



California Department of Justice

LABOR DAY REPORT

2024



MESSAGE FROM ROB BONTA:

As a son of the labor movement, Labor Day is personal for me. My earliest memories were formed at the headquarters of the United Farm Workers of America where my parents worked alongside Filipino and Latino farmworkers to advocate for better wages and safer working conditions. As a young child, I would watch my father set up health clinics and work in the front office with Cesar Chavez, and I would watch my mom work in the preschool with Dolores Huerta. Philip Vera Cruz would join us in our trailer for Filipino breakfast. My parents and their fellow organizers taught me about the power of people standing in solidarity. They instilled in me the core belief that we can accomplish so much more together than we can on our own. They taught me that everyone of us has a voice; and that when we join our voices in unison, we cannot be silenced.

Labor Day is much more than just a long weekend of barbecues and parades marking the unofficial end of summer. It is a testament to the hard-fought gains of the labor movement. It is a day to acknowledge the unions and courageous labor leaders who fought for the fundamental rights we hold sacred today — including a five-day work week, minimum wage, family leave, and healthcare benefits. It is a day to celebrate the working people who are truly the backbone of our state and nation.

California boasts both the fifth largest economy in the world and some of the strongest labor laws on the books — that is no coincidence. It is because we have unlocked a powerful secret: fair wages, good benefits, and safe working conditions drive a successful economy, innovation, competition, and strong businesses. As California Attorney General, I am proud to defend that ethos.

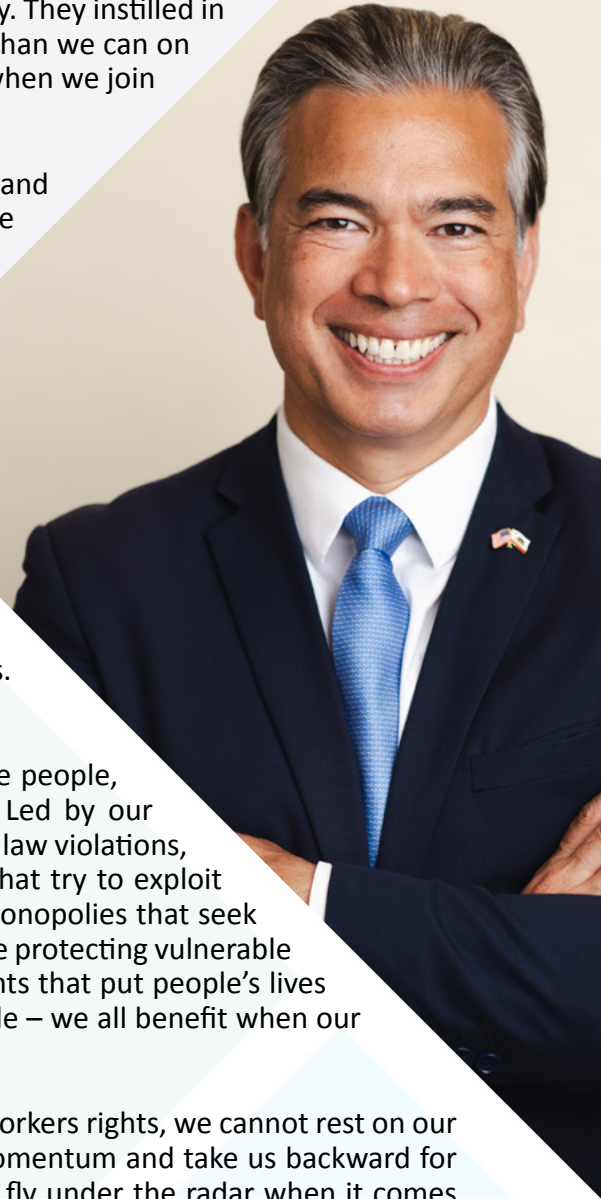
California Department of Justice (DOJ) is bringing power back to the people, leveling the playing field, and protecting a competitive economy. Led by our Worker Rights and Fair Labor Section, we are actively taking on labor law violations, including instances of misclassification of workers and wage theft that try to exploit our workers. We are combatting corporate greed, overreach, and monopolies that seek to limit options for workers, competitors, and consumers. And, we are protecting vulnerable communities from labor trafficking and dangerous work environments that put people's lives and livelihoods at risk. We are driven by a critical but simple principle — we all benefit when our robust labor laws are enforced.

While we have made great progress in our ongoing fight to protect workers rights, we cannot rest on our laurels. There are still others who would try to curb our forward momentum and take us backward for their own gain. That is why we cannot let any industry or company fly under the radar when it comes to trampling over hardworking individuals and families for the sake of turning a profit. Together, we will continue to build a better future where everyone has the opportunity to support themselves and their families, and pursue their version of the California Dream. At the end of the day — or at the end of our shift — when workers win, we all win.

In Solidarity,



Rob Bonta



HIGHLIGHTS FROM THE PAST YEAR:

Cracking Down on Wage Violations

What DOJ has done:

Filed a [lawsuit](#) against a Southern California-based construction subcontractor, West Coast Drywall & Company, Inc., for alleged ongoing wage and hour violations, including failures to pay the minimum wage, pay overtime wages, and reimburse expenses, as well as the denial of legally mandated meal and rest breaks.

Why:

West Coast is alleged to have paid its construction employees under a piece-rate compensation system. Under that system, instead of paying a fixed hourly wage, the company pays its field employees for each piece they complete at a promised rate. Although piece-rate compensation systems are legal if administered properly, systems like the one used by West Coast Drywall & Paint are commonly abused in the construction industry to obscure an employer's failure to fully compensate their workers for all hours worked. In this case, it is alleged that West Coast failed to record all of the hours worked by its employees, and consequently failed to pay its workers for all of the hours they worked.

Protecting Workers Against Misclassification

What DOJ has done:

Defended Assembly Bill 5 (AB 5, Gonzalez) protections for app-based drivers in *Olson v. State of California*. The court ruled application of AB 5 to app-based drivers did not violate the Equal Protection Clause.

Defended AB 5's application to the trucking industry in *California Trucking Association v. Bonta*. The court ruled that AB 5 does not violate the constitution as applied to the trucking industry and its workers.

Why:

Misclassification of workers occurs when an employer improperly classifies their employees as independent contractors, so they do not have to pay payroll taxes, minimum wage or overtime, or comply with other wage and hour law requirements such as providing meal periods and rest breaks. With regard to drivers, whether Uber, Lyft and DoorDash drivers or truckers, misclassification allows the employer to push the full cost of operating and maintaining the vehicle onto the driver.

AB 5 was enacted by the California legislature to address a systemic problem of businesses improperly classifying their workers as independent contractors to avoid providing financial benefits and legal protections owed to employees.

Defending Workers' Rights to Overtime Pay

What DOJ has done:

Filed a complaint and stipulated judgment against Amalfi Stone & Masonry Company, Inc., resolving allegations of unfair competition, payroll tax, and labor violations stemming from its use of off-the-books workers recruited through a labor broker. Under the terms of the judgment, Amalfi must pay over \$400,000 in back payroll taxes and interest, \$280,000 in restitution to 86 workers, and \$100,000 as a civil penalty.

Why:

Amalfi utilized an unlicensed labor broker to supplement its workforce on construction projects in Southern California and failed to report and pay payroll taxes, pay overtime wages, and provide itemized wage statements with respect to those workers. Companies utilize labor brokers or other forms of middlemen to recruit and employ workers in an attempt to distance themselves from potential liability. However, California law imposes liability on a construction contractor for certain wage and tax obligations of its subcontractors if those subcontractors are unlicensed. Amalfi's use of an unlicensed labor broker made the company directly liable for the labor broker's tax and overtime violations.

Ensuring Workers Can Access Brighter Employment Opportunities

What DOJ has done:

Filed a complaint and proposed stipulated judgment to resolve allegations that CK Franchising, Inc. and SDX Home Care Operations, LLC (collectively "Comfort Keepers") included unlawful no-poach and liquidated damages provisions in its client contracts, prohibiting the solicitation or hiring of their current and former employees by clients, thus preventing the employees from seeking new economic opportunities or better working conditions. Under the terms of the proposed judgment, Comfort Keepers will have to remove the non-solicitation, no-hire, and liquidated damages provisions from its client contracts and pay a civil penalty of \$500,000.00.

Supported Assembly Bill 1076 (AB 1076, Bauer-Kahan, Statutes of 2023), which was signed into law and went into effect on January 1, 2024. AB 1076 seeks to protect employees by generally prohibiting the inclusion of a non-compete provision in an employee's contract, and requires specified employers to notify their employees and certain former employees by February 1, 2024 that these types of contractual provisions are void. Non-compete agreements are anticompetitive contracts between an employer and employee that prevent worker mobility. These contracts generally require workers to refrain from accepting new employment opportunities in a similar line of work or establishing a competing business. Although these provisions have long been held void and unenforceable in California, these provisions continued to be inserted into employment agreements.

Why:

Contract terms that restrict employee mobility, like no-poach clauses and non-compete provisions, are detrimental to workers because they deprive workers of job opportunities and artificially restrict the labor market, potentially leading to wage suppression. Even when unenforceable, non-competes can discourage workers from seeking new opportunities, causing workers to mistakenly believe that they cannot pursue or accept a competitor's offer of better pay or working conditions. Similarly, no-poach terms can discourage other businesses from hiring workers who are subject to the term, even if the no-poach term is ultimately unenforceable.



Protecting Farm Workers

What DOJ has done:

Led a coalition of 11 attorneys general in a [multistate comment letter](#) in support of rulemaking by the U.S. Department of Labor, improving key protections for nonimmigrant foreign farm workers under the H-2A agricultural work program. In particular, the multistate comment supports regulatory changes intended to increase protections from arbitrary or retaliatory termination, require transparency into the use of foreign recruiters, and decrease worker isolation and improve access to advocates and services.

Co-sponsored Senate Bill 1299 (SB 1299, Cortese) which would establish a worker compensation fund to support the timely provision of medical treatment to farmworkers who experience a heat-related injury or death while working for an employer who was noncompliant with Cal-OSHA's existing heat illness regulations.

Why:

The federal H-2A agricultural worker program allows agricultural employers who anticipate a shortage of domestic workers to recruit and bring in nonimmigrant foreign workers to perform temporary agricultural work. However, because workers under the program are tied to a single employer for whom they can legally work, these workers are particularly vulnerable and subject to exploitation under threat of retaliatory termination and loss of employment. The extensive regulatory changes implemented by the U.S. Department of Labor aim to alleviate some of the vulnerabilities for these workers and better protect them from rampant abuse.

SB 1299 would incentivize employers to comply with the State's heat illness regulations and provide a timely mechanism to address non-compliance for these essential workers who face increasing exposure to extreme heat events. California's agricultural regions regularly breach 100 degrees during the summer, and from 2018-19, the number of suspected and confirmed farmworker heat-related deaths increased by approximately 130%. Additionally, the federal Occupational Safety and Health Administration cites that almost half of all heat-related deaths among workers occur on their first day on the job, and more than 70% occur within the first week, with the human body requiring days to adapt to hotter temperatures. Specifically, the National Institutes of Health found that agricultural workers are 35 times more likely to die from heat-related stress than workers in other industries. California farmworkers harvest a majority of the nation's production of fruits, nuts, and vegetables.

Ensuring Workers Have Their Day in Court

What DOJ has done:

Last fall, our office joined a multistate amicus brief filed in the United States Supreme Court in support of delivery drivers employed by a bakery company, urging the reversal of an appellate court decision that held that only workers employed in the “transportation industry” are exempt from the Federal Arbitration Act (FAA)’s arbitration mandates under the so-called “transportation worker exemption.” This April, in *Bissonnette v. LePage Bakeries Park St., LLC, et al.*, the Supreme Court agreed with the position advanced in our brief that transportation workers do not need to be employed in the transportation industry to be exempt from the FAA’s arbitration mandates.

Co-sponsored Senate Bill 365 (SB 365, Wiener, Statutes of 2023), which took effect January 1, 2024 and limits frivolous delay tactics used against workers and consumers when a court has already ruled that a forced arbitration agreement is unenforceable. This new law affords judicial discretion on whether to allow for the underlying case to proceed, based on the trial court’s view of the merits of the appeal, and the equities present in each individual case.

Why:

California is home to over 1.5 million transportation workers. Of these workers, about 312,080 are truck drivers in a variety of industries, and many of these workers are directly related to the movement of goods, even if they do not directly work for a trucking company. For many California transportation workers, the decision clarifying the scope of the exemption under the FAA will safeguard workers’ access to the courts, reducing the risk that they will be erroneously diverted to arbitration.

SB 365 will help reduce frivolous delays to justice consistent with the FAA, including worker misclassification, workplace discrimination, and consumer protection cases. Existing law allows an aggrieved party to immediately appeal a court’s order dismissing or denying a petition to compel a case to private arbitration. Prior to SB 365, the law also required in many instances that the court stay the underlying case until after the appeal is decided. The denial of a motion to compel arbitration is a rare instance in which the law allows an immediate appeal of a trial court ruling that occurs other than at the end of a case. Notably, workers and consumers are not afforded the same luxury. In effect, corporate defendants often use this right to appeal as a delay tactic that impedes consumers’ and workers’ access to justice, as important documents disappear, witnesses move, and memories fade. Thanks to SB 365, trial courts will have more discretion to decide whether the case can proceed while the appeal is being decided.



Ensuring Vulnerable Workers Can Speak Out About Labor Violations

What DOJ has done:

Joined a multistate coalition urging the U.S. Department of Homeland Security (DHS) to delay immigration enforcement action for workers who are participating in labor violation investigations. In the letter sent to DHS, Attorney General Bonta was joined by 18 attorneys general and a coalition of state, county, and city labor enforcement agencies in support of extending the deferred action period to four years.

Why:

Currently, workers can apply to DHS for deferred action for two years if they are victims of, or witnesses to, alleged workplace violations being investigated or prosecuted by the government. Attorney General Bonta argued that given the challenges faced in securing witness cooperation in investigations and enforcement actions of employers targeting vulnerable noncitizen workers, extending the deferred action period to four years would make a large difference in protecting workers and enabling more successful investigations against bad actors.

Putting Jobs over Corporate Profits

What DOJ has done:

Filed a lawsuit alongside the Federal Trade Commission to challenge the proposed merger of Kroger and Albertsons. Kroger and Albertsons are the two largest national supermarket chains in the country and this merger presents a significant risk of reduced competition and higher food prices nationwide.

Why:

Kroger's \$24.6 billion purchase of Albertsons is expected to reduce the ability of unions to negotiate working conditions at these stores, impacting thousands of employees in California. Anticompetitive supermarket mergers can impose other harms, including a reduction in labor market competition which may lower wages or slow wage growth, worsen benefits or working conditions, or result in other degradations of workplace quality.



Protecting Workers Facing Layoffs

What DOJ has done:

Utilizing AB 853 (Maienschein, Statutes of 2023), which took effect January 1, 2024, helped to protect pharmacy and drug retail jobs statewide by securing a settlement with Rite Aid Corporation to review changes of ownership involving their retail pharmacy outlets.

Under the settlement and AB 853, for the next five years, Rite Aid agreed to ensure compliance with state staffing levels, maintain a hiring list for all employees from stores that close going forward for preferential hiring at other Rite Aid stores, use commercially reasonable efforts to pay retirement contributions if collective bargaining agreements require such payments, and to use commercially reasonable efforts to abstain from contesting unemployment for individuals who are laid off as a result of the sale or closure of Rite Aid stores if no nearby Rite Aid store offers employment.

Why:

AB 853, enacted in 2023, includes not only consideration of worker issues as part of the mandatory notification and review of retail pharmacy mergers but also includes the power to seek measures to restore competition.

When Rite Aid filed for Chapter 11 bankruptcy, 29% of Rite Aid's total stores in California closed and after analysis, no competitive issues were found. This meant laid-off workers retained the ability to seek alternative nearby employment. For the remaining 71% of stores emerging from bankruptcy under new ownership, conditions were negotiated that would, among other things, protect workers based on AB 853 on an ongoing basis. This action preserved vital access to pharmacies for people of all backgrounds and communities, including people of color.

Protecting Central Valley Jobs

What DOJ has done:

Entered into a settlement with Western Valley Meat Company, an affiliate of Central Valley Meat, to resolve concerns raised by its planned purchase of Cargill, Inc.'s (Cargill) culled cattle slaughter and processing plant in Fresno. Under the settlement, upon acquisition of Cargill, Western Valley Meat must keep the Fresno plant operating for at least 12 months and retain at least 700 plant workers during that time.

Why:

Cargill and Central Valley Meat are two of the largest facilities in the San Joaquin Valley that slaughter and process non-milk producing or "cull cows." The two facilities purchase culled cattle from dairy farmers. In spring 2024, Western Valley Meat agreed to purchase Cargill's facility. The acquisition sparked competition concerns because with less market pressure processors could suppress prices offered to dairy farmers, or the plant capacity could have disappeared altogether. Anticompetitive mergers can create other harms, including a reduction in labor market competition, which could lower wages or worsen working conditions for the employees at the Fresno plant.

There was also a risk that the Fresno plant could be shut down altogether. If the plant were to close, then local dairy farmers would have fewer options to sell their cattle, and over 700 local jobs associated with the plant would be lost.

Supporting Updated Federal Corporate Merger Guidelines

What DOJ has done:

Co-led a coalition of attorney generals in sending a comment letter supporting the U.S. Department of Justice and Federal Trade Commission's proposed update to the Merger Guidelines. Sent a second comment letter to the U.S. Department of Justice and Federal Trade Commission supporting the historic decision to address labor market issues in the Merger Guidelines. For the first time, the Merger Guidelines expressly recognize that benefits to consumers do not offset harm to workers in an otherwise unlawful merger.

Why:

The federal Merger Guidelines inform the public on how our federal partners identify potentially illegal mergers. The proposed updates foster innovation and reflect the complex realities of the United States' diverse economy. These new guidelines expressly call for an evaluation of competition in the labor market that accounts for working conditions and the individualized needs of workers in the market in question.

Busting Corporate Schemes That Threaten Legitimate Workers

What DOJ has done:

Secured the [sentencing of Eyal Dahan](#), a Los Angeles County businessman who pleaded guilty to tax evasion and counterfeiting charges. Through his company Cavalier Closeouts, Inc., Dahan traded in counterfeits of well-known clothing brands and filed false tax returns that hid his earnings and operations. The seizure and convictions were the result of an investigation by members of the Tax Recovery in the Underground Economy (TRUE) Task Force. The TRUE Task Force investigates and prosecutes economic crimes in the underground economy, including wage theft, tax evasion, counterfeiting and piracy, money laundering, labor trafficking, and the sale of black-market drugs, among other crimes.

Co-sponsored Assembly Bill 2432 (AB 2432; Gabriel, Cervantes, and Reyes) to address California's outdated and low corporate criminal penalties.

Why:

Counterfeit operations harm businesses, dupe consumers into buying inferior products, and take jobs from workers who manufacture legitimate products.

AB 2432 would bring corporate criminal financial penalties in line with other red and blue states, with the new funds going to support victims and their families. Strengthening corporate accountability may deter future criminal acts by corporations in the state too, including worker protection violations, environmental damages, and harm to consumers.



Co-Sponsoring Legislation to Combat Labor Trafficking

What DOJ has done:

Co-sponsored Assembly Bill 1888 (AB 1888, Arambula and Ramos), that would establish a Labor Trafficking Unit at DOJ, initially focused on labor trafficking case intake and referral from state and local enforcement agencies, technical assistance and training to other enforcement agencies, and respective statewide data reporting.

This bill builds off of Attorney General Bonta’s commitment to tackling labor trafficking. In 2022, Attorney General Bonta announced the sentencing of three members of the Gamos Family for human trafficking and labor-related crimes in the Bay Area. The defendants targeted members of the Filipino community, many of whom were recent immigrants to the United States, for human trafficking and wage theft.

Why:

As noted by the Little Hoover Commission in its recent studies on labor trafficking, California “... has focused almost exclusively on combating sex trafficking and needs to do more to prevent labor trafficking in our state.” Additionally, RAND released a 2023 report outlining reasons why labor trafficking continues to be difficult to address including: victims are often not aware of their rights; victims can be undocumented or displaced people whom current state and federal laws might not adequately protect (i.e. fear of deportation if they come forward); lack of centralized reporting mechanism; and victims are under-identified and undercounted because investigating and prosecuting labor trafficking can be very difficult. AB 1888 can build upon DOJ’s criminal enforcement authority, victim services, and prosecutorial expertise, to strengthen worker protections against labor trafficking in California.

2024 LABOR DAY SPOTLIGHT:

Alerting Consumers to Labor Trafficking, Wage Theft, and Worker Misclassification

Ahead of Labor Day, Attorney General Rob Bonta issued a consumer alert, warning California workers to be on the lookout for employers who abuse their power and engage in labor trafficking, wage theft, and worker misclassification. Below, learn how to access help or file a complaint if you or someone you know is being exploited at work.

A Message from Attorney General Rob Bonta:

“Labor trafficking is a crime that involves forcing or coercing people to perform labor or services. This Labor Day, and all days, I urge Californians — especially those in domestic service, and the agricultural, hospitality, and construction fields — to be aware of the signs of labor trafficking and speak up if you or someone you know is being exploited at work,” said Attorney General Bonta. “Californians of all legal statuses must be treated with dignity on the job — California law generally prohibits law enforcement authorities from asking individuals, including those who are reporting or are victims of potential crimes, about their immigration status. As the People’s Attorney, I am proud to use the full weight of my office to protect our most vulnerable workers from abuse and exploitation.”

Labor Trafficking

What is Labor Trafficking?

Labor trafficking involves the recruitment, harboring, or transportation of people for labor services, through the use of force, fraud, duress, or coercion.

What are the Signs of Labor Trafficking?

- People who experience labor trafficking receive little or no pay for their work.
- Traffickers can use coercive tactics such as destroying or withholding legal documents to prevent workers from leaving and can force people to work claiming a worker owes a debt to the trafficker.
- Labor trafficking can occur in homes and workplaces and arises in many fields of work, including domestic service, restaurant work, janitorial work, factory work, migrant agricultural work, the cannabis industry, and construction. One in five people who experience labor trafficking work in private homes, which is why their trafficking often goes undetected.
- Labor trafficking is often perpetrated by traffickers who are of the same cultural origin and ethnicity as the people who are trafficked, which can allow traffickers to use class hierarchy and cultural power to ensure compliance.
- Traffickers are known to tell workers that they will not be believed if they go to the authorities, that they will be deported from the United States, and that they have nowhere to run. Traffickers isolate workers and teach workers to trust no one but the traffickers, so workers are often suspicious of genuine offers to help.
- Trafficked workers often are required to live in unsanitary and overcrowded living and working conditions.

If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, domestic service, farm work, construction, factory, retail, or restaurant work, or more — you can call the National Human Trafficking Hotline at 1-888-373-7888 to access help and services. If you or someone else is in immediate danger, call 9-1-1.

It is important to remember that California law prohibits law enforcement authorities from asking individuals, including those who are reporting or who experience crimes, about their immigration status unless the information is necessary to certify the victim for a U visa (victim of crime visa) or T visa (victim of human trafficking visa).

Resource Corner:

If you need help, you can reach out to local authorities and various organizations, including:

National Human Trafficking Hotline

- Find them online at <https://humantraffickinghotline.org/> (Online Chat Available);
- Text 233-733 (Be Free); or
- Call 1-888-373-7888.

The Victims of Crime Resource Center

- Find them online at <https://1800victims.org/> (Online Chat Available);
- Text or call 1-800-842-8467; or
- Email 1800VICTIMS@pacific.edu.

The California Department of Justice's Victims' Services Unit

- Find them online at <https://oag.ca.gov/victimservices>;
- Call 1-877-433-9069; or
- Email VictimServices@doj.ca.gov.

Additional Resources

Resources such as emergency food and shelter, legal services, and health services can be found on your city or county websites. For those who have experienced a violent crime, the [California Victim Compensation Board](#) can help cover related bills and expenses.

Wage Theft

What is Wage Theft?

Wage theft occurs when an employer does not pay workers' wages for what they are owed. Intentionally withholding wages from workers is a crime. When this occurs, an employer often denies workers fundamental legal rights such as fair compensation, breaks, and overtime pay. From 2014 to 2023, California workers lost an average of \$2.3 to \$4.6 billion from not being paid the minimum wage.

Workers with the greatest chance of experiencing wage theft include garment workers, maintenance workers, restaurant workers, domestic workers, care home workers, construction or day laborers, car wash workers, and other low-wage workers.

Examples of Wage Theft:

- Being paid less than minimum wage per hour
- Not being allowed to take meal breaks, rest breaks, and/or preventative cool-down breaks
- Not receiving agreed-upon wages (this includes overtime on commissions, piece rate, and regular wages)
- Owners or managers taking tips
- Not accruing or not allowed to use paid sick leave
- Failing to be reimbursed for business expenses
- Not being paid promised vacations or bonuses
- Having unauthorized deductions from paycheck
- Not being paid split shift premiums
- Bounced paychecks
- Not receiving final wages in a timely manner
- Not receiving Reporting Time Pay
- Unauthorized deductions from your pay
- Failure to provide timely access to personnel files and payroll records

Resource Corner:

If you have experienced wage theft you can report to law enforcement and file an online wage claim with the Labor Commissioner's Office [here](#). If you need advocate assistance with your wage claim, please refer to the following [list of community organizations](#).

Misclassification

What is Worker Misclassification?

Misclassification of workers occurs when an employer improperly classifies their employees as independent contractors so they do not have to pay payroll taxes, minimum wage or overtime, or comply with other wage and hour law requirements such as providing meal periods and rest breaks.

"Employees," unlike "independent contractors," are entitled to a wide range of rights, benefits, and protections under California law, including workers' compensation coverage if injured on the job, the right to family leave, unemployment insurance, the legal right to organize or join a union, and protection against employer retaliation.

Resource Corner:

To report the misclassification of an employee as an independent contractor, please visit the Labor Commissioner's Office [here](#).

ABOUT WORKERS RIGHTS AND FAIR LABOR SECTION:

The mission of the Worker Rights and Fair Labor Section is to utilize the broad legal powers of the Office of the Attorney General to conduct investigations, litigation, and policy advocacy in order to combat systemic business practices that undermine the economic security, health and safety, and dignity of California workers, and to maintain a level playing field for legitimate businesses operating in the State.

- Wage theft
- Independent contractor misclassification
- Unsafe working conditions
- Payroll tax evasion
- Workers' compensation insurance fraud

Given the broad legal powers of the Office of the Attorney General, the section is able to utilize the full panoply of state laws to fill enforcement gaps that traditional labor enforcement agencies cannot always address, and target third-party facilitators or other non-employer actors that contribute to the flourishing of unlawful employment practices. The section also engages in legal advocacy to support legal and policy developments to advance worker protections and encourage employer accountability.



KNOW YOUR RIGHTS AS A WORKER

1. You Have the Right To Organize and Join a Union

Most employees are afforded certain rights to join together to improve their wages and working conditions, including:

- The right to form — or attempt to form — a union in your workplace
- The right to join a union, whether the union is recognized by your employer or not, and
- The right to assist a union in organizing your fellow employees

Federal and state labor laws prohibit most employers from coercing, prohibiting, or otherwise interfering with these rights — and from taking actions meant to discourage union activity. In most cases, if your employer violates any of these rights, you can file an Unfair Labor Practice charge.

2. You May Be An “Employee” Even If You Are Called A “Contractor”

“Employees,” unlike “independent contractors,” are entitled to a wide range of rights, benefits, and protections under California law. This leads some unscrupulous businesses to misclassify their workers as independent contractors.

Your designation as an “employee” or as an “independent contractor” is determined by how you do your work. Here are some things that do not determine your status:

- Being labeled an independent contractor by your employer,
- Being required to sign an agreement stating that you are an independent contractor, or being paid as an independent contractor, i.e., without payroll deductions and with income reported by an IRS Form 1099, rather than a W-2.

3. You Have Several, Important Wage-And-Hour Benefits

Most employees in California are currently entitled to:

- A minimum wage of \$16.00 per hour (or more in some localities)
- Overtime premiums for work in excess of eight hours per day or forty hours per week; an unpaid 30-minute meal period for every five hours of work; and a paid 10-minute rest period for every four hours of work.

4. Your Wages, Tips, And Accrued Vacation Are Yours

It is generally illegal for an employer to deduct money from your paycheck to offset a cash shortage or breakage unless the employer can show you acted dishonestly, with willful misconduct, or with gross negligence.

Your employer is prohibited from keeping any portion of your tips.

When you are terminated or you quit a job, you are entitled to your unused vacation pay and any unpaid, final wages.

5. You May Be Entitled To Time Off Both Paid And Unpaid

Under family and medical leave laws, many workers are entitled to unpaid, job-protected leave from work, with continued health insurance, for:

- A pregnancy- or childbirth-related disability
- To bond with a newborn, adopted or foster child
- To recover from a serious health condition
- To care for a seriously ill loved one, including a child, parent, grandparent, grandchild, sibling, spouse or registered domestic partner
- To deal with a family member’s military deployment overseas.

Most workers who participate in the State Disability Insurance (SDI) program are also entitled to up to eight weeks of partially paid family leave each year while taking time off from work for any of the reasons listed above.

Workers also may be entitled to up to 52 weeks of partial wage replacement for their own non-workplace-related disability or injury, including pregnancy- or childbirth-related disabilities.

Most workers are entitled to earn and use up to three sick days per year or more in certain localities.

6. California Law Prohibits Sexual Harassment and Discrimination in the Workplace

Your employer cannot discriminate against you based on any of the following: 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, or military or veteran status.

Your employer must take steps to protect you from sexual harassment and gender-based harassment, including unwanted sexual advances; visual, verbal or physical conduct of a sexual nature; and many other forms of offensive behavior, regardless of the sex or gender identity of the harasser.

7. You May Be Eligible For Unemployment Insurance If You Are Fired or Quit Your Job For “Good Cause”

Most workers are entitled to unemployment insurance benefits if they are laid off.

You are also entitled to benefits if you quit your job for a good reason or if you are fired for a reason other than “misconduct,” i.e., showing serious or intentional disregard for your employer’s interests. For example, repeated tardiness or unexcused absences from work may qualify as misconduct, but “poor performance” is not normally misconduct and should not disqualify you from benefits.



8. You May Be Entitled to Workers Compensation Benefits

If you suffer a work-related injury or illness, California’s workers’ compensation system is designed to provide you with the medical treatment you need, partially replace the wages you lose while you are recovering, and help you return to work. Report any injury or illness to your supervisor as soon as possible to avoid delays in receiving benefits.

Your employer is obligated to provide you with a claim form; you should file it as soon as possible.

9. You Can Reasonably Refuse To Do Unsafe Work

You have the right to refuse hazardous work — and you can’t be punished for doing so — if both of the following are true: performing the work would violate a Cal/OSHA health or safety regulation and the violation would create a “real and apparent hazard” to you or your coworkers.

Before you refuse to perform unsafe work, however, make sure you inform your supervisor about the unsafe condition, and give the company a chance to correct it. If the company does not correct the unsafe condition, and you decide to refuse the work, make sure that you inform your supervisor, preferably in writing or in front of others, exactly why you are refusing to do the work, and that you will return to work as soon as the condition is fixed. Finally, where appropriate, you should contact Cal/OSHA to file a complaint against your employer.

10. Your Employer Can’t Retaliate Against You

Generally speaking, employers are prohibited from retaliating against you for exercising the rights on this list, and many other labor and employment law rights. That is true even if you were wrong about your rights, so long as you were seeking to exercise them in good faith. The California Labor Commissioner’s Office enforces more than 45 labor laws that specifically prohibit retaliation, and you can file a complaint with its Retaliation Complaint Investigation Unit.