

SENATE BILL 986

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 4 and
Title 50, relative to sexual harassment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, Part 4, is amended by
adding the following new section:

(a) It is a discriminatory practice for an employer to harass an employee,
applicant, or person providing services pursuant to a contract based on the sex of the
employee, applicant, or person. Harassment of an employee, applicant, or person
providing services pursuant to a contract by an employee, other than an agent or
supervisor, constitutes harassment based on a person's sex by the employer only if the
employer, or its agents or supervisors, knew or should have known of the conduct and
failed to take immediate and appropriate corrective action.

(b) For purposes of this section:

(1) "Employer" means:

(A) A person regularly employing one (1) or more persons or
regularly receiving the services of one (1) or more persons providing
services pursuant to a contract;

(B) A person acting as an agent of an employer, directly or
indirectly;

(C) A person employed by the employer whose scope of
employment includes supervising or managing other employees;

(D) This state; or

(E) A county, including any county having a metropolitan form of government, or municipal government, or any agency or unit thereof, or any other political subdivision of this state;

(2) "Harassment based on a person's sex" includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. Harassment based on a person's sex does not need to be motivated by sexual desire; and

(3) "Person providing services pursuant to a contract" means a person who:

(A) Has the right to control the performance of the contract for services and discretion as to the manner of performance;

(B) Is customarily engaged in an independently established business; and

(C) Has control over the time and place the work is performed, supplies the tools and instruments used in the work, and performs work that requires a particular skill not ordinarily used in the course of the employer's work.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to all conduct that occurs on or after that date.