

Labor and Employment Law

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LEGISLATURE'S BILL WOULD REDEFINE SEXUAL HARASSMENT IN MINNESOTA

During the last week of April, Minnesota House Majority Leader Joyce Peppin introduced a bill that would redefine sexual harassment under the Minnesota Human Rights Act. The bill has garnered sweeping bipartisan support in the Minnesota House. However, the bill is facing a setback in the Minnesota Senate amid opposition.

Under the current standard sexual harassment must be "severe or pervasive" in order to be actionable. The current standard prevents claims where the alleged harassment has not altered the conditions of the victim's employment or created an abusive working environment.

The bill currently under consideration by the Minnesota Legislature would remove the "severe or pervasive" standard for sexual harassment claims. The Legislature has not proposed a replacement standard. The proposed amendment relates only to the sexual harassment provisions of the Minnesota Human Rights Act and does not propose the same change for other alleged discrimination under the Act, such as that based upon race.

The #metoo movement has encouraged lawmakers to take a second look at sexual harassment laws. The Minnesota Legislature is not the first to consider these issues as the recently amended tax code now prohibits certain tax deductions for confidential sexual harassment settlements. These changes alter the landscape of sexual harassment law in a way that leaves both employers and victims with uncertainty regarding not only how sexual harassment is defined, but how to amicably resolve sexual harassment claims.

Larson • King's Employment Law Group is available to answer any questions you may have about this proposed legislation or any other employment law-related questions.