

# An Act

ENROLLED SENATE  
BILL NO. 715

By: Paxton of the Senate

and

Kannady of the House

An Act relating to injunctions; creating the Protection from Workplace Harassment and Violence Act; providing short title; defining terms; authorizing employers to file petition for certain injunctive relief; specifying required content for certain petition; providing for applicability of certain procedural requirements; authorizing certain injunctive relief; providing immunity from civil liability for certain actions; providing exception; construing provisions; providing for noncodification; providing for codification; and providing an effective date.

SUBJECT: Protection from Workplace Harassment and Violence Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Protection from Workplace Harassment and Violence Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1398 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in the Protection from Workplace Harassment and Violence Act:

1. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose;

2. "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose;

3. "Employer" means an individual, partnership, association or corporation or a person or group of persons who act, directly or indirectly, on behalf of or in the interest of an employer and with the consent of the employer. "Employer" includes this state and any political subdivision of this state; and

4. "Workplace harassment" means a pattern or course of conduct that is directed toward another individual in a workplace that includes repeated or continuing contact that would cause a reasonable person to suffer emotional distress and that actually causes emotional distress to the victim. "Workplace harassment" includes, but is not limited to, credible threats of violence.

B. An employer or an authorized agent of an employer may file a written verified petition with the district court of the county in which the employer is located for an injunction prohibiting workplace harassment. The petition shall state:

1. The name of the employer;

2. The name and address, if known, of the defendant; and

3. A specific statement showing the events and dates of the acts that constitute workplace harassment toward the employer, any employee or any person who enters the property of the employer or who is performing official work duties on behalf of or for the benefit of the employer.

C. Any issuance of injunctive relief on a petition filed pursuant to this section shall be in accordance with the procedural

requirements of Chapter 24 of Title 12 of the Oklahoma Statutes. If the court grants an ex parte or permanent injunction against workplace harassment, the court may:

1. Restrain the defendant from coming near the property of the employer or place of business and restrain the defendant from contacting the employer, an employee or other person while that employee or person is on or at the property of the employer or place of business or is performing official work duties; and

2. Grant any other relief necessary for the protection of the employer, the workplace, employees of the employer or any other person who is on or at the property of the employer or place of business or who is performing official work duties on behalf of or for the benefit of the employer.

D. An employer shall be immune from civil liability for seeking or failing to seek an injunction under this section unless the employer is seeking an injunction primarily to accomplish a purpose for which the injunction was not designed. This section shall not be construed to:

1. Expand, diminish, alter or modify the duty of an employer to provide a safe workplace for employees and other persons; or

2. Permit a court to issue a temporary restraining order or injunction that prohibits speech or other activities that are constitutionally protected or otherwise protected by law.

SECTION 3. This act shall become effective November 1, 2019.

Passed the Senate the 22nd day of May, 2019.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_