

CALIFORNIA LAWS THAT PROTECT RELIGIOUS RIGHTS

California law allows for a variety of remedies and penalties when someone discriminates against a person who is in a protected class, such the California Constitution, Article I, Section 4: free exercise and enjoyment of religion.

DISCRIMINATION BASED ON RELIGION IS PROHIBITED IN CALIFORNIA

The California Fair Employment and Housing Act (FEHA) prohibits religious discrimination.

California has one of the most comprehensive bodies of laws protecting individuals from workplace discrimination, including based on religious creed, beliefs and practice.

Whoever discriminates against a person in this jurisdiction – even if done so unintentionally – can be liable for substantial financial damages pursuant to California Civil Rights Codes.

GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA

DIVISION 3. EXECUTIVE DEPARTMENT

PART 2.8. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

CHAPTER 6. DISCRIMINATION PROHIBITED

Article 1. Unlawful Practices, General

California Government Code 12940: The Fair Employment ACT

It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

- (a) For an employer, because of the race, **religious creed**, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran or military status of any person, to refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or **to discharge the person from employment** or from a training program leading to employment, or **to discriminate against the person** in compensation or in terms, conditions, or privileges of employment.

California Government Code 12926(q):

(q) “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” **include all aspects of religious belief, observance, and practice**, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, **head or face coverings**, jewelry, artifacts, and any other item that is part of an individual observing a religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of an individual observing a religious creed.

(u) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:

- (1) The nature and cost of the accommodation needed.
- (2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.
- (3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.
- (4) The type of operations, including the composition, structure, and functions of the workforce of the entity.
- (5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

California Civil Code 43: Protects the individual’s right to be free from bodily harm (such as from masks, test and vaccines).

California Civil Code 46: It is a violation of personal rights to slander someone by imputing them with an infectious or loathsome disease (i.e., saying they have an infectious disease when they don’t.)

California Civil Code 51 (Unruh Civil Rights Act) every person in this jurisdiction is **free and equal** and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

CA Business and Professions Code 16721

Recognizing that the California Constitution prohibits a person from being disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin, and guarantees the free exercise and enjoyment of religion without discrimination or preference; and recognizing that these and other basic, fundamental constitutional principles are directly affected and denigrated by certain ongoing practices in the

business and commercial world, it is necessary that provisions protecting and enhancing a person's right to enter or pursue business and to freely exercise and enjoy religion, consistent with law, be established.

- (a) No person within the jurisdiction of this state shall be excluded from a business transaction on the basis of a policy expressed in any document or writing and imposed by a third party where that policy requires discrimination against that person on the basis of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code or on the basis that the person conducts or has conducted business in a particular location.
- (b) No person within the jurisdiction of this state shall require another person to be excluded, or be required to exclude another person, from a business transaction on the basis of a policy expressed in any document or writing that requires discrimination against that other person on the basis of any characteristic listed or defined in subdivision (b) or (e) of Section 51 of the Civil Code or on the basis that the person conducts or has conducted business in a particular location.