

## HB 1851 -- UNLAWFUL DISCRIMINATORY PRACTICES

SPONSOR: Newman

This bill modifies certain provisions of the Missouri Human Rights Act. The bill deletes the definitions of "because" and "the motivating factor", and modifies the definition of "discrimination" to include any unfair treatment based on certain specific factors. The definition of "employer" is modified to include any person acting in the interest of an employer.

The bill removes a jurisdictional condition precedent to filing a civil action and provides that a person aggrieved by an unlawful discriminatory practice may file a complaint with the Missouri Commission on Human Rights. The bill repeals provisions of the act which abrogated certain court decisions related to the act, which established a legal standard to use in deciding summary judgment motions, and which mandated or abrogated the use of certain jury instructions.

The bill also repeals a provision of the act which limited the time that the commission could issue a letter indicating a complainant's right to bring a civil action. An aggrieved person may bring a civil action in circuit court notwithstanding the fact that the person has not filed a complaint with the commission. The bill provides that a prevailing respondent may only be awarded court costs upon a showing that the case was without foundation, and removes certain limits on the damages recoverable by a prevailing plaintiff. The bill repeals a provision which stated that Chapters 213, 285 and 287, RSMo, provide the only remedies for a claim arising out of the employment relationship.

Furthermore, the bill repeals the Whistleblower's Protection Act, Section 285.575.