

State's Fair Employment, Housing Act turns 50

Salinas Californian

January 20, 2009

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California has long been a leader in its commitment to adopting legislation to protect employees. Five years before the federal government passed the Civil Rights Act of 1964, California adopted the Fair Employment Practices Act. This year marks the 50th anniversary of California's prohibition on discrimination in employment. In 1980, this act was combined with the Rumford Fair Housing Act to become the Fair Employment and Housing Act. By proclamation, the State of California has declared January to be "Fair Employment and Housing Act Month in California".

California's Fair Employment and Housing Act prohibits employers from making employment decisions based upon a person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

This Act has had some positive impacts on the workplace. In order to avoid liability, smart employers have stopped advertising for "Girl Fridays". They have stopped asking applicants whether they are married, and if they intend to have children. They no longer refuse to hire an applicant simply because he arrives for the interview in a wheelchair. Smart employers no longer base hiring decisions on the color of the applicant's skin. They no longer fire people simply because they have grey hair. The law has thus encouraged good employers to hire and retain good employees regardless of the employee's characteristics which do not impact the employee's ability to perform the job.

On the other hand, this Act has also had some negative impacts on the workplace. Bad employees have abused the process to extort settlements from good employers. This has cost taxpayers money since the taxpayers pay for the Department of Fair Employment and Housing to perform investigations on the complaints filed by these bad employees. This has cost companies millions of dollars in defense costs and in settlements in cases where it is cheaper to pay a little and make the bad employee go away.

On the Act's 50th anniversary, employees can celebrate that the law requires employers to judge them based upon performance, and employers should resolve to train their supervisors to document just about everything in order to protect against the bad employee abusing the Act.