

Complaints must be filed within **one year** from the last act of discrimination. The DFEH will conduct an impartial investigation.

The Department is not an advocate for either the person complaining or the person complained against. DFEH represents the State of California. DFEH will, if possible, try to assist both parties to resolve the complaint. If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, DFEH may issue a civil complaint and litigate the case in state or federal court.

This law provides for a variety of remedies that may include the following:

- Statutory Damages
- Out-of-pocket expenses
- Cease and desist orders
- Damages for emotional distress
- Attorney's Fees and Costs
- Punitive Damages

Court-ordered damages may include a maximum of three times the amount of the complainant's actual damages.

Persons wishing to file directly in court may do so without contacting DFEH.

For more information, contact DFEH toll free at
(800) 884-1684

Email at contact.center@dfeh.ca.gov

TTY number at **(800) 700-2320**

Website at www.dfeh.ca.gov

Facebook

<https://www.facebook.com/pages/Department-of-Fair-Employment-and-Housing/183801915445>

Youtube <http://www.youtube.com/califdfeh>

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State of California
DEPARTMENT OF
FAIR EMPLOYMENT & HOUSING



References

1. California Civil Code section 51-52.
2. *Board of Directors v. Rotary Club of Duarte* (1987) 481 U.S. 537. A non-profit club was a business establishment under the Unruh Act because it offered its members an inclusive membership, substantial commercial advantages, and business benefits. Membership in these kinds of organizations is a privilege under the Unruh Act. Thus, termination of membership based on sex is prohibited.
3. *Warfield v. Peninsula Golf & Country Club* (1995) 10 Cal.4th 594. By offering the public access to its facilities, the Country Club became a business establishment under the Unruh Act and could not exclude women.
4. *Ibister v. Boys' Club of Santa Cruz* (1985) 40 Cal.3d 72.

A non-profit activities center for boys was a place of public accommodation, and excluding an entire class of patrons, such as women, was illegal.

5. *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160. The night club violated the Unruh Act by charging its male patrons a higher price for admission. The patrons do not need to affirmatively request nondiscriminatory treatment, but rather, are entitled to it. The Unruh Act imposes a compulsory duty upon business establishments to serve all persons without arbitrary discrimination.

6. *Koire v. Metro Car Wash* (1985) 40 Cal.3d 24. The Unruh Act broadly condemns any business establishment's policy of gender-based price discounts.

Unruh Civil Rights Act

All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, mental or physical disability, medical condition, genetic information, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

Protections Under the Law Against Sex Discrimination

The Unruh Civil Rights Act (Civ. Code, § 51-52), originally enacted in 1959, was designed to protect the rights of Californians from arbitrary discrimination and to guarantee their rights to full and equal access to all public accommodations regardless of sex.

Discrimination by business establishments on the basis of sex is against the law. It is unlawful for any business that is open to the general public to discriminate against a patron based on any of the following classifications: sex, race, color, religion, age, ancestry, national origin, mental or physical disability, medical condition, genetic information, marital status, or sexual orientation. Unruh Act protection is not limited to these classifications. It is an Unruh Act violation for a business to offer special treatment, whether preferential or detrimental, to one class of patrons regardless of the business' motives for doing so.

Business that are Governed by the Unruh Civil Rights Act

The list below includes examples of businesses that are covered by the Unruh Act. This list is non-exhaustive, and may include any place of public accommodation regardless of whether the entity is a traditional business or non-profit entity.

- Bars and Nightclubs
- Restaurants
- Hotels and Motels
- Retail Shops
- Golf Courses
- Fitness Clubs or Gyms
- Theaters
- Hospitals
- Barber Shops and Beauty Salons
- Non-Profit Organizations (open to the public)
- Public Agencies
- Housing Accommodations

Filing a Complaint

The Department of Fair Employment and Housing (DFEH or Department) is charged with the task of upholding the Unruh Act, and ensuring that its laws and principles are not violated. If you believe you are a victim of illegal discrimination, you can file a complaint with DFEH by following these steps:

- Contact DFEH by calling the toll-free number at (800) 884-1684 to schedule an appointment.
- Be prepared to present specific facts about the alleged harassment or discrimination.
- Provide copies of documents that support the charges in the complaint.
- Keep records and documents about the complaint, such as receipts, stubs, bills, applications, and other materials.

Examples of Sex-Based Discrimination Under the Unruh Act

The following are examples of potential violations of the Unruh Act. This list is not meant to be exhaustive, and there is other conduct that may violate the Act.

- Providing free admission, discounts, or promotions gifts to only one sex.
- Charging men and women different prices of comparable services, such as clothing alterations, haircuts, dry cleaning, or drinks at a restaurant or bar.

- Maintaining "women only" or "men only" exercise areas of a fitness club or gym and excluding or deterring the opposite sex from those areas.
- Establishing a "women only" or "men only" business establishment which would otherwise be completely open to the public.
- Excluding one sex from a business premises during certain times.
- Posting signs or adopting policies for "women recommended" or "men preferred."
- Requiring members of one sex to submit to searches to gain admittance to a business establishment while providing admittance to members of the other sex without the same level or degree of search.
- Promoting a business with "ladies night" discounts on admission and services.
- Denying access to a business, such as a nightclub to a particular sex, or giving preference to one sex over the other.