

## ● CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

*STATUTORY CITATION:* Cal. Gov. Code §§ 12900–12996

*GENERAL SUMMARY:* The California Fair Employment and Housing Act is intended to safeguard the right and opportunity of all persons to seek, obtain and hold employment without discrimination on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The Act, among other provisions, defines certain unlawful employment practices and prescribes remedies which will help eliminate discrimination by subject employers, implicitly including farm operators and other agricultural entities.

*SPECIFIC TERMS AND CONDITIONS:* With few exceptions, every employer in the state regularly employing 5 or more workers is subject to the Act. It is an unlawful employment practice, unless based on a bona fide occupational qualification, for such an employer, because of any individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, or military and veteran status, to refuse to hire or employ the individual, or to discriminate against the individual with respect to compensation or other terms and conditions of employment. Similarly, except under specified and very limited circumstances, it is unlawful for a subject employer to refuse to hire, or to fire or demote, any individual over the age of 40 on the basis of age.

The Act establishes comparable proscriptions against employment discrimination by employment agencies and labor organizations.

### *ADMINISTRATION AND ENFORCEMENT*

*PRIMARY ENFORCEMENT AGENCY* — *California Department of Fair Employment and Housing, Elk Grove, California 95758 (916-478-7251)*. In exercise of its enforcement responsibility under the Act, the Department is authorized to receive and investigate complaints of employment discrimination, to issue subpoenas, and to interrogate witnesses. Any person aggrieved by alleged unlawful discrimination on the job may file a written complaint with the Department, which is required to try promptly to eliminate any confirmed unlawful employment practice by conference, conciliation and persuasion. If this process fails to effectuate compliance, the Department may file a civil action in court. In general, a complaint under this law must be filed within one year of the alleged violation.

*SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY* — *Fair Employment and Housing Council, Department of Fair Employment and Housing, Elk Grove, California 95758 (916-478-7248)*. The Council is responsible for issuing regulations that interpret and apply the provisions of the Fair Employment and Housing Act, and for conducting hearings and issuing rulings on formal charges brought by the Department of Fair Employment and Housing.

*PRIVATE CIVIL ACTION* — If an accusation is not issued within 150 days after filing of a complaint, or the Department determines that no accusation will be issued, the complainant may bring civil action in superior court against the employer or other entity alleged to have violated the Act.