

California Law Protects Unpaid Interns and Volunteers from Harassment and Discrimination

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California has become the third state in the country, after New York and Oregon, to ban sexual harassment and discrimination in the workplace directed toward unpaid interns.

The new law (AB 1443) extends workplace harassment and discrimination protections under the California Fair Employment and Housing Act ("FEHA") to unpaid interns, volunteers, and individuals in apprenticeship training programs. It will go into effect January 1, 2015.

The new law amends current law (Government Code section 12940(c) and (j)) to make it an unlawful employment practice to discriminate against or to harass an unpaid intern or volunteer on the basis of any legally protected classification unless an exception applies, such as a bona fide occupational qualification.

The following classifications are protected in California: race, religious creed, religious observance, color, age, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, marital status, medical condition as defined by applicable state law, disability, genetic information, military service, military and veteran status, pregnancy, childbirth and related medical conditions. Employers should consider reviewing their policies for compliance with the recent changes in California law.

Please contact Jonathan A. Siegel, at SiegelJ@jacksonlewis.com, or the Jackson Lewis attorney with whom you regularly work if you have any questions about the new law.

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