

SB 419 (PORTANTINO & LEYVA): LEGISLATIVE SEXUAL HARASSMENT RETALIATION PREVENTION ACT

POSITION: The Chamber's Education & Workforce Roundtable voted to SUPPORT this bill on February 6, 2018. The Chamber's Public Policy Committee voted to SUPPORT this bill on February 13, 2018.

STATUS: The bill was heavily amended, reintroduced in its current form on January 4, 2018 by Senator Anthony Portantino. It was passed out of the Senate and is now awaiting hearing in the Assembly.

SUMMARY

SB 419, the Legislative Sexual Harassment Retaliation Prevention Act, proposes to extend protections against all forms of harassment for legislative staffers, legislative advocates and others who have business within the California State Capitol. The bill enhances the anti-retaliation provisions of California's Fair Employment and Housing Act (FEHA) which protects legislative employees and lobbyists who report sexual or related harassment that is prohibited by FEHA. Under the bill, the California Senate and Assembly would be mandated to maintain a record of each harassment complaint made to that house for a period of twelve years.

INDUSTRIES IMPACTED

SB 419 is specific to the public sector, as it protects legislative staffers or those engaged with the legislative process from being retaliated against. Presumably, it is possible to say that a business who contracts a lobbyist that is then harassed and who files a complaint about it may in some limited form be impacted, however.

SUPPORTERS

None reported.

OPPONENTS

None reported.

ARGUMENTS IN FAVOR

According to a letter from over 140 lobbyists and staff members: "Why didn't we speak up? Sometimes out of fear. Sometimes out of shame. Often these men hold our professional fates in their hands. They are bosses, gatekeepers, and contacts. Our relationships with them are crucial to our personal success."

ARGUMENTS IN OPPOSITION

Currently, via the Fair Employment and Housing Act, employees including those interfacing or working for the government, are protected from all types of harassment or discrimination, making this a redundant and unnecessary bill.

This bill makes it clear that the anti-retaliation provisions of California's Fair Employment and Housing Act (FEHA) protect legislative employees and lobbyists who report sexual or related harassment. Testimony sexual harassment records are not always kept of each complaint. Without records of the complaints received, it is difficult to ascertain the scope of the problem and to evaluate how effectively the Legislature is responding.

MORE INFORMATION

SB 419 bill prohibits the California State Senate and Assembly from discharging, expelling, or otherwise discriminating against a legislative advocate or legislative employee because that person has opposed any practices forbidden by California Fair Employment and Housing Act (FEHA) or actionable under Section 51 or 51.9 of the Civil Code. This bill prohibits the California State Senate and Assembly from discharging, expelling, or otherwise discriminating against a legislative advocate or legislative employee because that person filed a harassment complaint, testified regarding harassment or assisted in any proceeding related to a harassment complaint made under FEHA or Section 51 or 51.9 of the Civil Code. This bill further requires the California Senate and Assembly to keep a record of each discriminatory harassment complaint for at least 12 years after the complaint is made. The 12 year determination was made to reflect the new 12 year term limit in the Legislature.