

SENATE BILL NO. 2075

Introduced by

Industry, Business and Labor Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact subsection 6 of section 14-02.4-02 of the North Dakota
2 Century Code, relating to the definition of the term discriminatory practice for human rights
3 purposes.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 14-02.4-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 6. "Discriminatory practice" means an act or attempted act which because of race,
8 color, religion, sex, national origin, age, physical or mental disability, status with
9 regard to marriage or public assistance, or participation in lawful activity off the
10 employer's premises during nonworking hours which is not in direct conflict with the
11 essential business-related interests of the employer results in the unequal
12 treatment or separation or segregation of any persons, or denies, prevents, limits,
13 or otherwise adversely affects, or if accomplished would deny, prevent, limit, or
14 otherwise adversely affect, the benefit of enjoyment by any person of employment,
15 labor union membership, public accommodations, public services, or credit
16 transactions. The term "discriminate" includes segregate or separate and for
17 purposes of discrimination based on sex, it includes sexual harassment. Sexual
18 harassment includes unwelcome sexual advances, requests for sexual favors,
19 sexually motivated physical conduct or other verbal or physical conduct or
20 communication of a sexual nature when:

21 a. Submission to that conduct or communication is made a term or condition,
22 either explicitly or implicitly, of obtaining employment, public accommodations
23 or public services, or education;

- 1 b. Submission to or rejection of that conduct or communication by an individual
2 is used as a factor in decisions affecting that individual's employment, public
3 accommodations or public services, education, or housing; or
4 c. That conduct or communication has the purpose or effect of substantially
5 interfering with an individual's employment, public accommodations, public
6 services, or educational environment; and in the case of employment, the
7 employer is responsible for its acts and those of its supervisory employees if it
8 knows or should know of the existence of the harassment and fails to take
9 timely and appropriate action.