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CA FAIR EMPLOYMENT AND HOUSING COUNCIL ISSUES NEW WORKPLACE REGULATIONS REGARDING CRIMINAL HISTORY AND TRANSGENDER RIGHTS

Regulations go into effect July 1 and also will cover gender non-conforming individuals

SACRAMENTO - Following a year-long process of public comment and input, new regulations related to employment discrimination implemented by the California Fair Housing and Employment Council (FEHC) will go into effect on July 1, 2017.

The first set of regulations issued by the FEHC relate to an employer's use of criminal history information in employment decisions. These regulations specify certain types of criminal history information that employers are generally prohibited from considering. They also set forth information about the potential adverse impact of considering other forms of criminal convictions.

The Council's second set of regulations relate to gender identity and gender expression discrimination in the workplace. These regulations provide updates to the definitions of "gender expression," "gender identity," "sex," "sex stereotype," and "transgender," and also offer a definition of "transitioning."

These regulations address key topics such as the rights of employees to use restrooms, locker rooms, and other similar facilities corresponding to their gender identity; to dress in accord with their gender identity and expression; and to be addressed by their preferred name and gender pronoun. They also provide additional clarity regarding the circumstances under which employers are permitted to collect information about employees' genders, and/or use such information.

"These regulations address issues of increasing importance to Californians," said Kevin Kish, Director of the California Department of Fair Employment and Housing (DFEH). "We encourage employers and employees alike to take note of the Council's work in providing clarification and guidance in these areas of law."

The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the Department's Web site at www.dfeh.ca.gov.