



OFFICE OF THE GOVERNOR

**OCT 12 2019**

To the Members of the California State Assembly:

I am returning Assembly Bill 171 without my signature.

This bill amends the Labor Code to extend anti-retaliation and anti-discrimination protections to survivors of sexual harassment. These protections are currently provided to survivors of domestic violence, sexual assault or stalking. The bill also establishes a rebuttable presumption of unlawful retaliation, if an employer takes adverse action against the employee within 90 days, as specified.

I strongly support the Legislature's efforts to strengthen workplace protections for all survivors of harassment and abuse. However, this bill creates a standard for a particular form of sex-based discrimination different from applicable standards for other forms of discrimination that could weaken, rather than strengthen, existing worker protections. Incorporating sexual harassment into the Labor Code duplicates, and in some crucial respects, weakens existing law under the Fair Employment and Housing Act (FEHA), which already includes protections and remedies for survivors of sexual harassment when employers act unlawfully. AB 171 could also result in potentially overlapping claims filed with both the Department of Fair Employment and Housing (DFEH) as well as the Labor Commissioner, which could create confusion and potentially limit workers' rights.

I encourage the Legislature to work collaboratively with DFEH to evaluate if and how the FEHA can be enhanced to better protect survivors of sexual harassment against unlawful employment practices.

Sincerely,

  
Gavin Newsom