

Protections From Discrimination By Businesses



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Civil Rights
Department
STATE OF CALIFORNIA

Civil Rights Department (CRD) disclaimer

This guidance is for informational purposes only, does not establish substantive policy or rights, and does not constitute legal advice.

This information is based on the most recent guidance as of the date of this training. It is the responsibility of the attendee to be aware of changing guidance and laws.

Before we get started...

1. This is an overview
2. We will email you a copy of the presentation
3. Stay engaged and take care of yourself!
4. Feel free to ask questions
 - CRD cannot respond to questions that ask for specific advice
 - CRD will respond to questions at the end of the presentation



OPENING
SOON

Agenda

About the Civil Rights Department



Unruh Act overview



Common Unruh Act scenarios



Welcome In business recognition program



Mission

Protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from hate violence and human trafficking

CRD responsibilities

- Investigate complaints of discrimination and other civil rights violations
- Facilitate dispute resolution involving civil rights
- Prosecute violations in civil court
- Issue regulations to provide greater clarity regarding the laws enforced by CRD
- Collect data on the pay and demographics of large employers' workforces
- Conduct outreach and trainings to inform Californians of their rights and obligations under civil rights law
- Work with communities and local and state public bodies to constructively manage and resolve discrimination-based conflict

Accessibility for people with disabilities

CRD will assist anyone who needs help accessing our services and information, including filing a complaint.

Contact us to arrange an accommodation if you have a disability:

- 800-884-1684
- California Relay Service at 711
- Accommodations@calcivilrights.ca.gov

Services in other languages

CRD offers interpretive services (spoken) and some translation services (written) for people who speak or read languages other than English.

Contact us to request interpretive or translation services:

- 800-884-1684
- California Relay Service at 711
- Contact.Center@calcivilrights.ca.gov



Civil rights laws enforced by CRD (1 of 2)

Unruh Civil Rights Act

Civil Code § 51 – protects people from discrimination by business establishments (e.g., stores, restaurants, housing accommodations) based on protected characteristics. The Unruh Act incorporates the Americans with Disabilities Act at Civil Code § 51(f).

Fair Employment and Housing Act

California Government Code §§ 12900-12999 – protect individuals from housing and employment discrimination and harassment based on protected characteristics. Includes additional provisions protecting special populations that are not otherwise protected.

Civil rights laws enforced by CRD (2 of 2)

Disabled Person's Act

Civil Code § 54, et seq. – gives individuals with disabilities or medical conditions the same right as the general public to the full and free use of all public places (e.g., streets, highways, sidewalks, public buildings, hospitals, etc.).

Recipients of State Funding

Government Code § 11135, et seq. – protects individuals from discrimination by recipients of state funding or state financial assistance.

Equal Pay Act

Labor Code §1197.5 – employers cannot pay an employee less than employees of another sex, or of another race/ethnicity for substantially similar work.



Unruh Civil Rights Act (Unruh Act) overview



Key civil rights moments: Asian American businesses

- **1880** *Yick Wo v. Hopkins*: Supreme Court found a neutral business permit rule was applied in a discriminatory, arbitrary way (Chinese owners disproportionately denied permits)
- **1882** passage of the Chinese Exclusion Act, restricting immigration based on nationality
- **1922** *Ozawa v. United States*: Supreme Court denied naturalization to a man born in Japan (naturalization essentially based on skin color (“Caucasians” and “Africans”))
- **1942** Executive Order 9066: authorized the military to forcibly remove Japanese Americans from their homes, driven by fear and bias during World War II
- **1964** Civil Rights Act of 1964 passage led to the Immigration and Nationality Act of 1965
- **1974** *Lau v. Nicols*: Supreme Court found not providing adequate language access, denied Chinese students a meaningful opportunity to participate in public education
- **1991-1992** Soon Ja Du conviction and Los Angeles Riots exposed tension between Korean store owners and Black communities, resulting in damage to many businesses
- **2020s** saw sharp increases in reported hate crimes and violence targeting Asian businesses, arising from fear and bias arising from the Covid 19 pandemic

Unruh Act history

Passed in 1959 during the civil rights movement's push to desegregate businesses, schools, and public transportation

- One of the nation's first civil rights laws - passed five years before the federal Civil Rights Act of 1964



What does the Unruh Act require?

Businesses must provide “full and equal accommodations, advantages, facilities, privileges, or services” to everyone:

- Everyone has an equal opportunity to use and access services
- Businesses cannot, because of someone’s protected characteristic:
 - Refuse to serve someone or
 - Treat that person worse, such as by providing inferior services, or charging a higher price





What is a protected characteristic?

Personal traits, beliefs, or things about a person, or group of people that are protected by the law from discrimination and harassment.

- Example: The law protects people from discrimination based on race. Race is a protected characteristic.

Unruh Act protected characteristics (1 of 2)

- Sex (includes gender, gender identity, gender expression, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth)
- Race
- Color
- Religion
- Ancestry
- National origin
- Disability
- Medical Condition
- Genetic information
- Marital status
- Sexual orientation
- Citizenship
- Primary language
- Immigration status
- “Arbitrary discrimination”

Includes *perceived* characteristics and *association* with others with protected characteristics

Unruh Act protected characteristics (2 of 2)

- Arbitrary discrimination is based on personal characteristics that involve a “trait, condition, decision, or choice fundamental to a person's identity, beliefs, and self-definition”
- This means characteristics explicitly listed in the law are not the only characteristics protected by the Unruh Act



What businesses does the Unruh Act apply to?

“All business establishments of every kind whatsoever” including:

- Stores
- Restaurants
- Bars and nightclubs
- Barber shops and beauty salons
- Hotels and motels
- Theaters
- Hospitals and doctors’ offices
- Public agencies
- Schools (private and possibly public schools)
- Rental housing
- Convention centers
- Transportation depots and private transportation services
- Funeral homes
- Sports stadiums
- Fitness clubs or gyms
- Banks, lenders, and financing agencies
- Nonprofit organizations that have a business purpose or are open to the public

Exceptions (1 of 2)

- Exceptions for specific types of private organizations
 - No specific “test” exists to determine if an entity is covered by the Unruh Act, but the law presents factors for consideration
- Factors indicating an entity is **covered**:
 - Open to the general public, but possibly excludes a particular group (such as women)
 - Functions more like a business (for example, does the entity charge fees for services?)



Exceptions (2 of 2)



Factors indicating an entity is **not covered**:

- Unruh Act rules would impact the right to:
 - Intimate association (close family, highly personal relationships, friends)
 - Expressive association (First Amendment right to associate with others who share political, religious, social, and cultural values or beliefs)
- Group is selective and based on shared opinions and values
- Primary purpose is social
- Non-members have little to no access to facilities
- Members have a lot of control over how the group runs

Examples of covered businesses (1 of 2)

Examples of groups found to be **covered**:

- Privately owned non-profit that operated recreational services for youth (excluding girls) *because* its primary purpose was to provide youth recreation to the community
- Country club that excluded women from membership *because* it allowed non-members to access services, stores, and other facilities

Examples of groups found to **not be covered**:

- Religiously affiliated high school allowed to exclude gay students *because* the main purpose was to educate students consistent with school's religious beliefs
- Although membership is open to general public, not allowing the Boy Scouts to exclude a gay scout leader would violate the Boy Scouts' right to expressive association *because* the primary function is to impart a specific set of values



Examples of covered businesses (2 of 2)

- Most housing providers are **covered** by the Unruh Act, including:
 - Rentals (apartments, homes, short-term rentals like vacation homes), and hotels
 - Businesses involved with selling homes, such as real estate companies or mortgage lenders
 - Exceptions exist for some types of senior- and transition-age foster youth-housing



Examples of violations

- An apartment manager refusing to rent to someone because they have a disability
- A restaurant refusing to seat a family outside because the parents are a same-sex couple
- A store charging higher prices to people who don't speak English
- A doctor refusing to treat a patient because the patient is HIV positive
- A dry cleaner charges more to clean a woman's blouse than a man's shirt when the two items are similar in detail



What about harassment by a business ? (1 of 2)



- Law is not settled on whether the Unruh Act prohibits harassment
 - At least one court ruled verbal harassment based on a protected characteristic may violate the Unruh Act if the business is treating customers unequally

What about harassment by a business? (2 of 2)

CRD enforces another law prohibiting sexual harassment in business, service, or professional relationships. This includes services by:

- Physicians, psychotherapists, or dentists
- Attorneys
- Holders of a master's degree in social work
- Real estate agents or real estate appraisers
- Investors, accountants, bankers, or trust officers
- Financial planner loan officers, or escrow loan officers
- Collection service providers
- Building contractors
- Executors, trustees, or administrators
- Landlords or property managers
- Teachers
- Elected officials
- Lobbyists
- Directors or producers

(California Civil Code section 51.9)

Accommodations (1 of 2)

- Businesses must accommodate people with disabilities, unless doing so would:
 - (1) be an undue financial burden or
 - (2) fundamentally alter the business
- Related: website accessibility
 - Businesses open to the public must have *accessible* websites (online-only businesses are not subject to this requirement)
 - For example, a restaurant must make sure its website, including the menu and promotions, is compatible with screen reading technology and can be accessed by customers who are blind



Examples of accommodations

Accommodation examples:

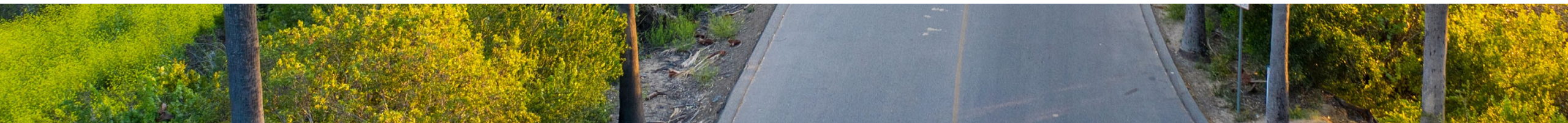
- A store with a no-pets policy allowing a customer with a disability to enter the restaurant with their trained service animal
- A private testing company accommodating a test-taker who is blind by allowing them to use assistive technology, like a screen reader, to take their exam
- A restaurant serving food in smaller or cut portions to accommodate a diner with Parkinson's Disease
- BUT, a court found that a restaurant was not required to provide a customer with a disability with an auxiliary aid to hear background music because the music was not a meaningful part of the food and services provided by the business



Photo credit [Disabled and Here](#)



Unruh Act common scenarios



Fatima and Aaliyah are teenaged sisters. They are Muslim and wear hijabs (a scarf that covers their head and hair) as part of their religious beliefs. Some of their friends at school are also Muslim, but not all of them wear hijabs.

During spring break Fatima, Aaliyah, and some friends visit an amusement park. When they get in line for the go-karts, Fatima, Aaliyah, and their friends wearing hijabs are told they cannot ride unless they remove their hijabs, due to the park's safety "no headwear" policy.

They saw other people riding the go-karts wearing hats and fashion headkerchiefs. They tell the ride operator that they can't remove their hijabs because of their religion. The ride operator refuses to let them ride.

Did the amusement park violate the law?

- ☒ A. Yes
- ☐ B. No

Knowledge check: Fatima and Aaliyah



CRD settlement with amusement park

- 2017 CRD settlement with several *Boomers!* locations
- Seven Muslim woman and a Sikh man alleged they were barred from riding go-karts because they were wearing hijabs and/or a turban
- *Boomers!* said they were barred because of a park-wide “no headwear” safety policy
- The people barred from the ride alleged that the safety policy was only applied to them, because of their religious clothing
- Settlement agreement: \$32,000, revised policies, staff training, allow people with secure hijabs or turbans to ride go-karts, and agree to lend people wearing flowing hijabs or turbans safety pins, specially-designed turban nets, or a cloth that can be tied at the top of the head (thathas)



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency
DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
2215 Kausen Drive, Suite 100 | Elk Grove | CA | 95759
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

GOVERNOR EDMUND G. BROWN JR.
DIRECTOR KEVIN KISH

May 10, 2017
For Immediate Release

Contact: Fahizah Alim (916) 585-7076
fahizah.alim@dfeh.ca.gov

DFEH AND PALACE ENTERTAINMENT REACH SETTLEMENT IN RELIGIOUS DISCRIMINATION INVESTIGATION

Amusement parks will change policies barring park-goers with religious headwear from attractions

SACRAMENTO — The owners of several Boomers! amusement park locations will pay \$32,000, revise their policies, and provide training to staff to resolve five complaints of discrimination filed with the California Department of Fair Employment and Housing (DFEH), the agency announced today. The complaints were brought against Festival Fun Parks, LLC, doing business as Palace Entertainment, which owns the Boomers! locations. Boomers! is a nationwide amusement park chain.

DFEH investigated allegations that Palace Entertainment violated California's Unruh Civil Rights Act by barring seven Muslim women and girls, as well as a Sikh man, from go-kart attractions at its Vista, Irvine, and Livermore locations because each wore an Islamic headscarf (hijab) or Sikh turban. Boomers! claimed its “no headwear” policy was motivated by safety concerns and was applicable to all customers, but the complainants alleged the policy was selectively enforced against Muslim and Sikh customers. Two of the complainants were represented by the Council on American-Islamic Relations (CAIR).

Under the agreement, Palace Entertainment will revise its policies to welcome customers with religious headwear while preserving its commitment to their safety. Many amusement parks, including Boomers! locations under different ownership, welcome customers who wear secure religious headwear on go-karts and other attractions. Palace Entertainment will likewise open its go-kart rides to customers wearing securely wrapped Sikh turbans and hijabs. Palace Entertainment will lend customers wearing loose, flowing headscarves or loose turbans safety pins, thathas (a cloth frequently used by Sikh men and tied at the top of the head), or specially designed turban-nets. Palace Entertainment will also require anti-discrimination and sensitivity training for its California employees for five years and hire a neutral third-party to monitor the implementation of the policy changes for eighteen months to ensure the uniform application of the new policies.

In addition to the changes to promote compliance with antidiscrimination laws, Palace Entertainment will pay \$4,000 in compensation to each of the eight individuals turned away from its go-karts because of their religious headwear, totaling \$32,000.

“The law guarantees Californians of all faiths access to places of business and entertainment, and safety concerns must be founded on more than speculation or stereotype,” said Kevin Kish, Director of the DFEH. “We are pleased that Palace Entertainment worked with DFEH to achieve resolution of these cases without the need for litigation.”

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.

Knowledge Check: Nizalda

Nizalda is a new mom who exclusively breastfeeds her child. She is meeting friends for lunch with her baby. They arrive and are seated outside on the front patio.

Before the food comes, Nizalda begins to breastfeed her child (she is uncovered because her child fusses when she uses a cover). Their server rushes out and asks Nizalda to “cover up” or “move to a table inside” to breastfeed, so she does not distract or embarrass potential customers or people passing by on the street.

Can the restaurant prohibit Nizalda from breastfeeding?

- A. Yes
- ☒ B. No
- C. Yes, but they have to provide her a private space



Could an adults only business, like a bar, prohibit Nizalda from breastfeeding?

Case Study: Martinez & Sons Funeral Home

Martinez & Sons Funeral Home is hired to host the services for a celebrity who died recently.

Many members of the public show up to pay their respects, but the staff only allows invited guests to attend the services.

Did Martinez & Sons violate the Unruh Act?

A. Yes

☒ B. No



Can businesses ever restrict access or services?



Businesses may establish reasonable policies that are “rationally related to the services performed and the facilities provided.”

Examples:

- A rental car agency can refuse to rent vehicles, or require the payment of additional surcharges, to persons under the age of 25
- A bank can require U.S. citizens to provide a social security number to open a credit card account, while allowing foreign nationals to provide a different form of identification
- A sports bar can refuse entry to anyone wearing ‘colors’ or a motorcycle club membership patch to reduce potential fights between rival motorcycle gangs



Can businesses exclude people?

Businesses can exclude specific people when there is a legitimate, non-discriminatory business reason for doing so

Businesses cannot exclude people based on protected characteristics

Examples:

- Courts have found that banning a customer who previously cashed bad checks and still owes money to a business does not violate Unruh
- A business can ban someone who damages property, injures others, or otherwise disrupts the business



Can events target specific groups?

- Events can target groups, but the event must also be open to all people
- Examples
 - A wine store hosts an event highlighting winemakers of color who are underrepresented in the industry
 - A company hosts an event focused on educating women on how to negotiate higher salaries
- What about events that are open only to a particular category of people?
 - The law is unclear
- **CRD best practice tip:** make all events open to all people to avoid potentially violating the Unruh Act

Knowledge Check: Springfield Singles (1 of 2)

Springfield Singles is an online dating app that requires a subscription fee to join. Springfield Singles charges users under 30 years old \$25 to subscribe, while users over 30 years old pay \$40 to subscribe.

The owner carefully considered reasons for the difference in the subscription price:

1. Acknowledging that younger people likely make less money than older people, and charging a lower price increasing their access to dating apps available to others
2. More users who can afford subscriptions means more profit for the business
3. Age isn't explicitly listed in the Unruh Act and there is a legitimate business reason for the decision, so it is not "arbitrary discrimination"



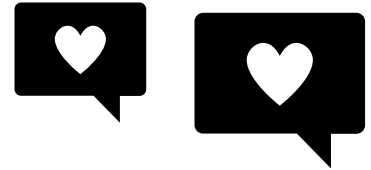
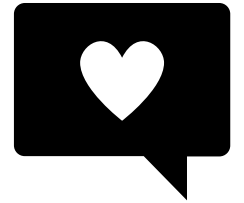
Does Springfield Singles' policy violate the law?

A. Yes

B. No

Knowledge Check: Springfield Singles (2 of 2)

Adapted from *Candelore v. Tinder, Inc.*, 19 Cal. App. 5th 1138, 1146-1148, (2018)



- Business' argument:
 - The price differences treat “youth [as] a reasonable proxy for economic disadvantage” because research and experience shows that “people under 30 face financial challenges” and this “common knowledge provides a reasonable and non-arbitrary basis for [the app company] to offer a discount to people under 30.
- The Court disagreed with the business' argument
 - The “generalized prediction” that people under 30 earn less “does not hold for all members of the respective age classes” and sometimes “older individuals who earn less than some younger users” are charged more
 - “A blanket, class-based pricing model like this, when based upon a personal characteristic such as age, constitutes prohibited arbitrary discrimination”
 - No compelling societal interest in charging older people to use an app

Can businesses provide promotions or discounts to certain groups? (1 of 2)

- Some types of discounts and promotions are lawful, but some are not
- Courts say the important question is: *“Does the discount further a compelling societal interest?”*
 - However, Courts generally prohibit discounts or giveaways because there is no compelling societal interest in such discrimination



Can businesses provide promotions or discounts to certain groups? (2 of 2)

Case law examples:

- Gender-based discounts on drinks for women (“ladies’ nights”) violate the Unruh Act because the goal of bringing more women into an establishment does not provide enough of a social benefit
- Age-based pricing can be lawful when price discounts are for seniors, young adults, or children because such discounts encourage the attendance of families



Do businesses have to provide services in other languages?

- No, businesses are not required to provide services or documents in a language other than English
 - However, there may be federal, state, or local laws requiring services be provided in languages other than English
- **CRD best practice tip:** offer services and materials in different languages so all Californians can access, and feel welcome, at the business!

Knowledge Check: Evan

Evan is transgender and has gender dysphoria (a medically recognized condition where a person's gender identity is different from their sex assigned at birth).

Evan's doctor and therapist agree that a hysterectomy (medical procedure removing the uterus and cervix) is medically necessary to treat his gender dysphoria. A hysterectomy is scheduled at Sunrise Hospital, which is associated with a religious group.

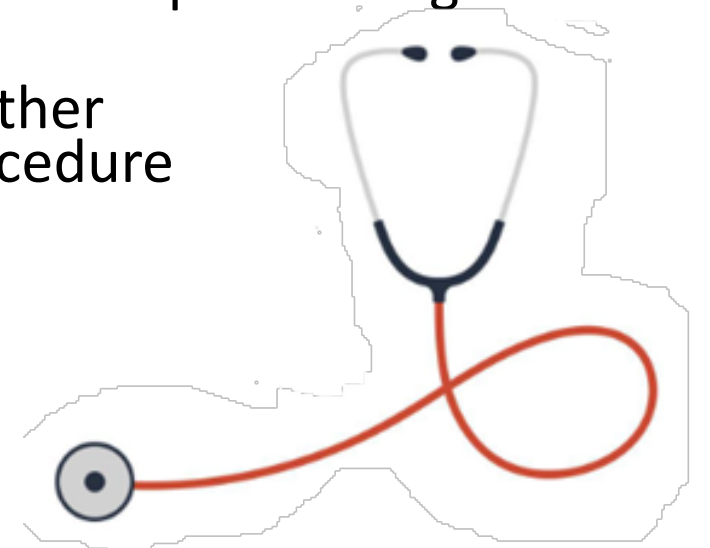
At a routine appointment, Evan mentions to a nurse at Sunrise that he is transgender. The next day, Evan's doctor receives a call from Sunrise's Director cancelling the procedure. The Director says, "a hysterectomy to treat gender dysphoria will never be allowed at Sunrise," adding "allowing the procedure would violate Sunrise's policy about not performing procedures that impact a person's ability to have children".

Evan's doctor argues that Sunrise allows hysterectomies to treat other recognized conditions and that Sunrise is *actually* denying the procedure because of Evan's gender identity.

Did Sunrise Hospital discriminate against Evan?

☒ A. Yes

☐ B. No





Gender-affirming healthcare

- Unruh Act prohibits discrimination based on gender identity, gender expression, sexual orientation, medical condition, and other types of “arbitrary discrimination”
- People have a right to:
 - Obtain treatment for children or adults for a specific medical condition, such as gender dysphoria
 - Schedule appointments for gender-affirming healthcare
 - Receive appropriate healthcare regardless of their gender identity, gender expression, or sexual orientation
 - *Discriminatory practices may also violate California Government Code section 11135 if the entity that discriminated receives state funding for the program or service*

What about businesses that only have gender-segregated facilities?

- Courts have not expressly ruled on how Unruh relates to the use of gender-segregated facilities, like locker rooms
 - Does not change prohibitions on discrimination based on gender identity and gender expression
- **CRD best practice tip:** Allow people to use the restrooms, locker rooms, dressing rooms, and dormitories that correspond with their gender identity, regardless of their sex assigned at birth



Case Study: Sal's Sports Superstore (1 of 2)

Sal's Sports Superstore is a local chain that sells sporting goods. They have restrooms that are labeled "Men," "Women," and "All-Gender."

Sal's has a policy that people who identify as transgender or gender-non-conforming should use the "All-Gender" restroom.

Is Sal's violating the Unruh Act?

- A. Yes
- B. No
- ☒ C. Maybe



Case Study: Sal's Sports Superstore (2 of 2)

- Courts have not addressed whether Unruh applies to the use of gender-segregated facilities, like bathrooms
- All single-user restrooms in a business establishment, place of public accommodation, or state or local government agency must be labeled as all-gender restrooms, unless exempt by state law
 - Use of an all-gender single-user restroom should always be a matter of choice
- **CRD best practice tip:** Where possible, a business should provide an easily accessible single-user restroom for anyone who desires increased privacy, regardless of the underlying reason

Best practices



Education

- Engage with CRD and other educational materials
- Attend training to stay informed of legal updates



Policies

- Anti-discrimination policy with clear expectations
- Train staff on policy requirements



Environment

- Post signs or photos to show everyone is welcome
- Make spaces comfortable and accessible



Welcome In

- Civil rights training
- One-on-one support
- Dynamic signage to promote welcoming spaces



BUSINESS RECOGNITION PROGRAM





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STATE OF CALIFORNIA

Outreach and Education

OVERVIEW OF RELEVANT LAWS

Unruh Act

- Requires businesses to provide everyone with access to the same goods and services, regardless of protected characteristics.

Ralph Act

- Protects individuals from hate violence, including threats, based on protected characteristics.



PROGRAM REQUIREMENTS

Legal Trainings

Adoption of
Model Employee
Policy

Public Signage





APPLICATION



Civil Rights
Department
STATE OF CALIFORNIA

Outreach and Education

Application Section 1

Primary Business Contact *

First

Last

Business Title (e.g. CEO, Owner, Manager) *

Primary Contact Email *

Primary Contact Phone *

 (201) 555-0123

Which days of the week are best for contacting you? Select all that apply.

- ☐ Monday
☐ Tuesday
☐ Wednesday
☐ Thursday
☐ Friday

What time of day is best for contacting you?

- ☐ Morning 8 am - 12 pm
☐ Afternoon 12 pm - 5 pm

Preferred Method of Contact *

Email 

Primary Business Information

Legal Name of Business *

Hours of Operation *

Name of Business Owner *

First

Last

Primary Business Phone *

 (201) 555-0123

DBA or any other names used for this business

Business Street Address *

Address Line 1

i.e. Suite 200

Address Line 2

City

California 

State

Zip Code

Business Website / URL

Secretary of State ID, Seller's Permit, City/County Business Tax Registration or License, or EIN

Business Mailing Address (if different)

Address Line 1

i.e. Suite 200

Address Line 2

City

California 

State

Zip Code

Type of Business

What is your primary business activity? *

Accounting/Bookkeeping 

Please describe in detail the goods and/or services you provide. *

What is the average number of customers/visitors that your business serves each day? *

How many supervisory employees do you have? *

When was your business established? *

How many non-supervisory employees do you have? *

Application Section 2

Why are you interested in Welcome In, and how do you believe this program will contribute to your business and your community? *

(1-3 sentences)

In the past year, how many incidents of discrimination, harassment, or hate between customers or other members of the public occurred at your business? (for example, a customer calling another customer a racial or homophobic slur)

- ☐ Never
☐ 1 to 5 times
☐ 5 to 10 times
☐ 10 or more times

Application Section 3

How did you hear about this program? *

Website 

Are there any other business you recommend for the Welcome In program?

Please certify that you agree to the following statements. *

- ☐ I am authorized to represent the business described in this application and the business is able to participate in the Welcome In program.
☐ I have reviewed the program requirements and will complete them within one year of acceptance into the program.
☐ The information provided in this application is true and accurate to the best of my knowledge.
☐ Participation in Welcome In does not shield the business from liability under California civil rights laws.

Date *

SUBMIT



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"HOW CAN I HELP YOU?" TRAINING



AG Alee Gonzalez

"How Can I Help You?" Customer Service Bystander Intervention Training

START COURSE

What are the 5 Ds of bystander intervention?

00:16



The 5 Ds of bystander intervention include distract, delegate, document, delay, and direct.

CONTINUE

Hate incidents explained.

What are hate incidents?

00:52



Hate incidents are hostile actions or behaviors motivated by bias against real or perceived protected characteristics.

Hate incidents involve acts of prejudice that do not rise to the level of a crime but cause great harm and may even violate civil rights law.



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Outreach and Education

CIVIL RIGHTS AT CALIFORNIA BUSINESSES TRAINING



Examples of Unruh Act violations

- An apartment manager refusing to rent to someone because they have a disability
- A restaurant refusing to seat a family outside because the parents are a same-sex couple
- A store charging higher prices to people who don't speak English
- A doctor refusing to treat a patient because the patient is HIV positive
- A dry cleaner charges more to clean a woman's blouse than a man's shirt when the two items are similar in detail



Best practices for businesses to avoid violating Unruh

1. Education: review outreach materials and attend trainings
2. Adopt an anti-discrimination policy with clear expectations for your employees
3. Post signage to show that all are welcome
4. Consider getting involved with Welcome In





CODE OF CONDUCT POSTER



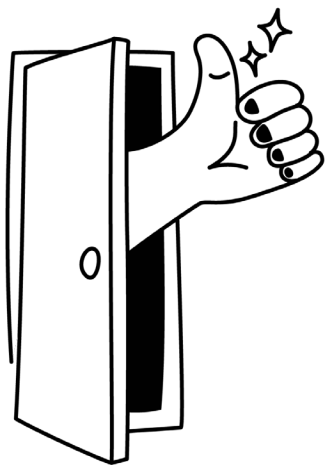
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MODEL EMPLOYEE POLICY



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INTRODUCTION

In California, all people are entitled to full and equal accommodations, advantages, facilities, privileges, or services in all public businesses, regardless of the following protected characteristics:

- Sex, gender, gender identity, and gender expression
- Sexual orientation
- Race, color
- Disability
- Ancestry, national origin, primary language
- Immigration status, citizenship
- Genetic information, medical condition
- Marital Status
- Religion

In adopting this policy, **Name of Business** expresses our commitment to creating a safe and welcoming environment for our customers that is free from discrimination, harassment, and acts of hate. This policy supplements **Name of Business's** EEO policy, anti-harassment policy, and any other existing expectations for our employees in regard to how we treat customers and other members of the public, as well as how we handle discrimination, harassment, and acts of hate against customers and other members of the public on or around our premises.

CONDUCT PROHIBITED BY THIS POLICY / DEFINITIONS

Name of Business prohibits discrimination, harassment, and acts of hate against customers and members of the public. Such incidents may be unlawful and could create legal liability for **Name of Business**.

Definitions:

- **Discrimination:** treating a person differently, based at least in part on a protected characteristic.
- **Harassment:** unwelcome words or behavior that threaten, intimidate, embarrass, or demean a person, based at least in part on a protected characteristic.
- **Acts of hate:** violence or hostility directed at people, based at least in part on a protected characteristic.

Discrimination, harassment, and acts of hate include conduct directed at someone based on their actual protected characteristic, perceived protected characteristic, or association with others having a protected characteristic.

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EMPLOYEE CODE OF CONDUCT

Employees at **Name of Business** are expected to:

- Provide equal service to all customers so that protected characteristics do not impact the quality of service
- Be mindful of using respectful and inclusive language when interacting with colleagues, customers, and other members of the public
- Complete legal trainings to understand the application of California civil rights laws to public businesses
- Listen to customers with disabilities to understand their needs and work collaboratively with them so they can enjoy **Name of Business's** products/services
- Allow customers to use the restroom (and/or other gender-segregated facility as applicable) that aligns with their gender identity
- Respond promptly to complaints from customers about discrimination, harassment, and/or hate by:
 - Using bystander intervention strategies to address the situation safely and effectively (see training, linked below)
 - Providing support to the targeted person, including by documenting the incident at their request
 - Reporting incidents to the CA vs Hate Resource Line and Network by phone at (833) 866-4283 or online at www.CAvsHate.org
 - Report the situation to management

AVAILABLE RESOURCES AND TRAININGS

- [Welcome In Home Page](http://bit.ly/CRD-Welcome-In) – bit.ly/CRD-Welcome-In
- [CA vs. Hate](http://bit.ly/CAvsHate) – bit.ly/CAvsHate
- [How Can I Help You? Customer Service Bystander Intervention Training](http://bit.ly/CRD-Unruh-Factsheet) – bit.ly/HCIHY
- [Sexual Harassment Prevention Training](http://bit.ly/CRD-Unruh-Training) – bit.ly/CRD-SHPT
- [Civil Rights at Businesses Fact Sheet](http://bit.ly/CRD-Unruh-Training) – bit.ly/CRD-Unruh-Factsheet
- [Civil Rights at Businesses Training](http://bit.ly/CRD-Unruh-Training) – bit.ly/CRD-Unruh-Training
- [Ralph Act Fact Sheet](http://bit.ly/CRD-RalphAct-Factsheet) – bit.ly/CRD-RalphAct-Factsheet
- [Code of Conduct](http://bit.ly/Welcome-In-Conduct-Poster) – bit.ly/Welcome-In-Conduct-Poster

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Outreach and Education

CERTIFICATE OF COMPLETION AND DIRECTORY





Robb's Rad Rides

My son introduced me to the Welcome In Program. He said it was a great way to educate the older folks on my team to be more aware of how their behavior affects those around them. Turns out, my kid still has a thing or two to teach his old man.

Welcome In Participants - 2024

Show 10 entries

Business Name	Address	County	Type of Business	Contact Information
Sam's Shoes	1234 Main St. Los Angeles, CA 90210	Los Angeles	Clothing	www.samsshoes.com
Tammy's Trees	7777 A Avenue SomeCity, CA 97878	Tehama	Landscaping	www.TammyLovesTrees.com
Robb's Rad Rides	7500 Broadway Sacramento, CA 95818	Sacramento	Auto Repair and Detailing	www.RobbsRides.com

[Edit](#)

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OTHER BENEFITS

- **Technical assistance to support program completion**
- **Access to optional CRD trainings on various civil rights topics**
- **Possibility of promotion**





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RESOURCES AND CONTACT

Welcome In webpage

- www.calcivilrights.ca.gov/welcomein

General email:

- welcome.in@calcivilrights.ca.gov

CRD newsletter:

- <https://calcivilrights.ca.gov/subscriptions/>



WHAT CAN BUSINESSES DO?



Welcome In is a partnership between the Civil Rights Department and California businesses to cultivate safe and inclusive environments at those businesses.

Why should you participate?

- Create a safe and inclusive environment at your business
- Equip your staff to proactively handle incidents of hate or harassment between patrons
- Offer your customers a free resource if they experience hate or harassment

Participating businesses will receive:

- Training and policies to help staff proactively address and prevent hate acts
- Public signage with best practices and ways to report hate
- Recognition on CRD's official website and other promotion

For more information: calcivilrights.ca.gov/welcome-in/ or welcome.in@calcivilrights.ca.gov



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FOLLOW US!

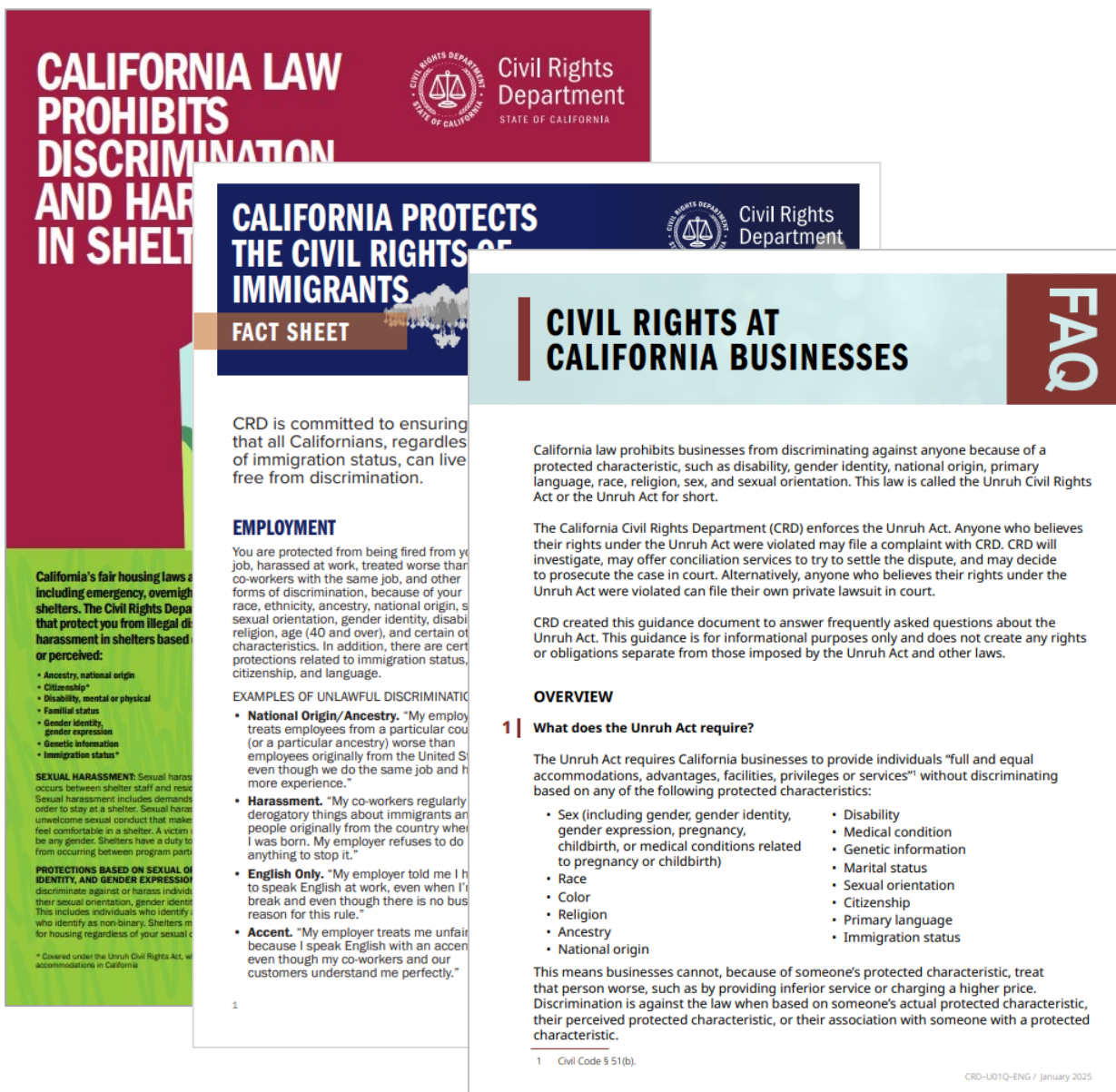




Civil Rights Department resources

Written resources

- [Housing](#)
 - [Housing provider resources](#)
- [Employment](#)
 - [Right to Sue requests](#)
 - [Legally required postings](#)
- [Unruh Civil Rights Act](#)
- [Ralph Civil Rights Act](#)
- [Human trafficking, U Visas, and T Visas](#)
- [Complaint process](#)
- [Outreach and education materials](#)
- [CRD training request form](#)



Live and recorded webinars

- Visit [CRD's website](#) to sign up
 - Three webinars each month
 - Wednesdays at 11 AM
 - Held on Zoom
 - Open to anyone
- Each month CRD provides a training on
 - housing,
 - employment, and
 - special topic
- Visit [CRD's YouTube channel](#) to watch recorded webinars



Thank you!

Website: www.calcivilrights.ca.gov

Phone: 800-884-1684

California's Relay Service at 711

Email: contact.center@calcivilrights.ca.gov

