

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



DFEH UPDATES!

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DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



WELCOME & INTRODUCTIONS

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



DFEH UPDATES!

- **DFEH:**
Mission
- **WHAT'S NEW:**
Outreach
- **ANTI-DISCRIMINATION, HARASSMENT, & RETALIATION:**
Legal updates on Discrimination, Harassment, Retaliation, & abusive conduct
Best practices in harassment prevention & Investigative practices
- **LEGAL UPDATES AND TRENDS:**
Criminal History Trends
Crown Act
& More

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



The Department of Fair Employment and Housing is California's Civil Rights Agency



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



MISSION

The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from the perpetration of acts of hate violence and human trafficking.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DFEH RESPONSIBILITIES



Engage in public outreach and provide training and technical assistance to employers, business establishments, and housing providers regarding their responsibilities under the law



Investigate discrimination complaints and cases of systemic discrimination



Facilitate mediation and resolution of disputes involving civil rights



Enforce the laws by prosecuting violations in civil court




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

CIVIL RIGHTS LAWS ENFORCED BY DFEH (1 OF 4)

Fair Employment and Housing Act

- Government Code §§ 12940-12951, 12955-12956.2 protect individuals from housing and employment discrimination and harassment on the basis of protected characteristics.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

- **Unruh Civil Rights Act:** Civil Code § 51 – protects individuals from discrimination/harassment by business establishments (e.g., stores, restaurants, housing accommodations) on the basis of protected characteristics. The Unruh Act incorporates the Americans with Disabilities Act at Civil Code § 51(f).
- **Ralph Civil Rights Act:** Civil Code § 51.7 - protects individuals from hate violence or threats of violence on the basis of protected characteristics.

UNRUH CIVIL RIGHTS ACT	RALPH CIVIL RIGHTS ACT
<input type="checkbox"/> Requires "full and equal accommodations, advantages, facilities, privileges, or services in all business establishments." Business establishments covered by the law include, but are not limited to: Hotels and motels Nonprofit organizations Restaurants Theaters Barber shops and beauty salons Hospitals Housing accommodations.	<input type="checkbox"/> Makes it unlawful for any person to threaten or commit acts of violence against a person or property based on race, color, religion, ancestry, national origin, age, marital status, medical condition, genetic information, disability, sex/gender, gender identity, gender expression, sexual orientation, political affiliation, or position in a labor dispute.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

CIVIL RIGHTS LAWS ENFORCED BY DFEH (3 OF 4)

Disabled Person's Act

- Civil Code § 54, et seq. - gives individuals with disabilities or medical conditions the same right as the general public to the full and free use of all public places (e.g., streets, highways, sidewalks, public buildings, hospitals, etc.)



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

CIVIL RIGHTS LAWS ENFORCED BY DFEH (4 OF 4)

Human Trafficking

- Civil Code § 52.5 – protects individuals against the deprivation or violation of their personal liberty by a person seeking to obtain forced labor or services, including sex

Recipients of State Funding

- Government Code § 11135, et seq. – protects individuals from discrimination by recipients of state funding or state financial assistance




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



WHAT'S NEW




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EDUCATION AND OUTREACH MULTIFACETED APPROACH

<p>DIRECT SERVICE AND OUTREACH</p> <ul style="list-style-type: none"> ADOPTION AGENCIES COURT JUSTICE STAKEHOLDERS TECHNICAL COLLEGES HOPE HOME OWNERS ASSOCIATIONS HUMAN TRAFFICKING STAKEHOLDERS LGBTQIA COMMUNITY MENTAL HEALTH COMMUNITY 	<p>EDUCATION</p> <ul style="list-style-type: none"> AGE DISCRIMINATION WORKING EMPLOYMENT AND PUBLIC ACCOMMODATION NATIONAL ORIGIN IMMIGRATION STATUS FREQUENCY DISCRIMINATION RACIAL DISCRIMINATION RELIGIOUS DISCRIMINATION 	<p>CIVIL RIGHTS IMPACT EFFORTS</p> <ul style="list-style-type: none"> FAIR CHANCE ACT WORKING AND COMMUNITY DEVELOPMENT LANGUAGE PROFICIENCY AND HUMAN TRAFFICKING GRIT SEXUAL HARASSMENT STATE AND LOCAL GOVERNMENT
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DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

MULTIFACETED APPROACH COVERS ALL THINGS DISCUSSED IN OUR UPDATES PLUS:

#1 INCREASE ACCESS TO INFORMATION ABOUT RIGHTS AND RESPONSIBILITIES



TASKS

- CIVIL RIGHTS PHONE APP
- CREATE AND DESIGN NEW DFEPH WEBSITE
- CREATE AND DISTRIBUTE HUMAN TRAFFICKING BROCHURE AND VIDEO
- CREATE AND DISTRIBUTE SEXUAL HARASSMENT VIDEO
- DFEPH PSA CAMPAIGN
- PROVIDE SUMMIT ON FAIR CHANCE ACT
- ANTI-DISCRIMINATION PSA CAMPAIGN

#2 PREVENT AND COMBAT DISCRIMINATION AND HATE VIOLENCE

TASKS

- COLLABORATE WITH HOUSING AND COMMUNITY DEVELOPMENT ON ABOSW
- CREATE AND REDESIGN DFEPH OUTREACH MATERIAL
- DEVELOP LEF FAIR HOUSING BOOKLET IN 5 ADDITIONAL LEF LANGUAGES
- LGBTQIA FACT SHEET
- CONDUCT TRAININGS STATEWIDE FOR JEWEL, ISLAMIC AND SIKH COMMUNITIES
- CREATE AND DISTRIBUTE HARASSMENT IN HOUSING GUIDANCE

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

SEXUAL HARASSMENT





DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING


AMENDS THE GOVERNMENT CODE TO MAKE IT EASIER FOR CALIFORNIA EMPLOYEES TO ASSERT SEXUAL HARASSMENT LAWSUITS AGAINST THEIR EMPLOYERS.

<p>California rejects the Stray Remark Doctrine</p> <p>Standards the same in all industries</p> <p>No Summary Judgment for Harassment Cases.</p> <p>No Showing of Tangible Activity Decline</p>	<p>Single Incident can be hostile work environment</p> <p>Employers may not require an employee to sign a non-disparagement agreement or other document that denies the employee the right to disclose information about unlawful acts in the workplace.</p>	<p>It is unlawful for settlement agreements to include confidentiality provisions that deny a person's right to disclose certain information about unlawful workplace acts, when such an agreement is reached after the filing of a civil or administration action against employers and/or harassers.</p>
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LEGISLATIVE INTENT





DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



- No confidentiality clauses in sexual harassment settlements, Code of Civ. Pro., § 1001
- No waivers to testify in sexual harassment settlements, Civ. Code, § 1670.11
- Limits on releases and non-disparagement clauses, Gov. Code, § 12964.5




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SEXUAL HARASSMENT TRAINING

- [SB 1343](#) requires that all employers of 5 or more employees provide 1 hour of sexual harassment and abusive conduct prevention training to non-managerial employees and 2 hours of sexual harassment and abusive conduct prevention training to managerial employees once every two years.



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TYPES OF EMPLOYEES

Does SB1343 include employer responsibility for training independent contractors?

• Yes. Independent contractors need to be trained if the employer is regularly employing or receiving the services of five or more individuals (independent contractors), including individuals performing any service under any appointment, contract of hire or apprenticeship, express or implied, oral or written

What if the employees are seasonal, temporary or otherwise work for less than six months?

• Beginning January 1, 2020, the employer is required to provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.
 • In the case of a temporary employee employed by a temporary services employer, as defined in Section 201.3 of the Labor Code, to perform services for clients, the training shall be provided by the temporary services employer, not the client.



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NON-EMPLOYEES

Do volunteers and unpaid interns require training?

No. It is not required that employers train independent contractors, volunteers, and unpaid interns. However, in determining whether an employer meets the threshold of having 5 employees and being subject to the harassment prevention training requirement, independent contractors, volunteers, and unpaid interns must be counted. For example, if an employer has 2 full time employees and 6 unpaid interns, the employer would meet the training threshold requirement and would need to ensure the two full time employees receive training only.




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

IMPORTANT DATES

By what date must employees be trained?

- Both managerial and non-managerial employees must receive training by January 1, 2021. Beginning January 1, 2021, employees must be retrained once every two years. For those employers who provided the training to an employee in 2019, it is not required to provide refresher training again until two years thereafter (2021).

What if a supervisor or non-supervisory employee has received the training in compliance with 12950.1 within the prior two years either from a current, a prior or alternate, or a joint employer? Do they have to retake the training again?

- No. Supervisors need only be given, be required to read and to acknowledge receipt of, the employer's antiharassment policy within six months of assuming the supervisor's new supervisory position or within six months of the employer's eligibility.

For non-supervisor employees who have received a harassment training in compliance with 12950.1 from another employer within the prior two years, they must be required to read and to acknowledge receipt of the employer's antiharassment policy.

- Again, the current employer will be responsible for ensuring that all non-supervisory staff have fulfilled the training requirement contained in 12950.1, which may require verifying compliance from the prior, alternate, or joint employer.




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DFEH TRAINING RELEASE

SB 1343 requires that DFEH make online training courses available on the prevention of sexual harassment and abusive conduct in the workplace. DFEH expects to have such trainings available by late 2019.

In the interim period, DFEH is offering a **SEXUAL HARASSMENT AND ABUSIVE CONDUCT PREVENTION TOOLKIT**, including a sample sexual harassment and abusive conduct prevention training. Employers may use the training in conjunction with an eligible trainer to provide sexual harassment and abusive conduct prevention training.




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

TRAINER REQUIREMENTS



BELIEVE I MAY BE ELIGIBLE TO BECOME A TRAINER, HOW CAN I VERIFY THIS AND BECOME CERTIFIED?

THERE IS CURRENTLY NO CERTIFICATION REQUIREMENT FOR QUALIFIED TRAINERS, AND DFEH IS UNABLE TO PROVIDE GUIDANCE AS TO WHETHER ONE MEETS THE QUALIFICATIONS OF A TRAINER. IF YOU BELIEVE YOU MEET THE REQUIREMENTS FOUND IN 2 CCR 11024, YOU MAY CHOOSE TO OFFER YOUR SERVICES AS A TRAINER.

DOES A TRAINER ALSO NEED TO PARTICIPATE IN A SEPARATE TRAINING IN ORDER TO BE COMPLIANT?

AN INDIVIDUAL WHO IS A QUALIFIED TRAINING PROVIDER ACCORDING TO THE REGULATIONS (AND WHO DOES PROVIDE THE TRAINING) DOES NOT NEED TO PARTICIPATE IN A SEPARATE SEXUAL HARASSMENT PREVENTION TRAINING FOR THEIR EMPLOYER TO BE IN COMPLIANCE WITH THE TRAINING REQUIREMENTS.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

TRAINING DOCUMENTATION

What documentation is required for those who have completed the training?

The law requires employers to keep documentation of the training it has provided its employees for a minimum of two years, including but not limited to the *names of the supervisory employees trained, the date of training, the sign in sheets, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and the name of the training provider.*



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WHAT IS "EFFECTIVE INTERACTIVE TRAINING"


Classroom training that is in-person, trainer-instruction, whose content is created by a trainer and provided to a supervisor by a trainer, in a setting removed from the supervisor's daily duties.

E-learning that is individualized, interactive, computer-based training created by a trainer and an instructional designer that includes a link or directions on how to contact a trainer who shall be available to answer questions and to provide guidance within two business days after the question is asked.

The trainer shall maintain all written questions received, and all written responses or guidance provided, for a period of two years after the date of the response.


Webinar training that's an internet-based seminar whose content is created and taught by a trainer and transmitted over the internet or intranet in real time. IT CAN BE WATCHED IN LARGE GROUPS

Other "effective interactive training" and education includes the use of audio, video or computer technology in conjunction with classroom, webinar and/or e-learning training.




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

WHO IS RESPONSIBLE FOR THE COST?



California law specifies that, "An employer.... shall provide" sexual harassment and abusive conduct prevention training, Gov. Code 12950.1(a)-(b).
 The Department is authorized to seek a court order that "the employer" has not complied with this requirement. Gov. Code 12950.3(f). This language makes clear that it is the employer's – not the employee's – responsibility to provide the required training, including any costs that may be incurred.
 This language also makes clear that employees may not be required to take such training during their personal time; the training must be "provided" by the employer as part of an individual's employment.



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ANYTHING ELSE?




Yes, every employer shall post a poster developed by the Department regarding transgender rights and sexual harassment in a prominent and accessible location in the workplace.



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Other Updates

- FEHA, California Government Code, § 12940(a) ☐ California Labor Code, §§ 1197.5; 432.3 (NO SALARY HISTORY, GENERALLY)
- DFEH Enf. Div. Directive No. 215 (COMPLAINTS ALLEGING GENDER, RACE, OR ETHNICITY (NATIONAL ORIGIN, ANCESTRY) DISCRIMINATION IN THE FORM OF PAY INEQUALITIES)(2017)
- ☐ DFEH Enf. Div. Directive No. 216 (REFERRAL OF EQUAL PAY CASES BETWEEN THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING AND THE DIVISION OF LABOR STANDARDS ENFORCEMENT (DLSE) (2017)




ADDITIONAL LEGAL UPDATES!

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

FAIR CHANCE ACT
Effective
January 2018


The Fair Chance Act (Assembly Bill No. 1008), effective January 1, 2018, added a new section to the Fair Employment and Housing Act (at Government Code § 12952) making it illegal for most employers in California to ask about the criminal record of job applicants before making a job offer. This means ads, job applications, and interview questions cannot include inquiries into an applicant's criminal record.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

AB 2845
Effective
January 2019



In the Fair Chance Act (AKA Ban the Box), which is Gov. Code, § 12952 in the FEHA, this bill adds convictions for which the convicted person has received a **full pardon** or has been issued a **certificate of rehabilitation** to the list of information that employers may not consider **at all** when conducting a conviction history background check. (noted 12952 3C)



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

What Can Employers Ask?

- Employers may ask about an employee's employment history, and may ask for personal references, in addition to other non-discriminatory questions. **An interviewer should not ask questions designed to detect a person's gender identity, including asking about their marital status, spouse's name, or relation of household members to one another. Employers should not ask questions about a person's body or whether they plan to have surgery.**



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

How do employers implement dress codes and grooming standards?



- An employer who requires a dress code must enforce it in a non-discriminatory manner. This means that, unless an employer can demonstrate business necessity, each employee must be allowed to dress in accordance with their gender identity and gender expression. Transgender or gender non-conforming employees may not be held to any different standard of dress or grooming than any other employee



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

What are the obligations of employers when it comes to bathrooms, showers, and locker rooms?

- All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's assigned sex at birth. In addition, where possible, an employer should provide an easily accessible unisex single stall bathroom for use by any employee who desires increased privacy, regardless of the underlying reason.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



How do employers implement dress codes and grooming standards?

- Use of a unisex single stall restroom should always be a matter of choice. No employee should be forced to use one either as a matter of policy or due to harassment in a gender-appropriate facility. Unless exempted by other provisions of state law, all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency must be identified as all-gender toilet facilities.



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency | GOVERNOR ERNESTO C. BECERRA

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 KENNEDY DRIVE, SUITE 300 | ELI, CALIFORNIA | CA 95716 | 916-438-4884 (voice) | 800-795-2125 (TDD) | California Relay Service at 711 | www.dfeh.ca.gov | email: contact_center@dfeh.ca.gov | DIRECTOR KEVIN KISH

May 2, 2018 | Contact: Holly Thomas (213) 337-4484
For immediate release | Holly.Thomas@dfeh.ca.gov

DFEH Sues San Diego Crunch Fitness for Discriminating Against Transgender Member

Gym Refused to Give Transgender Woman Member Access to Women's Facilities

Sacramento – The California Department of Fair Employment and Housing (DFEH) has filed a lawsuit charging that CFG Jamacha, LLC, doing business as Crunch Fitness (Crunch Fitness), violated the state's civil rights laws when it refused to give a transgender woman gym member access to the women's locker room and restroom.

According to DFEH's lawsuit, Crunch Fitness failed to give the member access after her doctor informed management of her transition and advised that she should be permitted to use the women's locker room. Five months later, Crunch Fitness again refused to give her access to the women's facilities even though she presented a decree from the San Diego County Superior Court changing her name and gender. Crunch Fitness said it would not give her access to the women's locker room until she underwent an undefined medical procedure. As a result, she was required to use the men's facilities for almost a year while identifying and expressing herself as a woman. She filed a complaint with DFEH in 2017.

"A business's refusal to give a transgender individual access to the sex-segregated facility that aligns with their gender identity or gender expression constitutes discrimination under California's Unruh Civil Rights Act," said DFEH Director Kevin Kish. "State law does not require transgender people to demonstrate they have undergone any clinical treatment before they are entitled to access the sex-segregated facilities that correspond to their identity."

DFEH is seeking compensatory damages as well as injunctive relief, including training for the defendants on the Unruh Civil Rights Act and modification of the gym's policies to give members access to the restroom and locker room facilities that align with their gender identity

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



SB 188 – THE CROWN ACT




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

The CROWN Act addresses discriminatory grooming policies that have a disparate impact on Black women, men and children, and has drawn attention to cultural and racial discrimination taking place within workplaces and schools. In California, under the Fair Employment and Housing Act (FEHA), it is unlawful to engage in specified discriminatory employment practices based on certain protected characteristics, including race. Moreover, housing discrimination based on race is also unlawful.

This bill expands the definition of race under FEHA to include traits historically associated with race, including, but not limited to, **hair texture and protective hairstyles, and would define protective hairstyles for purposes of these provisions.**

WHAT IS THE CROWN ACT?

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

WHY WAS THE DEFINITION OF RACE EXPANDED?

Title VII of the Civil Rights Act of 1964 prohibits discrimination based on race, and therefore protects against discrimination against afros. However, prior to the Crown Act, Black hair presented in braids, twists, and locks was not protected from discrimination.

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

PROTECTED CLASSES

*Race (hair texture and style)	*Color	*Criminal Background	*Ancestry	*Religion
*Sex	*Gender	*Sexual Harassment	*Sexual Orientation	*Gender Identity
*Gender Expression	*National Origin	*Primary Language	*Citizenship Status	*Immigration Status
*Familial Status (children under the age of 18, pregnant, or becoming a legal custodian)	*Disability (mental and/or physical)	*Marital Status	*Medical Condition	*Genetic Information



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

WHY

EXPLICIT
50 YEARS AGO DISCRIMINATION WAS COMPRISED OF EXPLICIT, INCONTROVERTABLE ACTS OF RACISM.

IMPLICIT
THE LEGAL DEFENSE FUND (LDF) SAID THAT MODERN-DAY RACIAL DISCRIMINATION IS NOT AS OVERT AS IT WAS 40 YEARS AGO, AND THAT THE COURTS NEED TO RECOGNIZE THAT.

"IN AN AGE WHERE EMPLOYMENT DISCRIMINATION RARELY PRESENTS ITSELF IN POLICIES THAT EXPLICITLY EXCLUDE EMPLOYEES BASED ON SKIN COLOR, THE VITALITY OF TITLE VII DEPENDS ON ITS ABILITY TO ROOT OUT MORE SUBTLE PRACTICES — FACIALLY NEUTRAL POLICIES, RACIAL PROXIES, STEREOTYPED THINKING — THAT STILL OPERATE TO DISFAVOR APPLICANTS BASED ON THEIR RACE." EQUAL EMPLOYMENT OPPORTUNITY COMMISSION V. CATASTROPHE MANAGEMENT SOLUTIONS

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Gbjabiamila v. Abercrombie Fitch, Inc. (2007, CA.)

Plaintiff (who wore an afro) was originally hired at Abercrombie Fitch, with notification that he must comply with the "Look" policy.

During the remainder of the hiring and training process he wore corn rows and was not told they were a violation of the policy.

He was then provided the policy which stated "employees were expected to maintain "clean, natural, and classic" hairstyles, and that styles consistent with Southern California's "surfer look" were preferred"

After a series of four meetings with management and HR he was terminated when he indicated he would not consider altering his hair style.

He argued this violated "California's public policies prohibiting discrimination on the basis of race and color against employees"...

The DFEH filed a charge on Plaintiff's behalf alleging discrimination by firing Plaintiff but the Equal Employment Opportunity Commission found in favor of Abercrombie.....

2019 POST CROWN ACT — DIFFERENT OUTCOME?



SO WHAT DOES IT LOOK LIKE IN REAL LIFE.....



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EDUCATION CODE

- **SEC. 2.**
- Section 212.1 of the Education Code is amended to read:
- **212.1.**
- (a) "Race or ethnicity" includes ancestry, color, ethnic group identification, and ethnic background.
- (b) "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.
- (c) "Protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists.

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IMAGINE THIS HAPPENING TO YOUR CHILD.....

- <https://www.youtube.com/watch?v=uUdHlexGa4A>



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EXAMPLES OF VIOLATIONS



A GROOMING POLICY TO MAINTAIN A "NEAT AND ORDERLY" APPEARANCE THAT PROHIBITS CORNBROWS OR LOCS;



A GROOMING POLICY REQUIRING EMPLOYEES TO STRAIGHTEN OR RELAX THEIR HAIR TO CONFORM TO THE COMPANY'S APPEARANCE STANDARDS;



A GROOMING POLICY LIMITING HAIR LENGTH, WHICH WOULD CONSEQUENTLY LIMIT AFROS;



REQUIRING BLACK PEOPLE TO OBTAIN APPROVAL TO CHANGE HAIRSTYLES BUT NOT REQUIRING OTHER PEOPLE TO DO THE SAME;



INFORMING BLACK EMPLOYEES WITH CORNBROWS THAT THEY MUST CHANGE HAIRSTYLES TO WORK IN CUSTOMER-FACING ROLES;



REFUSING TO HIRE BLACK APPLICANTS WITH LOCS BECAUSE THEIR HAIRSTYLE DOES NOT FIT THE "COMPANY IMAGE"; AND




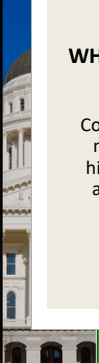
REQUIRING BLACK EMPLOYEES TO HIDE THEIR HAIR WITH AN ACCESSORY, SUCH AS A HAT OR VISOR.





DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

WHAT CAN I DO: MAKE A COMPLAINT TO DFEH


Complaints to DFEH involving racial discrimination may now include unlawful discrimination based on traits historically associated with race including hair texture and protected hairstyles including but not limited to braids, locks, and twists.





DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

HUMAN TRAFFICKING SB970





DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



WHAT DOES THE LAW REQUIRE?

By January 1, 2020, an employer shall provide minimally:


- At least 20 minutes of classroom or other effective interactive training and education regarding human trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking and who is employed as of July 1, 2019; and
- Within six months of his or her employment in that role, to each new employee who is likely to interact or come into contact with victims of human trafficking.
- After January 1, 2020, biennially


DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

WHAT IS HUMAN TRAFFICKING AND COMMERCIAL EXPLOITATION OF CHILDREN



- **HUMAN TRAFFICKING:** U.S. Law defines human trafficking as the use of force, fraud, or coercion to compel a person into commercial sex acts or labor or services against his or her will.
- **COMMERCIAL EXPLOITATION OF CHILDREN:** The one exception involves minors and commercial sex. Inducing a minor into commercial sex is considered human trafficking regardless of the presence of force, fraud or coercion. Commercial sexual exploitation of children is a commercial transaction that involves the sexual exploitation of a child, such as the prostitution of children, child pornography, and the sale and trafficking of children.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING


WHEN DOES IT BECOME LABOR TRAFFICKING?

A situation in the hospitality industry becomes labor trafficking when the victim is made to believe, through the use of force, fraud, or coercion that he or she cannot quit and has no other choice but to continue to work. Common elements of force, fraud, or coercion used in hospitality settings include:

Force: Physical and/or sexual abuse; restrictions on movement or confinement to the hotel property; restricted communication with family or friends; constant surveillance.

Fraud: Misrepresentation of the work, working conditions, wages, and/or immigration benefits of the job; altered or fake contracts; non-payment or underpayment of wages, visa fraud.

Coercion: Threats of harm to the victim or the victim's family members; threats of deportation or police involvement; debt manipulation; unreasonable deductions and fees for visas, transportation, rent, food and/or uniforms.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

WHEN DOES IT BECOME SEX TRAFFICKING?

A victim is forced, in one of a variety of ways, into a situation of dependency on their trafficker(s) and then used by trafficker(s) to give sexual services to customers.

There are three types of activities defined as sex trafficking crimes: acquisition, transportation and exploitation; this includes:

child sex tourism (CST), domestic minor sex trafficking (DMST) or other kinds of commercial sexual exploitation of children, and prostitution. Sex trafficking is one of the biggest criminal businesses in the world.



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

VICTIM VULNERABILITIES FOR LABOR AND SEX TRAFFICKING

Human trafficking spans all victim demographics and their vulnerabilities; some examples of these include:

- Immigration Status
- Recruitment Debt
- Runaway and homeless youth
- Children and youth in foster care
- Individuals fleeing violence or natural disasters
- Individuals with a disability
- Those who have suffered other types of abuse or exploitation in their lifetimes; and
- Recent substance use, and/or mental health concerns




DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



DFEH CONTACT INFORMATION

- Call our Communication Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
- Email contact.center@dfeh.ca.gov and we will respond within two business days.
- Email accommodations@dfeh.ca.gov or call 844-541-2877 for disability accommodations.
- Send all correspondence and mail to DFEH headquarters:
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758