

Subject Amending definition of sexual harassment; Minnesota Human Rights Act

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Overview

This bill amends the definition of “sexual harassment” in the Minnesota Human Rights Act (MHRA). The current definition provides that one of the ways that sexual harassment discrimination can occur under the MHRA is when unwanted sexual advances, conduct, or communication creates an intimidating or hostile environment substantially interfering with an individual’s employment, education, housing, or access to public accommodation or public service.

In interpreting this provision of the MHRA, courts in Minnesota have adopted the federal standard used to interpret certain federal discrimination claims that require the discriminatory harassment to be sufficiently severe or pervasive in order to be actionable. This bill provides that the harassing conduct or communication does not have to be severe or pervasive to be discriminatory sexual harassment under the MHRA.

This bill also specifies that sexually harassing conduct or communication that creates a hostile environment must be subjectively harassing to the individual, and objectively harassing to a reasonable person in a similar situation, and should be based on the totality of the circumstances.

This bill has an effective date of August 1, 2019, and would apply to discriminatory actions creating a cause of action occurring on or after that date.