

HOUSE BILL NO. 1709

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

5380H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to harassment in the workplace.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.075, to read as follows:

537.075. 1. Any person who is a victim of workplace harassment and who suffers a significant and medically diagnosed physical or psychological injury or illness as a result of the offender's conduct shall be entitled to bring a civil cause of action under this section to recover the actual damages sustained as a result of the offender's conduct and reasonable fees for attorneys and expert witnesses. In order to bring a civil action, the harassment shall have occurred on or after August 28, 2018, and the civil action shall commence within three years of the last date of the harassment.

2. In order for a claim for workplace harassment to be successful under this section:

(1) The victim and the offender shall have the same place of employment;

(2) The actions giving rise to the claim shall have occurred at the place of employment; and

(3) The offender's conduct:

(a) Was intentional and reckless;

(b) Knowingly included communications to the victim that were in a frightening or intimidating manner;

(c) Knowingly used coarse language offensive to one of average sensibility;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(d) Put the victim in reasonable apprehension of offensive physical contact or**
19 **harm;**

20 **(e) Knowingly made repeated unwanted communication to the victim beyond what**
21 **is required to accomplish the work task requiring the offender and victim to communicate;**
22 **and**

23 **(f) Resulted in any other action, without good cause, with the purpose to frighten,**
24 **intimidate, or cause emotional distress to the victim; caused the victim to be frightened,**
25 **intimidated, or emotionally distressed; and the victim's response to the action is one of a**
26 **person of average sensibilities considering the age of the victim.**

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