

DFEH News

THIS JUST IN

Our website now features new real-world examples about how DFEH is protecting Californians from discrimination based on race, national origin, age, disability, and religion.



Our free online trainings against sexual harassment at work are now available in Chinese, Korean, Tagalog, and Vietnamese!

HOT OFF THE PRESS

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF IMMIGRANTS

FACT SHEET

The Department of Fair Employment and Housing (DFEH) is California's civil rights agency. DFEH enforces the state's robust laws against discrimination and harassment in employment, housing, business establishments, and state-funded programs and activities, as well as laws against bias-motivated violence and human trafficking. DFEH is committed to ensuring that all Californians, regardless of immigration status, can live free from discrimination.

- Harassment.** "My co-workers regularly say derogatory things about immigrants and people originally from the country where I was born, and my employer refuses to do anything to stop it."
- English Only.** "My employer told me I have to speak English, even when I'm on break and even though, during work time, there is no business reason for this rule."
- Accent.** "My employer treats me unfairly because I speak English with an accent, even though my co-workers and our customers understand me perfectly."
- Retaliation.** "My employer threatened to call immigration authorities on me because I complained about harassment I was experiencing on the job."
- Immigration Inquiries.** An employer may not look into an applicant's or employee's immigration status, unless the employer must do so to comply with federal immigration law.
- Citizenship Requirements.** Citizenship requirements are unlawful if a pretext for discrimination or have the purpose or effect of discriminating against applicants or employees on the basis of national origin or ancestry, unless pursuant to a permissible defense.
- For more information about immigration, citizenship, and language issues in employment, see California Code of Regulations, Title 2, Section 11002B.

If you have been the subject of unlawful employment discrimination, you may be entitled to back pay, front pay, reinstatement, and other remedies.

For more information, visit: www.dfeh.ca.gov/employment/

CALIFORNIA PROTECTS THE CIVIL RIGHTS OF MEMBERS OF THE MILITARY AND VETERANS

FACT SHEET

IN CALIFORNIA, MEMBERS OF THE MILITARY AND VETERANS ARE PROTECTED FROM DISCRIMINATION AND HARASSMENT IN EMPLOYMENT, HOUSING, AND BUSINESS ESTABLISHMENTS.

It is unlawful for employers, landlords, businesses of all kinds, health care providers and insurers, homeless shelters, and others to discriminate against anyone or harass them because of their military or veteran status.

Under California law, military and veteran status includes being a member or veteran of the U.S. Armed Forces, U.S. Armed Forces Reserve, U.S. National Guard, or California National Guard, or being perceived as one. The law also forbids discrimination against someone because they associate with a member of the military or a veteran, such as a veteran's spouse or child.

If you have experienced discrimination or harassment because you are, are perceived to be, or associate with a member of the military or veteran, file a complaint with the Department of Fair Employment and Housing (DFEH), California's civil rights agency. And, don't forget that California law protects everyone (including members of the military and veterans) from discrimination and harassment based on race, national origin, disability, sex, gender identity, sexual orientation, and other protected characteristics.

EXAMPLES OF UNLAWFUL DISCRIMINATION

- An employer won't consider your application or denies you a promotion because you served in the military.
- Your co-workers or superiors harass you because you are a woman who served in the military.
- Your employer denies you a reasonable accommodation for your disability because you are a veteran.
- A landlord won't rent to you because you are a member of the military.
- Staff at a homeless shelter treats you unequally because they perceive you to be a veteran.
- A used car dealership gives you less favorable loan terms because you are a same-sex spouse of someone in the military.
- A restaurant denies you service because you arrive with a member of the military.

POTENTIAL REMEDIES

- Compensation for losses and emotional distress
- Training and policy changes to prevent future discrimination
- Making available previously denied housing
- Hiring, reinstatement, or promotion
- Other remedies, such as penalties, fines, reporting, or monitoring

TO FILE A COMPLAINT
 Department of Fair Employment and Housing
 1115 L Street, Suite 1000
 San Francisco, CA 94102
 Toll Free: 800.884.1684 / TTY: 800.700.2320

Immigrants' Rights Fact Sheet

Military and Veterans' Rights Fact Sheet

Pay Data Reporting

Under California legislation enacted on September 30, 2020 ([SB 1073](#)), large employers must report certain pay and other data to the Department of Fair Employment and Housing (DFEH) by March 31, 2021 and annually thereafter. DFEH enforces this law and provides guidance on the 2021 filing deadline. DFEH will be regularly updating this webpage with guidance. Please write to paydatareporting@dfeh.ca.gov to pose additional questions not answered below.

I. INTRODUCTION

Why does California require large employers to report pay data to DFEH?
 (11/02/2020) In SB 1073, the California Legislature required employers of 100 or more employees to report to DFEH pay and hours-worked data by job category and by race and ethnicity (referred to as "pay data") to ensure the Legislature could track the progress made in California in recent years to strengthen California's equal pay laws, the gender pay gap persists, resulting in billions of dollars in lost wages for women each year in California. Pay discrimination is not just a women's issue, but also harms families and the state economy. In California, a 2019 survey asking full-time, full-year round made a median \$8 cents to every dollar earned by men, and for women of color that gap is far worse. Although there are legitimate and lawful reasons for paying some employees more than others, pay discrimination continues to exist, often hidden from sight, and can be the result of unconscious biases or historic inequities.

By creating a system by which large employers report pay data annually to DFEH, the Legislature sought to encourage these employers to assess themselves for disparities along gender, race, and ethnicity in their workforce and promote voluntary compliance with equal pay and anti-discrimination laws. In addition, SB 1073 authorized DFEH to enforce the Equal Pay Act (Labor Code section 1073), which prohibits unlawful pay disparities. The Fair Employment and Housing Act (FEHA) (Gov. Code § 12940 et seq.) already enforced by DFEH prohibits pay discrimination. Employers' pay data reports will allow DFEH to more effectively identify wage patterns and allow for effective enforcement of equal pay or anti-discrimination laws, when appropriate. DFEH's strategic vision is a California free of discrimination.

Where is California's pay data reporting requirement codified in law?
 (11/02/2020) The pay data reporting requirement is codified in Government Code section 12999. In addition, the DFEH intends to issue regulations implementing this statute consistent with DFEH's existing regulations (California Code of Regulations, Title 2, Division 4.1).

Will an employer's pay data be publicly available?
 (11/02/2020) Government Code 12999 prohibits DFEH, the Division of Labor Standards Enforcement (DLSE), and their staff from making "public in any manner whatever any individually identifiable information obtained pursuant to their authority under this section prior to the institution of an investigation or enforcement proceeding by DFEH or DLSE under Section 12912 of the Labor Code or Section 12940 regarding that information, and only to the extent necessary for purposes of the enforcement proceeding. For the purposes of this section, "individually identifiable information" means data submitted pursuant to this section that is associated with a specific person or business."

In addition, Government Code section 12999.2 provides that "any individually identifiable information" (defined above) submitted to DFEH shall be considered confidential information and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 5205) of Division 7 of Title 2)."

May DFEH publish reports based on data aggregated from multiple employers?
 (11/02/2020) Pursuant to Government Code section 12999.1, "DFEH may develop, publish on an annual basis, and publicize aggregate reports based on the data obtained pursuant to their authority under this section, provided that the aggregate reports are reasonably considered to present the association of any data with any individual business or person."

How long will DFEH keep employers' pay data?
 (11/02/2020) DFEH shall maintain pay data reports for not less than 10 years. (Gov. Code § 12999.1)

How will DFEH keep the data submitted by employers secure?
 (11/02/2020) DFEH is committed to ensuring that the pay data reporting system is secure. When that system is rolled out publicly, DFEH will provide additional information to employers regarding this system.

Does the federal government already collect pay data from large employers?
 (11/02/2020) In SB 973, the California Legislature explained: "Recognizing that pay discrimination is difficult to detect and address, the Obama Administration announced a proposed revision to the Employer Information Report (EEO-1) to include the reporting of pay data by gender, race, and ethnicity beginning in 2018. However, in August 2017, the Trump Administration put a halt to the implementation of this measure." Following a lawsuit involving the U.S. Equal

HEARING ON CRIMINAL HISTORY & EMPLOYMENT

TUESDAY, NOVEMBER 17, 2020
 9:30 a.m. – 3:00 p.m.

The California Fair Employment and Housing Council (the "Council") invites the public to its first free virtual civil rights hearing regarding the Fair Chance Act (the "Act"), California's "Ban the Box" law, and its impact on the use of criminal history in employment decisions since the Act took effect. The hearing will be an opportunity to learn from leading experts and practitioners about the Act's history and the current state of research regarding employment barriers for people who were formerly incarcerated, and to identify potential legal and other changes that could better advance the purpose of the Act. Members of the public will also have the opportunity to make comments.

For more information regarding the Act, please visit: <https://dfeh.ca.gov/act/>

The Council is part of the Department of Fair Employment and Housing (DFEH), the state agency charged with enforcing California's civil rights laws. The mission of DFEH is to protect the people of California from discrimination in employment (including under the Act), housing, businesses of every kind, and state-funded funded programs and activities, as well as hate violence and human trafficking. The Council has statutory authority to pass regulations, hold hearings, and issue reports to advance civil rights in California. For more information about DFEH, please visit: www.dfeh.ca.gov.

TO JOIN

To join remotely: us02web.zoom.us/j/89468927046
 To join by phone: 1-669-900-6833
 Meeting ID: 894 6892 7046

Session 1: The California Fair Chance Act: Its Need, Promise, Challenge, and Opportunity
 9:30 a.m. – 11:00 a.m.
Break
 11:00 a.m. – 11:15 a.m.
Session 2: The Current State of Research: Securing Employment After Incarceration
 11:15 a.m. – 12:15 p.m.
Break
 12:15 p.m. – 1:00 p.m.
Session 3: Expert Testimony on the Current Landscape: Examining What's Working, What's Not Working, and Identifying Unmet Needs and Opportunities for Change
 1:00 p.m. – 3:00 p.m.

FEATURING EXPERTS FROM:

- All of Us or None
- Department of Fair Employment and Housing
- Homeboy Industries
- Inland Empire Fair Chance Coalition
- Laney College, Perola Community College District
- Legal Aid at Work
- National Employment Law Project
- Pennsylvania State University
- Root and Riboud
- University of California, Irvine
- Ventura Training Center Fire Camp/ Anti-Reidition Coalition
- Additional experts

Public comment provided orally during the hearing will be limited to 3 minutes each. Written public comment may be emailed to: feedback@dfeh.ca.gov

Requests for accommodations may be made via feedback@dfeh.ca.gov, 844-541-2877, or 711.

Pay Data Reporting FAQ

Hearing on Criminal History & Employment

NOTE: Additional languages are available on our [Posters, Guides and Fact Sheets](#) webpage

UPCOMING EVENTS



**NOV 17
2020**

Project Rebound: Paper Bag Luncheon



**NOV 17
2020**

Public Hearing on Criminal History in Employment



**NOV 20
2020**

Shaw Law Group: More About the California Family Rights Act – Webinar Series (4 of 5)



**DEC 04
2020**

Fair Employment and Housing Council:
Remote Teleconference



**DEC 08
2020**

California Employers Association (CEA):
CFRA Expansions in 2021



**DEC 18
2020**

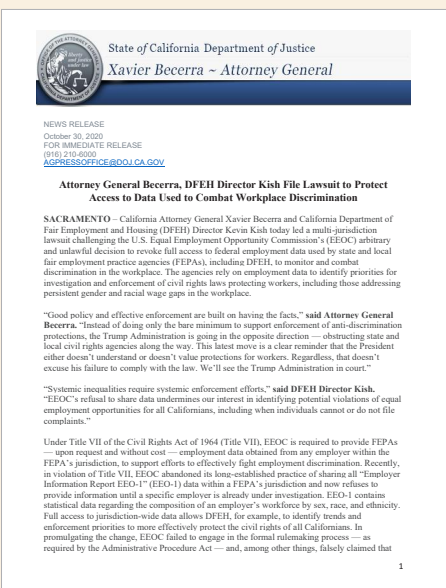
Shaw Law Group: California Employment Law Update –
Webinar Series (5 of 5)



**JAN 08
2021**

The Esquire Network - Employment Law Affinity Group:
CFRA 2021 Expansion Update

CASE FILINGS, SETTLEMENTS, & NEWS



**Attorney General Becerra, DFEH
Director Kish File Lawsuit to Protect
Access to Data Used to Combat
Workplace Discrimination**

View Press Release

October 30, 2020

