AB 3080 (FLETCHER GONZALEZ) EMPLOYMENT DISCRIMINATION: ENFORCEMENT

POSITION: The Chamber’s Education & Workforce Roundtable voted to OPPOSE this bill on May 1, 2018. The Chamber’s Public Policy Committee voted to OPPOSE this bill on May 8, 2018.

STATUS: The bill was passed through the Assembly Judiciary Committee and is being re-referred to the Appropriations Committee

SUMMARY
AB 3080 prohibits an employer from requiring an applicant or employee to waive any right, forum, or procedure under the Fair Employment and Housing Act for receipt of any “employment-related benefit”. The language precludes any settlement agreement for any claims.

INDUSTRIES IMPACTED
67% of private California employers

SUPPORTERS
California Labor Federation
Consumer Attorneys of California
ACLU California
California Employment Lawyers Association
California Partnership for Working Families
International Longshore & Warehouse Union
SEIU California
UNITE-HERE
American Federation of Municipal Employees
CA Conference of Machinists
California Teamsters Public Affairs Council
Courage Campaign
Jockey’s Guild
LAANE

ARGUMENTS IN FAVOR
• Supporters stated the need to ensure that victims have access to justice and that violators are held accountable
• Protects workers from harassment, discrimination, and wage theft

OPPONENTS
California Chamber of Commerce
California Apartment Association
California Building Industry Association
Associated Builders and Contractors, Inc.
Building Owners and Managers Association
California Farm Bureau Federation
California Hotel & Lodging Association
California Manufacturers and Tech Association
California State Association of Counties
Citizens Against Lawsuit Abuse
Job Creators for Workplace Fairness
Civil Justice Association of California

ARGUMENTS IN OPPOSITION
• It will ultimately harm job growth in California
• It represents an unlawful restriction on arbitration that will harm employees

MORE INFORMATION
The scope of the Federal Arbitration Act is broad and mandates the enforcement of any written arbitration agreement regarding the resolution of any dispute arising out of a transaction involving commerce. AB 3080 unfairly targets and discriminates against arbitration clauses in employment contracts, leaving all other terms of employment mandatory.