

Senate Bill 1300

Sexual Harassment Prevention and Accountability Act

Senator Jackson

SUMMARY

SB 1300 seeks to comprehensively address sexual harassment in the workplace by prohibiting legal tactics that prevent victims from speaking out about abuse and seeking justice; strengthening sexual harassment training requirements and holding employers accountable for their duty to prevent harassment; and providing guidance to the courts to ensure that the “severe or pervasive” legal standard is fairly applied to protect victims of work-related harassment.

BACKGROUND

Beginning in 2017, propelled by movements such as #MeToo and #WeSaidEnough, brave women began coming forward and exposing the prevalence of sexual harassment in the workplace. Along with showcasing how common sexual harassment is across industries and the harm it inflicts on victims’ emotional well-being, their careers and earnings, these stories shed light on the complex legal and cultural factors that enable sexual harassment to persist in the workplace.

As a result of the #MeToo movement, a number of powerful perpetrators were subsequently exposed and fired. Yet, as important as it is to hold perpetrators accountable, it has become clear that preventing sexual harassment in the workplace must involve more than that. Enabled by our work culture and stifled by legal challenges, moving toward a harassment-free culture in California will require comprehensive policy and legal reforms that will allow victims to seek justice, know their rights, and speak out about abuse, all while effecting meaningful cultural change at work.

SOLUTION

Once amended, SB 1300 will provide guidance to the courts on the “severe or pervasive” legal standard for sexual harassment, to ensure that the standard is consistently and fairly applied to protect victims of sexual harassment.

It will require all employers covered under the Fair Employment and Housing Act to provide sexual harassment training to all employees, not just supervisors, and would require that they also provide bystander intervention training, so that employees are trained on how to intervene if they see inappropriate behavior taking place.

This bill will require employers to provide information to each employee on how to report harassment and how to contact the Department of Fair Employment and Housing to make a complaint.

SB 1300 will prevent employers from bypassing workplace harassment and discrimination laws, by prohibiting employers from requiring workers to release any and all claims against the employer, including claims for sexual harassment, as a condition of employment or for an employment benefit such as a raise or bonus. This bill will also prohibit employers from requiring workers to sign “non-disparagement” agreements as a condition of employment, which limit the ability of employees to speak out about abuse and misconduct in the workplace.

SUPPORT

California Employment Lawyers Association (co-sponsor)
Equal Rights Advocates (co-sponsor)

STATUS

Awaiting referral to committee.

CONTACT

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