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SB-1223 Construction industry: discrimination and harassment prevention policy. (2017-2018)

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ENROLLED AUGUST 31, 2018

PASSED IN SENATE AUGUST 28, 2018

PASSED IN ASSEMBLY AUGUST 27, 2018

AMENDED IN ASSEMBLY AUGUST 06, 2018

AMENDED IN SENATE MARCH 22, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

NO. 1223

**Introduced by Senator Galgiani
(Coauthor: Assembly Member Gonzalez Fletcher)**

February 15, 2018

An act to add Chapter 4.3 (commencing with Section 107.5) to Division 1 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1223, Galgiani. Construction industry: discrimination and harassment prevention policy.

Existing law creates the Division of Labor Standards Enforcement (division) within the Department of Industrial Relations (department) and authorizes the division to investigate violations of, and to enforce the provisions of, the Labor Code that are not specifically vested in any other officer, board, or commission.

This bill would require the division to develop recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry, as defined. The bill would also require the department to convene an advisory committee by March 1, 2019, consisting of specified representatives from the construction industry and state agencies to assist the division in developing the policy. The bill would require the division to report to the Legislature by January 1, 2020, with recommendations for a harassment and discrimination prevention policy and training standard for the construction industry and recommendations for legislative implementation of such a standard.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 4.3 (commencing with Section 107.5) is added to Division 1 of the Labor Code, to read:

CHAPTER 4.3. Discrimination and harassment prevention in construction industry

107.5. (a) The Division of Labor Standards Enforcement shall develop recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry. For purposes of this subdivision, "in the construction industry" means performing work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code. The training standard shall focus on preventing harassment and discrimination in the construction industry on the basis of sex, race, and national origin, in addition to the other categories protected under Section 12940 of the Government Code.

(b) To assist in developing this standard, the Director of Industrial Relations shall convene an advisory committee to recommend minimum standards for a harassment and discrimination prevention policy and training program specific to the construction industry. The advisory committee shall be composed of representatives from recognized or certified collective bargaining agents that represent construction workers, construction industry employers or employer associations, labor-management groups in the construction industry, nonprofit organizations that represent women in the construction industry, and other related subject matter experts, and shall also include representatives of the Division of Labor Standards Enforcement, the Division of Occupational Safety and Health, and the Department of Fair Employment and Housing. The director shall convene the advisory committee no later than March 1, 2019. The advisory committee shall consider the requirements of Section 12950.1 of the Government Code when developing the recommended minimum standard.

(c) The Division of Labor Standards Enforcement shall provide a report to the Legislature by no later than January 1, 2020, in compliance with Section 9795 of the Government Code, with recommendations for an industry-specific harassment and discrimination prevention policy and training standard for use by employers in the construction industry and recommendations for legislative implementation of such a standard.