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EFAA Did Not Apply To Sexual Harassment Dispute That Arose Before Statute's Effective Date

California Employment Law on **September 22, 2026**

Combs v. Netflix, Inc., 180 F.4th 1201 (9th Cir. 2026)

Jessica Combs alleged that from 2017 through 2021, she repeatedly complained to Netflix about a sexually charged workplace and specific incidents of harassment, that Netflix failed to correct the situation, and that she was terminated in retaliation for her complaints in December 2021. Combs filed an administrative complaint in August 2023 and later sued, alleging discrimination, harassment, and hostile-work-environment claims. Netflix moved to enforce the arbitration provision in Combs's employment agreement. Although the complaint alleged conduct qualifying as sexual harassment, the Ninth Circuit affirmed the order compelling arbitration because the dispute arose and the claims accrued before the March 3, 2022 effective date of the EFAA.

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