

## 5 **California Workplace Discrimination and Harrassment**

### 12 *California Department of Fair Employment and Housing*

22 The California Department of Fair Employment and Housing enforces laws  
32 that protect you from illegal discrimination and harassment in employment  
38 based on your actual or perceived:

39 **Ancestry**

43 **Age** (40 and Above)

44 **Color**

52 **Disability** (physical and mental, including HIV and AIDS)

54 **Genetic Information**

58 **Gender Identity, Gender Expression**

60 **Marital Status**

70 **Medical Condition** (genetic characteristics, cancer, or a history of cancer)

74 **Military or Veteran Status**

85 **National Origin** (includes language use and possession of a driver's license  
98 issued to persons unable to prove their presence in the United States is  
102 authorized under federal law)

103 **Race**

110 **Religion** (includes religious dress and grooming practices)

119 **Sex/Gender** (includes pregnancy, childbirth, breastfeeding and/or related  
121 medical conditions)

123 **Sexual Orientation**

132 The California Fair Employment and Housing Act (government code  
143 sections 12900 through 12996) and its implementing regulations (California  
154 Code of Regulations, Title 2, sections 11000 through 11141):

162 Prohibit harassment of employees, applicants, unpaid interns, volunteers,  
173 and independent contractors by any persons and require employers to take  
183 all reasonable steps to prevent harassment. This includes a prohibition  
191 against sexual harassment, gender harassment, harassment based on  
200 pregnancy, childbirth, breastfeeding and/or related medical conditions, as  
210 well as harassment based on all other characteristics listed above.  
221 Require that all employers provide information to each of their employees  
233 on the nature, illegality, and legal remedies that apply to sexual harassment.  
243 Employers may either develop their own publications, which must meet  
256 standards set forth in California government code section 12950, or use a  
264 brochure from DFEH.

276 Require employers with 50 or more employees and all public entities to  
285 provide training for all supervisors regarding prevention of sexual  
294 harassment, abusive conduct, and harassment based on gender identity,  
299 gender expression, and sexual orientation.

311 Prohibit employers from limiting or prohibiting the use of any language in  
321 any workplace unless justified by business necessity. The employer must  
331 notify employees of the language restriction and consequences for violation.  
340 Also prohibits employers from discriminating against an applicant or  
353 employee because they possess a driver's license issued to a person who is  
366 unable to prove that their presence in the United States is authorized under  
368 federal law.

377 Require employers to reasonably accommodate an employee, unpaid intern,  
388 or job applicant's religious beliefs and practices, including the wearing or  
400 carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair,  
413 or body hair, which are part of an individual's observance of their religious  
414 beliefs.

420 **Job Applicants, Unpaid Interns, and Employees:**

431 If you believe you have experienced discrimination or harassment you may  
439 file a complaint with DFEH.

443 **Independent Contractors and Volunteers:**

456 If you believe you have been harassed, you may file a complaint with  
472 DFEH. Complaints must be filed within one year of the last act of  
485 discrimination/harassment or, for victims who are under the age of 18, not  
494 later than one year after the victim's eighteenth birthday.

503 Require employers to reasonably accommodate employees or job applicants  
516 with disabilities to enable them to perform the essential functions of a job.  
526 Permit job applicants, unpaid interns, volunteers, and employees to file  
539 complaints with DFEH against an employer, employment agency, or labor  
549 union that fails to grant equal employment as required by law.

559 Prohibit discrimination against any job applicant, unpaid intern, or employee  
569 in hiring, promotions, assignments, termination, or any term, condition, or  
572 privilege of employment.

580 Require employers, employment agencies, and unions to preserve  
589 applications, personnel records, and employment referral records for a  
593 minimum of two years.

605 Require employers to provide leaves of up to four months to employees  
615 disabled because of pregnancy, childbirth, or a related medical condition.

625 Require an employer to provide reasonable accommodations requested by an  
637 employee, on the advice of their health care provider, related to their  
644 pregnancy, childbirth, or a related medical condition.

657 Require employers of 20 or more persons to allow eligible employees to take  
675 up to 12 weeks leave in a 12-month period for the birth of a child or the  
689 placement of a child for adoption or foster care; also require employers of 50  
704 or more persons to allow eligible employees to take up to 12 weeks leave in  
718 a 12-month period for an employee's own serious health condition or to care  
729 for a parent, spouse, or child with a serious health condition.

738 Require employment agencies to serve all applicants equally, refuse  
747 discriminatory job orders, and prohibit employers and employment agencies  
757 from making discriminatory pre-hiring inquiries or publishing help wanted  
764 advertisements that express a discriminatory hiring preference.

773 Prohibit unions from discriminating in member admissions or dispatching  
784 members to jobs. Prohibit retaliation against a person who opposes, reports,  
792 or assists another person to oppose unlawful discrimination.

**795 Filing a Complaint**

805 The law provides for remedies for individuals who experience prohibited  
814 discrimination or harassment in the workplace. These remedies include  
824 hiring, front pay, back pay, promotion, reinstatement, cease-and-desist  
834 orders, expert witness fees, reasonable attorney's fees and costs, punitive  
843 damages, and emotional distress damages. Job applicants, unpaid interns,  
853 and employees: If you believe you have experienced discrimination or  
866 harassment you may file a complaint with DFEH. Independent contractors  
879 and volunteers: If you believe you have been harassed, you may file a  
895 complaint with DFEH. Complaints must be filed within one year of the last  
309 act of discrimination/harassment or, for victims who are under the age of 18,  
819 not later than one year after the victim's eighteenth birthday.