

ASSEMBLY BILL

No. 800

**Introduced by Assembly Member Wesson
(Principal coauthor: Assembly Member Chan)
(Coauthors: Assembly Members Cedillo, Chavez, Diaz, Firebaugh,
Frommer, Goldberg, Koretz, Liu, Longville, Lowenthal,
Oropeza, Reyes, Romero, Salinas, Steinberg, and Thomson)
(Coauthor: Senator Escutia)**

February 22, 2001

An act to add Section 12951 to the Government Code, relating to employment discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 800, as introduced, Wesson. Employment: Workplace language policies.

Existing provisions of the California Fair Employment and Housing Act define and prohibit various discriminatory employment practices.

This bill would make it an unlawful employment practice for an employer to adopt or enforce a policy that prohibits the use of a non-English language in the workplace unless the policy is justified by an overriding business necessity, as specified, and prescribed notice of the policy is given to employees. The bill would authorize any employee affected by a policy in violation of the bill to bring a civil action for equitable relief and would also require the court or the Fair Employment and Housing Commission, as the case may be, to award \$5,000 penal damages to any aggrieved employee wrongfully subjected to a policy in violation of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12951 is added to the Government
2 Code, to read:

3 12951. (a) It is an unlawful employment practice for an
4 employer to adopt or enforce a policy that limits or prohibits the
5 use of a non-English language in any workplace, unless all of the
6 following conditions exist:

7 (1) The policy specifies the precise times and circumstances
8 during which the language restrictions are required to be observed.

9 (2) All employees subject to the policy are notified in writing
10 at least 60 days in advance of the implementation of the policy.
11 Each new employee shall be provided a copy of the policy, as it
12 then exists, upon his or her acceptance of employment. An
13 employment manual of the employer shall include the policy. The
14 written notification shall include a description of all of the
15 potential sanctions and other consequences for violation of the
16 policy, including any available exceptions.

17 (3) The policy is justified by an overriding legitimate business
18 necessity that it is essential for the safe and efficient operation of
19 the business, the policy directly and effectively fulfills the business
20 purpose it is designed to serve, and there exists no alternative
21 employment practice that would substantially accomplish the
22 same business purpose with a less discriminatory effect.

23 (b) (1) In addition to the remedies otherwise provided in this
24 part, the court or the commission, as the case may be, shall award
25 damages in the amount of five thousand dollars (\$5,000) to each
26 aggrieved employee wrongfully subjected to a policy in violation
27 of this section.

28 (2) An action for equitable relief may be brought against an
29 employer that adopts or enforces a policy in violation of this
30 section in a court of competent jurisdiction by any employee
31 subject to the policy, regardless of whether the employee speaks
32 a language other than English.

O

