Harassment & Discrimination

PROTECTED CLASSES

California law protects individuals from illegal discrimination by employers based on the following protected classes:

- Race, color
- Ancestry, national origin
- Religion, creed
- Age (40 and over)
- Disability, mental and physical
- Sex, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions)
- Sexual orientation
- Gender identity, gender expression
- Medical condition
- Genetic information
- Marital status
- Military or veteran status

For more information, refer to campus resources for SVSH Prevention.

DISCRIMINATION

What does discrimination look like?

California state laws barring discrimination apply to all business practices, including the following:

- Advertisements
- Applications, screening, and interviews
- Hiring, transferring, promoting, terminating, or separating employees
- Working conditions, including compensation
- Participation in a training or apprenticeship program, employee organization or union
- The Fair Employment and Housing Act (FEHA) applies to public and private employers, labor organizations and employment agencies.

It is illegal for employers of 5 or more employees to discriminate against job applicants and employees because of a protected category or retaliate against them because they have asserted their rights under the law.

The FEHA prohibits harassment based on a protected category against an employee, an applicant, an unpaid intern or volunteer, or a contractor. Harassment is prohibited in all workplaces, even those with fewer than five employees.

The California Family Rights Act (CFRA) requires employers of 5 or more employees to provide an eligible employee with job-protected leave to care for a child, spouse, domestic partner, parent, grandparent, grandchild, or sibling with a serious health condition, and for the employee’s own serious health condition. An eligible employee may also take job-protected leave to bond with a new child by birth, adoption, or foster care placement, within one year of the child’s birth, adoption, or foster placement. “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee or the employee’s domestic partner, or a person to whom the employee stands in loco parentis. “Parent” includes a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

Employers of 5 or more employees must provide up to four months of disability leave for an employee who is disabled due to pregnancy, childbirth, or a related medical condition.

To find out if you qualify for job-protected leave due to pregnancy disability or bonding with a new child, see our Interactive App on Job-Protected Leave.
Employers of 5 or more employees are required to provide sexual harassment training to supervisory and nonsupervisory employees, and CRD accepts complaints when a person believes that an employer has not complied with these training and education requirements.

PREVENTION

How do we prevent harassment & discrimination?
By understanding and following the following guidelines, we can create a respectful and inclusive environment for all employees:

Treat others with respect: It is essential to treat all colleagues, regardless of their race, gender, age, or any other protected characteristic, with respect and dignity. Avoid making derogatory comments, offensive jokes, or engaging in any behavior that may be perceived as discriminatory or harassing.

Be aware of unconscious biases: We all have unconscious biases that can affect our judgment and behavior. It is crucial to recognize and challenge these biases to ensure fair and equitable treatment of all individuals. Take the time to reflect on your own biases and seek opportunities to learn and grow.

Communicate: If you witness or experience any form of harassment or discrimination, do not stay silent. Report the incident to the appropriate channels within the company, such as your supervisor, human resources, or the designated reporting hotline. Remember, your voice matters, and by speaking up, you contribute to a safer and more inclusive workplace.

Foster an inclusive environment: Actively contribute to creating an inclusive workplace by embracing diversity and actively seeking out different perspectives. Respect and value the ideas and contributions of all team members, ensuring that everyone has an equal opportunity to succeed and thrive.

Educate yourself and others: Stay informed about the laws and regulations pertaining to harassment and discrimination in California. Attend training sessions, workshops, or webinars offered by the company to enhance your knowledge and understanding of these issues. Share your learnings with your colleagues and promote discussions around diversity, equity, and inclusion.

Remember, preventing harassment and discrimination is a collective effort. By actively engaging in these actions, we can contribute to a more respectful and inclusive work environment for everyone.

REMEDIES

What are available remedies for employment discrimination?
State law provides for a variety of remedies for victims of employment discrimination, including:

- Back pay (past lost earnings)
- Front pay (future lost earnings)
- Hiring / Reinstatement
- Promotion
- Out-of-pocket expenses
- Policy changes
- Training
- Reasonable accommodation(s)
- Damages for emotional distress
- Punitive damages
- Attorney’s fees and costs

COMPLAINT PROCESS

Visit the California Civil Rights Department Complaint Process webpage for information about on how to file, intake interview materials, responding to a complaint, possible outcomes, appeals, and other.