

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN ASSEMBLY JUNE 19, 2006

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1745

Introduced by Senator Kuehl

(Principal coauthor: Assembly Member Bermudez)

(Coauthors: Senators Bowen, Figueroa, and Romero)

~~(Coauthor: Assembly Member Laird~~ *Coauthors: Assembly Members Bass, Chan, Cohn, Coto, Evans, Goldberg, Karnette, Koretz, Laird, Lieber, Pavley, and Saldana)*

February 24, 2006

An act to add Section 53.5 to the Civil Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Kuehl. Employment discrimination: victims of violence.

Existing law makes it a crime to engage in specified acts of domestic violence, sexual assault, and stalking.

This bill would provide that it is against the public policy of the state ~~to~~ *for an employer of one or more employees to harass an individual, and for an employer of 5 or more employees to harass, refuse to hire or employ, discharge, or otherwise discriminate against a person in employment*, because he or she is a victim of domestic violence, sexual assault, or stalking, as defined.

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

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

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) Domestic violence, sexual assault, and stalking affect many
4 persons without regard to age, race, national origin, sexual
5 orientation, or socioeconomic status. Twenty-one percent of
6 full-time employed persons surveyed identified themselves as
7 victims of domestic violence.

8 (b) Studies show that up to one-half of domestic violence
9 victims experience job loss. Forty percent reported on-the-job
10 harassment. Nearly 50 percent of the sexual assault survivors
11 lose their jobs or are forced to quit in the aftermath of the
12 assaults.

13 (c) Retaining employment is vital to independence and
14 recovery for victims of domestic violence, sexual assault, and
15 stalking.

16 (d) Law enforcement faces obstacles in successfully
17 investigating and prosecuting violent criminals when victims fear
18 adverse employment actions.

19 (e) *Employers have the tools, including workplace protective*
20 *orders issued under Section 527.8 of the Code of Civil*
21 *Procedure, to maintain workplace safety without terminating or*
22 *discriminating against victims of domestic violence.*

23 SEC. 2. Section 53.5 is added to the Civil Code, to read:

24 53.5. (a) It is against the public policy of the state for any
25 ~~person to discharge or harass any individual, or otherwise~~
26 ~~discriminate employer of one or more employees to harass any~~
27 ~~individual, or for any employer of five or more employees to~~
28 ~~harass, refuse to hire or employ, discharge, or otherwise~~
29 ~~discriminate~~ against any individual in compensation, or in other
30 terms, conditions, or privileges of employment, because the
31 individual is a victim of domestic violence, sexual assault, or
32 stalking. For purposes of this section, “domestic violence” means
33 any of the types of abuse set forth in Section 6211 of the Family
34 Code. “Sexual assault” means any of the acts that constitute the
35 crimes set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b,
36 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5,
37 289, or 311.4 of the Penal Code. “Stalking” means any of the acts

1 that constitute the crimes set forth in Section 646.9 of the Penal
2 Code.

3 *(b) Nothing in this section is intended to make unlawful any*
4 *action that an employer demonstrates is necessary and effective*
5 *to ensure workplace safety.*

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