

Fair Employment and Housing Act

This California law provides protection from harassment or discrimination in employment because of:

- Age (40 and over)
- Ancestry
- Color
- Creed
- Denial of Family and Medical Care Leave
- Disability (mental and physical) including HIV and AIDS
- Marital Status
- Medical Condition (cancer and genetic characteristics)
- National Origin
- Race
- Religion
- Sex
- Sexual Orientation

DEFINITION OF SEXUAL HARASSMENT

The Fair Employment and Housing Act defines harassment because of sex as including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions.

The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of violations:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects
 - or pictures, cartoon or posters
- Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct: touching, assault, impeding or blocking movements

REQUIREMENTS

All employers have a legal obligation to prevent sexual harassment.

- Employers must take all reasonable steps to prevent discrimination and harassment from occurring.

- Employers must help ensure a workplace free from sexual harassment by posting in the workplace a poster made available by the Department of Fair Employment and Housing.
- Employers must help ensure a workplace free from sexual harassment by distributing to employees information on sexual harassment. An employer may either distribute a brochure that may be obtained from the Department of Fair Employment and Housing or develop an equivalent document, which must meet the following requirements:
 - o The illegality of sexual harassment
 - o The definition of sexual harassment, utilizing examples
 - o A description of sexual harassment, utilizing examples
 - o The internal complaint process of the employer available to the employee
 - o The legal remedies and complaint process available through the Department and the Fair Employment and Housing Commission
 - o Directions on how to contact the Department and the Fair Employment and Housing Commission
 - o The protection against retaliation for opposing the practices prohibited by law or for filing a complaint with, or otherwise participating in investigative activities conducted by, the Department or the Commission.