

Senate Bill 224

Personal Rights: Sexual Harassment

Senator Jackson

SUMMARY

For far too long, sexual harassment and abuse has pervaded the professional lives of countless women and diminished opportunities for advancement and economic security. Over several decades, since sexual harassment was first defined in the 1970's, California law has evolved to provide specific protections against abuse in workplace environments. Recently, the experiences of women in venture capital, the tech industry, entertainment, and in the Capitol community, have highlighted a need to clarify current law to more specifically and effectively respond to exploitation and abuse that occurs within professional relationships.

Civil Code §51.9 establishes civil liability for sexual harassment in business, service, or professional relationships. SB 224 amends the Unruh Civil Rights Act to add investor, elected official, lobbyist, director, and producer to the list of examples of relationships that are covered by Civil Code §51.9.

BACKGROUND

Despite decades of legal protections prohibiting workplace harassment and hostile work environments, it is clear just how severe and entrenched sexual harassment remains in our society. In California, existing protections are codified within the Government Code in the Fair Employment and Housing Act and within the Civil Code, most notably the landmark passage of the Unruh Civil Rights Act.

The Unruh Act establishes liability for sexual harassment when the aggrieved party proves, among other things, that a business, service, or professional relationship exists between the parties, that the offending party has made sexual advances, solicitations, sexual requests, demands for sexual compliance, or engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on gender, that these actions were unwelcome and pervasive or severe, and that the aggrieved party is not able to easily terminate the relationship and has suffered or will suffer economic loss or disadvantage or personal injury as a result of the inappropriate conduct.

While these protections have proved vitally important for workers experiencing sexual misconduct in the workplace, the unique nature of the investor/entrepreneur relationship, as well as the additional professional relationships outlined in this legislation, has left many women particularly vulnerable to predatory behavior by investors and others possessing a substantial amount of power and influence over their livelihoods and their ability to bring their talent and intellectual capital to fruition. Furthermore, in many cases, predators create a culture that seeks to punish women corporate leaders and entrepreneurs for not complying with their predatory advances.

SOLUTION - SB 224

California must take every step to make it clear that sexual misconduct and abuse is not a fact of professional life for women. SB 224 addresses the unique relationship that exists between investors and entrepreneurs and other nuanced professional relationships by clarifying these relationships within the provisions of the Unruh Civil Rights Act.

SUPPORT

CA Employment Lawyers Association, Sponsor
Equal Rights Advocates, Sponsor
SAG-AFTRA

STATUS

Pending at the Assembly Desk

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