordered to Texas).

Conclusion

This was an eventful labor and employment law session for the Texas legislature. The next regular session in 2023 will likely cover a number of other issues that were considered this year but did not pass. We will monitor developments in Austin and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insight system](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in [any of our Texas offices](#).