

## California Sexual Harassment Law Amended, Sexual Desire Not Required

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California Governor Jerry Brown has signed into law a revision to the definition of sexual harassment under the California Fair Employment and Housing Act to make clear that employees who assert claims of sexual harassment need not show the harassment is motivated by sexual desire. The new law becomes effective on January 1, 2014.

State Senate Majority Leader Ellen M. Corbett introduced Senate Bill 292 in response to the California Court of Appeal's decision in *Kelley v. Conco Companies*, 196 Cal. App. 4th 191 (Cal. Ct. App. 2011). In *Kelley*, the Court held that a male ironworker failed to establish a sexual harassment claim because he did not show that the harasser, also male, was a homosexual or was motivated by sexual desire. According to Senator Corbett, *Kelley* "created confusion" in the law by requiring employees to present proof of sexual desire to prevail on a sexual harassment claim.

In light of the new legislation, California employers should consider updating their sexual harassment policies and training materials. Employers should regularly review their policies and practices with employment counsel to ensure they effectively address specific organizational needs and comply with applicable law.

If you have any questions about this or other workplace developments, please contact the Jackson Lewis attorney with whom you regularly work.

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