

FIRST REGULAR SESSION

# HOUSE BILL NO. 89

100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GREEN.

0210H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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, 2019, 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 must have had the same place of employment;**
  - (2) The actions giving rise to the claim must have occurred at the place of employment; and**
  - (3) The offender's conduct:**
    - (a) Must have been intentional and reckless;**
    - (b) Must have included communications knowingly made to the victim that were conveyed in a frightening or intimidating manner;**

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.

17           **(c) Must have included communications knowingly made to the victim that**  
18 **contained coarse language offensive to one of average sensibility;**

19           **(d) Must have put the victim in reasonable apprehension of offensive physical**  
20 **contact or harm;**

21           **(e) Must have included repeated and unwanted communications knowingly made**  
22 **to the victim, beyond what would be required to accomplish the particular work task that**  
23 **required the offender and victim to communicate; and**

24           **(f) Must have resulted in any other action, without good cause, with the purpose**  
25 **to frighten, intimidate, or cause emotional distress to the victim, and must have caused the**  
26 **victim to be frightened, intimidated, or emotionally distressed, where the victim's response**  
27 **to the offender's action was one of a person of average sensibilities considering the age of**  
28 **the victim.**

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