

# HOUSE BILL NO. 1006

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GREEN.

2073H.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, 2017, 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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