Proskauer

The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act: Four Years Fraught with Confusion and Litigation

California Employment Law Update on **January 29, 2026**

The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act ("EFAA") has dramatically altered the arbitration landscape for workplace harassment claims—but not without creating deep uncertainty. This newly-published article, co-authored by Proskauer Rose LLP's Tony Oncidi, examines how the statute's imprecise drafting has fueled years of court battles over the EFAA's scope, timing, and application. It also explores competing perspectives: calls from plaintiffs' advocates to expand the EFAA to all employment claims, and defense arguments that the EFAA should be curtailed or repealed to preserve arbitration as an efficient and fair forum.

Related Professionals

- **Anthony J. Oncidi**
  Partner