

NEW REQUIRED POLICY FOR ALL CALIFORNIA EMPLOYERS

Effective April 1st, 2016, all California employers are required to have a written policy regarding discrimination, harassment, and retaliation that includes specific language and provisions.

California's Fair Employment and Housing Act (FEHA) is the state law equivalent of the Federal Civil Rights Act, and it generally protects employees from mistreatment in the workplace on the basis of being a member of a "protected class" (a defined and expanding term). The Fair Employment and Housing Council recently adopted amendments to FEHA that require all California employers to maintain a written policy on the prohibition, prevention, investigation, and remediation of harassment, discrimination, and retaliation. While many employers may have an employee handbook that already provides for such a policy, it is important to review the existing policy to ensure it includes the new language and provisions required under the FEHA amendments. For example, among the list of other protected classes, the policy must now include that employees are protected from discrimination, harassment, and retaliation on the basis of "veteran and military status."

An Employment Poster is Not Enough. While employers are required to post certain policies on state and federal law in common areas (e.g. break rooms), a poster will not suffice to comply with the new FEHA amendments. There are a few options for how to comply with the new policy requirement, but every option requires some way for employers to track and confirm that employees have received and understand the policy. As such, whether employers choose to distribute a standalone policy or include the policy in a more comprehensive employee handbook, and whether employers choose a hard copy or electronic policy (e.g., distributed via email or available on the employer's intranet), employers need some form of acknowledgement of receipt for each employee.

Additional Changes. The amendments to the FEHA regulations also add employer requirements pertaining to harassment prevention training, reasonable accommodation of "support animals," and pregnancy disability notices. The full text of the final amendments is available [here](#).

As always, Hoge Fenton's Employment Law Group is on hand to review and update your policies and to address other employment issues pertaining to the new FEHA regulations and beyond.

Primary Contact

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