

NEW LAW PROHIBITS NON-EMPLOYEE HARASSMENT

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Employment Law Reporter, Ervin Cohen & Jessup LLP

Assembly Bill 76 (AB 76) becomes effective on January 1, 2004. AB 76 embodies the legislature's attempt to clarify existing law and reject the interpretation given to it by the California Court of Appeal in *Salazar v. Diversified Paratransit, Inc.* (See the February 2003 *Employment Law Reporter*).

Specifically, AB 76 revises the Government Code to make it unlawful for an employer to fail to take immediate and appropriate corrective action in the event of sexual harassment by non-employees if the employer knows or should have reasonably known of the incident. AB 76 also emphasizes that employers with five or more employees continue to have an obligation to take all reasonable steps to prevent discrimination and harassment from occurring without restrictions as to the source of the discrimination or harassment.

PROFESSIONALS

Kelly O. Scott

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Employment