

Are You Protected from Defamation Lawsuits?

AB 2770 is sitting on Governor Brown's desk right now. It codifies law to restrict employees accused of sexual harassment from filing libel and defamation lawsuits against accusers or employers. On the surface, this seems like a good move to keep people from intimidating accusers and keeping them from filing complaints.

However, employers must be very careful. If an employer terminates an employee for this conduct, they should not feel free to tell other employers about the reasons the person was terminated. Even if this bill is signed, at best, an employer should only confirm that an employee was released for violation of a company policy. This statement is truthful and stands even if the employee later is exonerated through litigation. You DID let the person go for violation of a company policy.

Your best protection is to have clear policies and procedures in place to protect workers and if necessary, bring in a third-party to do the investigation. Review these with your Supervisors and employees on a regular basis.