

California Supreme Court Decision Clarifies Standard for Defending FEHA Claims

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In a case that has been on the watch-list of many in the California employment law arena, *Harris v. City of Santa Monica*, the state’s high court held that where an employee demonstrates that unlawful discrimination was a substantial motivating factor in a challenged adverse employment action, and the employer proves that it would have made the same decision absent such discrimination, a court may not award damages, back pay, or reinstatement.

The Supreme Court’s decision is a welcome development, providing clarity and guidance in mixed-motive cases. While liability may yet be imposed on behalf of plaintiffs, at the very least, the universe of potential damages is much smaller. Employers are now armed with the authority to defeat claims for damages, back pay, and reinstatement.

For an in-depth article on the *Harris v. City of Santa Monica* case, click [here](#).

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