

By: Leibowitz

H.B. No. 32

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting discrimination against certain employees who sustain an injury in the course and scope of employment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 451.001, Labor Code, is amended to read as follows:

Sec. 451.001. DISCRIMINATION AGAINST EMPLOYEES PROHIBITED.

(a) A person may not discharge or in any other manner discriminate against an employee whose employer has workers' compensation insurance coverage because the employee has:

(1) filed a workers' compensation claim in good faith;

(2) hired a lawyer to represent the employee in a workers' compensation claim;

(3) instituted or caused to be instituted in good faith a proceeding under Subtitle A; or

(4) testified or is about to testify in a proceeding described by Subdivision (3) [~~under Subtitle A~~].

(b) A person may not discharge or in any other manner discriminate against an employee whose employer does not have workers' compensation insurance coverage because the employee has:

(1) instituted or caused to be instituted in good faith a proceeding under common law relating to an injury sustained by the employee in the course and scope of the employee's employment, including an action described by Section 406.033; or

1 (2) testified or is about to testify in a proceeding
2 described by Subdivision (1).

3 SECTION 2. The change in law made by this Act applies only
4 to a cause of action that accrues on or after the effective date of
5 this Act. A cause of action that accrues before that date is
6 governed by the law as it existed immediately before the effective
7 date of this Act, and that law is continued in effect for that
8 purpose.

9 SECTION 3. This Act takes effect September 1, 2009.