

Assembly Bill No. 800

CHAPTER 295

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

[Approved by Governor September 12, 2001. Filed with Secretary of State September 12, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 800, 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 any language in the workplace unless the policy is justified by business necessity, as defined, and prescribed notice of the policy and consequences for violation of the policy is given to employees. The bill would also make a statement of legislative intent regarding its provisions.

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

SECTION 1. In enacting Section 2 of this act, it is the intent of the Legislature to statutorily implement the constitutional protections provided by Section 8 of Article I of the California Constitution, that no person may be disqualified from entering or pursuing a business, profession, vocation, or employment because of national or ethnic origin, among other factors, while also recognizing the statement of policy provided by Section 6 of Article III of the California Constitution, that English is the official language of California.

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

12951. (a) It is an unlawful employment practice for an employer, as defined in subdivision (d) of Section 12926, to adopt or enforce a policy that limits or prohibits the use of any language in any workplace, unless both of the following conditions exist:

(1) The language restriction is justified by a business necessity.

(2) The employer has notified its employees of the circumstances and the time when the language restriction is required to be observed and of the consequences for violating the language restriction.

(b) For the purposes of this section, "business necessity" means an overriding legitimate business purpose such that the language restriction



is necessary to the safe and efficient operation of the business, that the language restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the language restriction that would accomplish the business purpose equally well with a lesser discriminatory impact.

