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## NEW CA STATE WORKFORCE LAWS AFFECT WORKPLACE OPERATIONS

JANUARY 12, 2018 | BY [KELSI MAREE BORLAND](#)



These new California state laws will affect the day-to-day workplace operations, including contractor liability, immigration and gender identity. New laws—which came into effect on January 1<sup>st</sup>—will affect workplace day-to-day operations and talent recruitment. These new laws include AB 1701,

which holds the general contractor liable for wages and fringe benefits of the employees for its subcontractors; AB 450, a law that restricts lawyer to not cooperate any more than required by immigration enforcement action; AB 1008, also known as the ban-the-box law and restricts employers from inquiring about requirement about criminal history before the extension of a job offer; SB 396, a law that requires employers with 50-plus employees to provide at least two hours of sexual harassment training; SB 63, which expands parental leave obligation; requires employers to provide up to 12 weeks of unpaid job-protected leave; and AB 168, which restricts employers from asking about an applicant's pay history. We sat down with **Dwayne McKenzie**,

a partner at [Cox, Castle & Nicholson](#) to talk about the impact of these new laws and how employers need to prepare.

***GlobeSt.com: Is it typical to see this many new workplace laws?***

***Dwayne McKenzie:*** I think over the past few years, we have seen a number of added protections each year. From year to year, we might see a slightly different emphasis in terms of the what the legislature is focused on. This year, we are seeing more gender-related harassment getting attention. In our current climate, with the attention towards sexual harassment and more broadly sexual misconduct allegations, it seems like the timing is appropriate that we have these new statutes that touch on some of these ideas.

***GlobeSt.com: Do these laws have a particular impact on the real estate market?***

***McKenzie:*** I think it is really a concern for all employers and the real estate industry is no exception. With these additional requirements—some of which are very detailed that can be missed by management staff if they aren't fully informed—there is a risk that they could be unwittingly give rise to claims if they aren't paying attention. Employers in the real estate industry are in the same boat as employers in other industries.

***GlobeSt.com: Do you feel like there are any potential challenges implementing these laws or that any are overreaching?***

***McKenzie:*** I think that the difficulty for employers with the detail of some of these new requirements is in the administration of them. For instances, the prohibition against asking for salary compensation could be something that even if not quite intentionally is raised in an interview with an applicant. When that happens, you potentially get a violation of the statute, and it could be fairly innocuous in the context of the interview. Employers need to train their employees who are responsible for carrying out these interviews. The devil will be in the details in terms of compliance. So, not necessarily overreaching, the level of detail in terms of administering these obligations can be pretty specific, and that is the challenge.

***GlobeSt.com: Do you have any advice to employers on implementing and adhering to these laws?***

***McKenzie:*** Employers ought to be, depending on how diligent they have been to date, doing some level of self-audit to make sure all documentation is in order. For instance, making sure

that applications don't have any questions that infringe on the ban-the-box or salary information request. It is really a matter of self-auditing, and that may mean assistance from their professional advisors, whether it is legal or their human resources department. Now would certainly be an appropriate time to do that. Auditing all of that and getting a clear picture is a good idea. We saw a lot of employers doing that with the expansions of the equal pay act to make sure that compensation to employees was compliant to the equal pay act.