

### **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

#### **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 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

#### **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.