



*Demystifying*  
**THE DEPARTMENT OF JUSTICE**  
*A Quarterly Series*

# CARE

*Community Awareness,  
Response, & Engagement*

**Worker Rights and  
Fair Labor Section**

# Overview

- Who We Are
- What We Do

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# Who We Are

- Mission Statement: The mission of the Worker Rights and Fair Labor Section is 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.

# Who We Are

- Why the Office of the Attorney General?
  - New approach to old problem
  - General law enforcement office with broad jurisdiction
  - Solving problems vs. enforcing subset of laws

# Who We Are

## Unit History

- 2006: Establishment of the Underground Economy Statewide Investigation and Prosecution Unit, staffed with two attorneys.
- 2019: Beginning of significant expansion from five attorneys and one staff at the beginning of 2019.
- 2021: Establishment of the Worker Rights and Fair Labor Section within the Public Rights Division.
- 2024: Currently staffed with 16 attorneys, 7 other professional staff in Los Angeles, San Diego, Oakland, Sacramento, and San Francisco.

# Who We Are

## Growing National Trend

- Increasing recognition of need for robust workplace enforcement by government.
- Expanding number of state Attorneys General have established dedicated worker protection units.
- As of January 1, 2024 in California, Labor Code sections 180-182 empower our office, as well as local prosecutors, to directly enforce many provisions of the state Labor Code.

# What We Do

- Subject Matters
  - Wage Theft
  - Misclassification
  - Workplace Safety and Health
  - Contractual Restrictions on Workers
  - **Key Point: Only examples – WRFLS is dedicated to creatively addressing any systemic problems facing workers**

# What We Do

- Investigations
- Litigation
- Policy Advocacy

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# What We Do

- Investigations
  - Broad investigative powers under Government Code sections 11180, et seq.
    - The Attorney General “may use administrative investigation processes merely on suspicion that the law is being violated, or even just because it wants assurance that it is not.” (*Brovelli v. Superior Court* (1961) 56 Cal.2d 524, 529.)

# What We Do

- Investigations – case study
  - Amazon COVID-19 Safety and Health Practices
    - Response to COVID-19 safety and health concerns of workers in Amazon warehouses;
    - Stipulated judgment overhauling notifications to workers about presence of COVID-19 in the workplace, as well as \$500,000.00 civil penalty.

# What We Do

- Litigation
  - Attorney General is the “chief law officer of the State” with the duty “to see that the laws of the State are uniformly and adequately enforced.”  
**(Cal. Const. Art. V, section 13.)**
  - Unfair Competition Law  
**(Business & Professions Code sections 17200, et seq.)**

# What We Do

- Litigation – case study
  - People v. Uber and Lyft
    - Case alleging that ridehail companies Uber and Lyft misclassify their employee drivers as independent contractors;
    - Goal of effectively achieving industry-wide relief;
    - Necessity of government enforcement.

# What We Do

- Policy Advocacy
  - Amicus Briefs
  - Legal Alerts
  - Comments on Federal Regulations
  - Supporting or Sponsoring Legislation

# What We Do

- Policy Advocacy
  - Examples:
    - Amicus Brief in *Bernstein v. Virgin America, Inc.* in support of the applicability of California wage and hour law to California-based flight attendants;
    - Legal Alert to California employers regarding the potential legal implications of “TRAPs” or “training repayment agreement provisions”;
    - Comment in support of proposed federal regulation by the U.S. Department of Labor increasing protections for H-2A temporary agricultural workers.



# Want to Know More?

[WorkerRights@doj.ca.gov](mailto:WorkerRights@doj.ca.gov)

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