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Recent  
Developments

## **CALIFORNIA SUPREME COURT MAY REINSTATE EMPLOYER DEFENSE TO SEXUAL HARASSMENT CLAIMS (February 14, 2002 )**

In our November 30, 2001 E-Update, we reported on the California Court of Appeal's decision in *Dept. of Health Services v. The Superior Court of Sacramento County*. In that case, the court ruled that a defense available to employers in federal sexual harassment claims was not available to claims brought under California law. Yesterday, five justices of the California Supreme Court decided to review of the *Department of Health Services* case.

This is an important case for California employers. If the state Supreme Court reverses the lower court decision, employers will be able to avoid liability for sexual harassment committed by supervisors so long as there is no tangible job detriment to the victim, and the employer had a comprehensive anti-harassment policy that the victim was aware of but failed to follow.

A decision in the case is expected later this year.

This E-Update was authored by [Fred Plevin](#). If you have any questions about this E-Update, please contact Mr. Plevin or any PP&S attorney.

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