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DFEH Obtains Extension of Consent Decree in Pregnancy Disability Discrimination Case

Consent Decree Extended by One Year in DFEH v. WinCo Foods, LLC, et al.

Sacramento – A California Superior Court judge has issued an order extending a consent decree negotiated by the California Department of Fair Employment and Housing (DFEH) with WinCo Foods, LLC and WinCo Holdings, Inc. (WinCo) regarding the treatment of employees who seek reasonable accommodations when pregnant, including leave time.

In December 2014, DFEH and WinCo resolved a group of civil and administrative complaints alleging pregnancy discrimination and entered the consent decree, which is an agreement overseen by a court. The Department opposed various practices that resulted in pregnant employees not being able to take protected leave or not receiving accommodations that would allow them to continue doing their jobs.

The parties negotiated a consent decree that required WinCo to hire a third-party auditor to monitor compliance with the California Family Rights Act and the pregnancy and disability protections of the Fair Employment and Housing Act. Over the life of the decree, the DFEH repeatedly found that WinCo was not in compliance with the agreement. The court has now approved a new agreement under which the auditor will continue to monitor WinCo's compliance through December 17, 2019.

“A consent decree provides employers an opportunity to come into compliance with the law with the help of a neutral monitor,” said DFEH Director Kevin Kish. “Where DFEH perceives inadequate progress or intentional delays, it will act to extend the monitoring period to ensure compliance is achieved.”

WinCo is a grocery store chain that operates approximately 32 stores in California, as well as other stores in Idaho, Nevada, Oregon and Washington. WinCo employs over 4,000 employees in California alone.

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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 DFEH's web site at www.dfeh.ca.gov.

