



## **e-Alert: California Makes It Easier to Bring Sexual Harassment Claims**

### **Background**

Not one to be shown up as an employee-friendly state, California responded to all the new sexual harassment prevention laws by strengthening its legal protections against workplace sexual harassment under a bill signed into law September 30, 2018. The bill is one of eight inspired by the #MeToo movement that lawmakers sent to Governor Jerry Brown in the final days of the 2018 legislative session. The measure allows workers to sue for a single incident of harassment, which ends a “free pass on unlawful behavior,” according to Senator Hannah-Beth Jackson (D), who authored the bill.

### **Changes to the law**

Effective January 1, 2019, the amended law changes the legal standard by rejecting a 2000 federal appellate court ruling that said harassment must be “severe or pervasive” to violate state law, according to the bill’s supporters. The law also prohibits employers from requiring employees to release sexual harassment claims under California’s Fair Employment and Housing Act in exchange for a raise or as a condition of employment. Employers also can’t require employees to sign “non-disparagement agreements” that keep them from disclosing illegal acts, including sexual harassment, in the workplace. A non-disparagement agreement is a contract between two parties that prohibits one party from criticizing the other.

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