

House Bill 1390

By: Representatives Anulewicz of the 42nd, Smith of the 18th, Boddie of the 62nd, Evans of the 57th, Tankersley of the 160th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 34 of the Official Code of Georgia Annotated, relating to sex
2 discrimination in employment, so as to provide for a right of action against a county or city
3 employer for retaliation; to provide for definitions; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 5 of Title 34 of the Official Code of Georgia Annotated, relating to sex
8 discrimination in employment, is amended by adding a new Code section to read as follows:

9 "34-5-8.

10 (a) As used in this Code section, the term:

11 (1) 'Sexual harassment' includes a sexual advance, a request for sexual favors, or any
12 other conduct of a sexual nature where:

13 (A) Submission to the conduct involved is made, implicitly or explicitly, a term or
14 condition of work;

15 (B) Submission to or rejection of the conduct is used as the basis for a decision
16 affecting the individual's work; or

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17 (C) Such conduct unreasonably alters an individual's terms, conditions, or privileges
18 of work, including by creating an intimidating, hostile, or offensive work environment.
19 (2) 'Workplace harassment' means conduct based on protected characteristics of race,
20 color, religion, national origin, sex, a sex stereotype, sexual orientation, gender identity,
21 pregnancy, childbirth, a medical condition related to pregnancy or childbirth, disability,
22 or age, regardless of whether such conduct is direct or indirect or verbal or nonverbal,
23 that unreasonably alters an individual's terms, conditions, or privileges of work, including
24 by creating an intimidating, hostile, or offensive work environment. The term 'workplace
25 harassment' includes sexual harassment.

26 (b) A claimant who is an employee of a county or city shall have a right of action for
27 retaliation when a county or city employer retaliates against a claimant because such
28 claimant has opposed workplace harassment or because the individual has made a charge,
29 filed any complaint, or instituted or caused to be instituted any investigation, proceeding,
30 hearing, or action under or related to this Code section, including an investigation
31 conducted by the employer, or has testified or is planning to testify, or has assisted or
32 participated in any manner in any such investigation, proceeding, hearing, or action under
33 this Code section."

34 **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.