

California to Become FIRST EVER State to Ban Caste Discrimination in the Workplace!!

Labor & Employment Law Update

By Kevin Kleine on September 26, 2023

Unsurprisingly, California is yet again changing its already very employee friendly employment laws. Currently, California leads the nation with its employee friendly laws, though states like Illinois are quickly catching up. The California Legislature's latest move is a first for any US state by banning "caste" discrimination in the workplace under its civil rights and employment discrimination laws. Seattle passed a similar law in February.

On Tuesday, September 5, 2023, SB 403 passed both houses of California's Legislature and is now on its way to Governor Newsom's desk and is expected to be signed into law in the near future. SB 403 amends California's Unruh Civil Rights Act ("Act") (Cal. Civil Code § 51 *et seq.*) which prohibits, among other things, employment discrimination on the basis of "ancestry." Specifically, SB 403 amends the Act by adding "caste" into the definition of "ancestry," among other changes.

Caste discrimination is a type of discrimination that targets an individual's place of birth and upbringing, societal status, class and ancestry, among other things. The legislature took this action in response to a rise in lawsuits alleging caste discrimination against individuals of South Asian and Indian descent. This type of discrimination is apparently prevalent in California's South Asian and Indian communities, particularly in California's tech industry.

Once SB 403 is signed into law, employers must ensure that an individual's ancestry, including "caste," isn't considered in making any employment decisions.

Employers should review their EEO and anti-discrimination policies to ensure they are in line with California's civil rights and employment discrimination laws, and update them if they are not. Stay tuned here as we will update you once SB 403 has been signed into law.