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Betsy Butler

April 3, 2018

The Honorable Connie Leyva
California State Senate
State Capitol, Room 4061
Sacramento, CA 95814

Re: Support SB 1038 - Protect Victims from Retaliation Act

Dear Senator Leyva,

On behalf of the California Women's Law Center (CWLC), we write in support of SB 1038, which clarifies that individual employees can be held personally liable for retaliating against another employee for exercising his or her legal rights against discrimination and harassment under state law.

Under current law, individual employees may be held personally liable for harassment under the Fair Employment and Housing Act (FEHA). However, the California Supreme Court's decision in *Jones v. The Lodge at Torrey Pines Partnership* (2008) 42 Cal.4th 1158 rendered the issue of whether individual employees may be held personally liable for retaliation in the workplace unclear. Despite the fact that the FEHA explicitly makes it unlawful for any "person" to retaliate against another person for complaining about discrimination, the Court in *Jones* held that "person" here specifically means a person acting as an agent of the employer, and thus only the employer could be held liable, and not the individual employee. By statutorily clarifying that individual workers can be held personally liable for retaliating against another employee in the workplace, SB 1038 will protect current and future victims of harassment.

CWLC's mission is to advance the potential of women and girls through transformative litigation, policy advocacy, and education. CWLC has been on the frontlines of the fight to secure women's equality in the workplace in California. We are dedicated to ending practices contributing to gender discrimination in employment, and ensuring women have the resources and opportunities to advance their careers and receive equal compensation and benefits.

This bill will promote the underlying purpose of FEHA, which is to prevent workplace retaliation against an employee who reports discrimination. For these reasons, the California Women's Law Center supports SB 1038.

Sincerely,



Betsy Butler
Executive Director