

## CHAPTER 122

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**GOVERNMENT - STATE**

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**SENATE BILL 99-168**

BY SENATORS Martinez, Hernandez, Tanner, Feeley, Linkhart, Matsunaka, Nichol, Pascoe, Perlmutter, Phillips, Reeves, Rupert, Thiebaut, Weddig, and Wham;  
also REPRESENTATIVES Tate, Bacon, Chavez, Clarke, Coleman, Gagliardi, Grossman, Hagedorn, Kaufman, Larson, Leyba, Mace, Plant, Saliman, Tapia, Tochtrop, Tupa, Veiga, Vigil, S. Williams, and Windels.

**AN ACT**

CONCERNING AUGMENTATION OF COLORADO EMPLOYMENT DISCRIMINATION LAWS BY MAKING HARASSMENT AN UNFAIR EMPLOYMENT PRACTICE DURING THE COURSE OF EMPLOYMENT.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 24-34-402 (1) (a), Colorado Revised Statutes, is amended to read:

**24-34-402. Discriminatory or unfair employment practices.** (1) It shall be a discriminatory or unfair employment practice:

(a) For an employer to refuse to hire, to discharge, to promote or demote, TO HARASS DURING THE COURSE OF EMPLOYMENT, or to discriminate in matters of compensation against any person otherwise qualified because of disability, race, creed, color, sex, age, national origin, or ancestry; but, with regard to a disability, it is not a discriminatory or an unfair employment practice for an employer to act as provided in this paragraph (a) if there is no reasonable accommodation that the employer can make with regard to the disability, the disability actually disqualifies the person from the job, and the disability has a significant impact on the job. FOR PURPOSES OF THIS PARAGRAPH (a), "HARASS" MEANS TO CREATE A HOSTILE WORK ENVIRONMENT BASED UPON AN INDIVIDUAL'S RACE, NATIONAL ORIGIN, SEX, DISABILITY, AGE, OR RELIGION. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (a), HARASSMENT IS NOT AN ILLEGAL ACT UNLESS A COMPLAINT IS FILED WITH THE APPROPRIATE AUTHORITY AT THE COMPLAINANT'S WORKPLACE AND SUCH AUTHORITY FAILS TO INITIATE A REASONABLE INVESTIGATION OF A COMPLAINT AND TAKE PROMPT REMEDIAL ACTION IF APPROPRIATE.

**SECTION 2. Effective date - applicability.** This act shall take effect July 1, 1999, and shall apply to acts occurring on or after said date.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became Law: April 19, 1999