

### CHARACTERISTICS PROTECTED BY STATE LAW

The vertical column below includes proposed protected characteristics by the Pasadena Legislative Policy Committee.

The horizontal row below lists categories of activity. An “X” indicates that the proposed protected characteristic is expressly protected by state law. For example, creed is protected from discrimination under state law, but only in employment and not in commerce, housing and education.

<b>Proposed Protected Characteristics under City’s Draft Policy</b>	<b>Commerce (Unruh Act)</b>	<b>Employment (FEHA)</b>	<b>Housing (FEHA)</b>	<b>Education</b>
Race	X	X	X	X
Color	X	X	X	
Ethnicity				X
Creed		X		
Age		X		
National Origin	X	X	X	X
Religion	X		X	X
Citizenship/Immigration Status	X			
Gender		X	X	X
Gender Identity or Expression		X	X	X
Sexual Orientation	X	X	X	X
Disability	X	X	X	X
Medical Condition	X	X		
Genetic Information	X	X	X	
Marital Status	X	X	X	
Partnership Status				
Pregnancy and/or Reproductive Health Choice(s)		X		
Employment Status				
Source of Income			X	
Military Status		X	X	
Veteran Status		X	X	
Primary Language	X			
<b>Ancestry*</b>	X	X	X	
<b>Sex*</b>	X	X	X	
<b>Familial Status*</b>			X	

\*Ancestry, sex, and familial status are not proposed protected characteristics by the Pasadena Legislative Policy Committee but are expressly protected under state law.

## **State Anti-Discrimination Protections**

### **Commerce**

State law prohibits discrimination in commerce via the Unruh Act in Civil Code § 51, *et seq.* The Unruh Act guarantees “equal accommodations, advantages, facilities, privileges, or services in all business establishments” to all persons within California. Protected groups include sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status, however verification of immigration status and any discrimination based upon verified immigration status, where required by federal law, shall not constitute a violation.

Discriminatory conduct includes business-to-business boycotts; refusal to buy from or contract with, sell or trade with any person on account of protected characteristics; different prices for different genders; reporting someone to law enforcement and falsely alleging unlawful activity requiring law enforcement intervention; sexual harassment in business, service or professional relationships.

Individuals may report violations of the Unruh Act to the Civil Rights Department of the State Attorney General who may pursue a civil action. Alternatively, individuals may also pursue their own private civil lawsuit in court. Potential remedies available for violations of the Unruh Act include actual damages, treble damages, but not less than \$4,000 per instance, and attorneys’ fees and costs.

### **Employment**

The Fair Employment and Housing Act (“FEHA”) in Government Code § 12900, *et seq.*, aims to “protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment.”

Protected characteristics include “race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, reproductive health decision-making, or military and veteran status.

Discriminatory conduct in employment may occur in advertisements, applications, screening, interviews, hiring, transferring, promoting, terminating, or separating employees, working conditions, including compensation participation in a training or apprenticeship program, employee organization or union.

Potential remedies in an action for employment discrimination under FEHA include back pay (past lost earnings), front pay (future lost earnings), hiring/ reinstatement, promotion, out-of-

## Attachment A

pocket expenses, policy changes, training, reasonable accommodation(s), damages for emotional distress, punitive damages, and attorney's fees and costs.

FEHA employment discrimination may be enforced by a civil action by the State Attorney General or by private right of action

The California Labor Code also prohibits discrimination in pay on the basis of sex, race, or ethnicity for substantially similar work. Any employer found in violation is liable for the amount of wages, plus interest plus liquidated damages. The Division of Labor Standards Enforcement or an individual affected by such discrimination may bring a civil suit.

### **Housing**

FEHA also prohibits discrimination in housing accommodations. Protected characteristics in housing include race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information

Discriminatory conduct includes: harassment; making an inquiry about a protected characteristic from any person seeking to purchase, rent, or lease any housing accommodation; publishing any notice, statement, or advertisement that indicates a preference, limitation, or discrimination based on any protected characteristic; discriminating in purchasing, refinancing, construction of any housing accommodation, or discriminating in terms, conditions, or privileges of lending; eviction if the owner's dominant purpose is retaliation against a person who opposes discriminatory practice; aiding, abetting, inciting, compelling or coercing discriminatory conduct; applying restrictive covenants, zoning laws, denials of use permits for any person on the basis of protected characteristics

Remedies under FEHA for housing discrimination may include actual and punitive damages, temporary or permanent injunction, temporary restraining orders, reasonable attorney's fees and costs.

FEHA housing discrimination may be enforced by a civil action by the State Attorney General or by private right of action.

### **Education**

California's Education Code § 200, et seq. guarantees all persons equal rights and opportunities in public schools in the state.

Discrimination is illegal in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state

## Attachment A

student financial aid. This does not apply to educational institutions controlled by religious organizations if application would not be consistent with religious tenets of that organization

Protected characteristics include “disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status.”

The governing Board of a school district has primary responsibility to ensure activities and programs are free from discrimination. Individuals may file discrimination complaints with school boards and may also pursue civil law remedies including injunctions, restraining orders, or other remedies.