

CALIFORNIA ANTI-HARASSMENT LEGISLATION

There are many new sexual harassment laws that have been approved in the last few years, especially in California. The origin of most, however, are rooted in the Civil Rights Act of 1964 and the California Fair Employment Act of 1959. Here is a timeline of old and new sexual harassment legislation:

1959 — *The California Fair Employment Act*. Businesses barred from discriminating against employees based on color, ancestry, religion, race, age or sex.

1964 — *Title VII, Civil Rights Act of 1964*. Discrimination based on race, color, religion, sex or national origin outlawed.

1980 — *The Federal Equal Employment Opportunity Commission*. Workplace sexual harassment guidelines introduced.

1991 — *The Civil Rights Act of 1991*. Victims of sexual harassment earn right to sue and collect damages.

1993 — *The California Family Rights Act of 1993*. California extends workplace harassment to include perceived sexual orientation.

2004 — *AB 1825*. California mandates sexual harassment free workplace and requires sexual harassment training for supervisors for companies with 50+ employees

2013 — *SB 292*. California declares sexual harassment does not require sexual desire to occur.

2014 — *AB 2053*. Workplace bullying is illegal in California.

2017 — *SB 396*. California protects transgenders with expanded training based on gender identity, gender expression and sexual orientation.

2018 — *SB 1343*. California requires sexual harassment training for companies with five or more employees. Employers must develop harassment, discrimination and retaliation policies.

2019 — *AB 1619*. Statute of limitations to recover California workplace sexual

assault damages expands to 10 years of the assault or within 3 years of injury, whichever is later.

2019 — SB 1300. Burden of proof in California sexual harassment actions are lowered to encourage trials. Single incidents and stray remarks are sufficient to establish hostile work environment / sexual harassment. Employers are liable for ANY sexual harassment were the employer knew or should have known and failed to take remedial action.

2019 — AB 3109. Sexual harassment settlement agreements cannot stipulate nondisclosure of the incident.

2019 — SB 826. Corporations based in California must have at least one female board director.