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DFEH Settles Workplace Sexual Harassment Case Against Solo Legal Practitioner

Former legal secretary to receive payment for lost wages and emotional distress

Ventura – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in an employment discrimination case with attorney Brian Fox involving his former secretary, who alleged Fox sexually harassed her and created a hostile environment despite her protestations and declarations that his conduct was unwelcome.

The complainant filed a complaint with DFEH in February 2017 alleging Fox's harassment was physical, verbal and visual in nature. Fox escalated his initial friendly hugs to long embraces that included comments about complainant's body. His physical harassment allegedly intensified as he slapped complainant's buttocks, kissed her on the cheek without permission, and placed his hand under her skirt. Complainant stated her displeasure with Fox's inappropriate actions and told him his conduct must stop.

After DFEH found cause to believe a violation of the Fair Employment and Housing Act had occurred, the parties engaged in mediation resulting in a settlement in which Fox will pay complainant for her lost wages and emotional distress.

"The Fair Employment and Housing Act's prohibitions against sexual harassment apply to all employers, even those with a single employee or independent contractor," said DFEH Director Kevin Kish. "Sexual harassment is unlawful in all California workplaces of every size."

In addition to a monetary settlement, Fox has agreed to attend sexual harassment prevention training, and draft and enforce clear policies governing sexual harassment and discrimination, including providing an independent individual to whom future employees may report claims of harassment and discrimination.

Gregory J. Mann, Senior Staff Counsel, represented DFEH in this proceeding.

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The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's web site at www.dfeh.ca.gov.

