
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: AB 2495 **Hearing Date:** June 24, 2026
Author: Kalra
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Urgency: No **Fiscal:** No
Consultant: Alma Perez-Schwab

SUBJECT: Unlawful immigration-related practices

KEY ISSUES

This bill expands the prohibition on an employer retaliating against an employee by engaging in, or directing another to engage in, an unfair immigration-related practice by 1) additionally prohibiting an employer from preventing a person from exercising any right protected under existing laws; 2) prohibiting an employer from dissuading an employee from engaging in conduct that the employee has a legal right to engage in or abstain from, as specified; and 3) makes an employer or other person who violates these provisions liable for a civil penalty of up to \$10,000 per employee or person for each violation.

ANALYSIS

Existing federal law:

- 1) Requires an employer to verify, through examination of specified documents, whether or not an individual is authorized to work in the United States and attest thereto under penalty of perjury by completing *Form I-9 Employment Eligibility Verification*; specifies that if the document is presented and reasonably appears on its face to be genuine, then the employer has complied with this requirement and is not required to solicit or demand any other document. The worker must also attest, under penalty of perjury, that they are legally authorized to work in the United States. (8 U.S.C. §1324a(b))
- 2) Makes it an unfair immigration-related employment practice for any person or entity to do any of the following: 1) Discriminate against any individual, except as provided, with respect to the hiring, recruitment, or referral of the individual for employment or the discharging of the individual from employment because of the individual's origin or citizenship; or 2) Request, with the intent of discriminating against an individual, more or different documents than are required under law or refuse to honor documents tendered which, on their face, reasonably appear to be genuine. (8 U.S.C. §1324b(a)(1)-(6))

Existing state law:

- 1) Establishes within the Department of Industrial Relations (DIR) and under the direction of the Labor Commissioner (LC), the Division of Labor Standards Enforcement (DLSE) tasked with administering and enforcing labor code provisions concerning wages, hours and working conditions. (Labor Code §79 et seq.)

- 2) Prohibits an employer or any other person or entity from engaging in, or directing another person or entity to engage in, an *unfair immigration-related practice*, as defined, against any person for the purpose of retaliating against that person for exercising his or her rights under state or local labor law. (Labor Code §1019)
- 3) Defines "unfair immigration-related practice," for purposes of state law, to mean any of the following practices when undertaken for retaliatory purposes, and not at the direction or request of the federal government:
 - a. Requesting more or different documents than are required by federal law or refusing to honor required documents that on their face appear to be genuine.
 - b. Using the federal E-Verify system to check the employment authorization status of a person at a time or in a manner not required or authorized by federal law.
 - c. Threatening to file or filing of a false police report, or threatening to file or filing a false report or complaint with any state or federal agency.
 - d. Threatening to contact or contacting immigration authorities.
(Labor Code §1019)
- 4) Authorizes an employee or any other person who is subject to an unfair immigration-related practice, where the unfair practice is retaliatory in nature, to bring a civil action for equitable relief and any applicable damages or penalties, and specifies that an employee or other person who prevails shall recover his or her reasonable attorney's fees. (Labor Code §1019)
- 5) Prohibits an employer, in the course of satisfying federal immigration law, from requesting more or different documents than are required under federal immigration law; refusing to honor valid documents, as specified; or attempting to reinvestigate or reverify an incumbent employee's authorization to work using an unfair immigration-related practice. Provides for a penalty imposed by the LC and liability for equitable relief. (Labor Code §1019.1 & §1019.2)
- 6) Provides that all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state. For purposes of enforcing state labor and employment laws, existing law provides that a person's immigration status is irrelevant to the issue of liability, and in proceedings or discovery undertaken to enforce those state laws, no inquiry shall be permitted into a person's immigration status except where the person seeking to make this inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law. (Labor Code §1171.5; Civil Code §3339; Government Code §7285; Health & Safety Code §24000)

This bill:

- 1) Finds and declares, among other things, the following:
 - a. Immigrant workers are uniquely vulnerable to exploitation and intimidation in the workplace. Employers exploit distinct vulnerabilities, including fear of immigration enforcement, to deter immigrant workers from reporting workplace violations.
 - b. Unscrupulous employers utilize unfair immigration-related practices to preemptively silence immigrant workers and compel them to accept substandard working conditions, thereby undercutting law-abiding employers and eroding workplace standards.

- c. Therefore, it is the intent of the Legislature to:
 - i. 1) ensure that immigrant workers can safely report violations and participate in the enforcement of their workplace protections by providing that employer behavior that has the effect of deterring the assertion of protected workplace rights is unlawful under the existing legal framework when done to deter workers from exercising protected rights; and
 - ii. 2) reinforce California's longstanding public policy that workers must be able to assert workplace rights free from employer intimidation, threats, or retaliation, including the fear of reporting to immigration authorities or other unfair immigration-related employment practices as defined herein.
- 2) Expands the prohibition on an employer or any other person engaging in, or directing another person to engage in, an *unfair immigration-related practice* against a person for the purpose of, or with the intent of, retaliating against any person for exercising a right protected under state and local laws, as specified, to additionally prohibit doing so:
 - a. For the purpose of, or intent of, preventing a person from *attempting to exercise* any right protected under any local, state, or federal statute or regulation applicable to employees.
- 3) Makes it unlawful for an employer or any other person to engage in any other conduct, related to any person's perceived immigration status, that would reasonably tend to dissuade an employee from engaging in conduct that the employee has a legal right to engage in, or a legal right to abstain from, under any local, state, or federal statute or regulation applicable to employees.
- 4) Provides that, consistent with existing Labor Code Section 1171.5, actual immigration status is irrelevant to the determination of liability under these provisions.
- 5) Provides that, in addition to other remedies available, an employer or other person who violates the unfair immigration-related practices provisions is liable for a civil penalty not exceeding \$10,000 per employee or person for each violation, to be awarded to the employee or person who suffered the violation.

COMMENTS

1. Background:

California's Immigrant Workforce and Unfair Immigration-Related Practices:

According to the Public Policy Institute of California, California is home to 10.9 million immigrants, more than any other state.¹ In 2024, the most current year of data, 28% of California's population was foreign-born. Immigrants have played a pivotal role in shaping California's economy and although flows of immigrants to California have slowed in recent decades, immigrants remain a key source of economic growth.

Existing labor laws protect all workers regardless of immigration status. Further, California's labor laws provide anti-retaliation protection for employees who make claims against their

¹ Cuellar Mejia, Marisol and Johnson, Hans. "Immigrants in California Fact Sheet," January 2026, Public Policy Institute of California. <https://www.ppic.org/wp-content/uploads/jtf-immigrants-in-california.pdf>

employers for violations of labor laws. Specific to a workers immigration status, existing law makes it illegal for an employer to take adverse actions against a worker by making immigration-related threats in retaliation for a worker exercising their rights or by engaging in unfair immigration related practices. Unfair immigration-related practices can include:

- Refusing to honor identity and employment documents that appear genuine.
- Misuse E-Verify in a way not required by law.
- Threatening to call/calling immigration authorities to report a worker or their family's suspected immigration status.

Even though these protections exist in law, research shows that immigrant workers are significantly less likely than other workers to report workplace hazards and injuries due to fears of deportation and retaliation, language barriers, and lack of awareness regarding their rights. This in turn can lead to potential abuse from unscrupulous employers and the loss of essential rights to which they are entitled to. Given the current federal administrations' views on and actions towards immigrants, this legislation is both timely and necessary.

As noted by the Assembly Judiciary Analysis of this bill:

“Protection of immigrant workers is more vital now than it was in 2013 when the Legislature first prohibited unfair immigration-related practices, and also more vital than it was when the Legislature enacted AB 450, which imposed penalties on employers who required re-verification of current employees. AB 450 was enacted in large part in response to the 2016 election of Donald Trump, to his first term as President. Since the start of President Trump's second term in 2025, the position of immigrant workers has become even more vulnerable and precarious. According to the Baker Institute of Public Policy at Rice University, in the first six months of Trump's second term, 1.2 million immigrants left the U.S. workforce. This not only disrupted the lives of immigrant families, the Baker Institute found that Trump's harsh rhetoric and policies also negatively affected the U.S. labor market, creating labor shortages in key sectors of the economy. (See “The Long-Term Impact of Trump's Immigration Policies,” available at <https://www.bakerinstitute.org>.) In addition, the Trump administration has drastically cut federal funds for immigrant legal services, which makes employer threats to report an employee to immigration authorities all the more intimidating and impactful. As such, this will likely make many workers – even if they are documented, or even if they are citizens with the wrong last name – more likely to endure rather than report dangerous or exploitive working conditions, thus posing a threat to all workers, regardless of their immigration status.”

This bill:

This bill strengthens worker protections by expanding existing prohibitions on retaliating against any person for exercising any rights under existing laws by 1) prohibiting an employer from preventing a worker from exercising such rights or engaging in conduct, related to any person's perceived immigration status, that would dissuade an employee from engaging in conduct that the employee has a legal right to engage in; and 2) imposing civil penalties for violations of these provisions. This bill would ensure that unfair immigration-related practices are not used to dissuade or prevent a worker from exercising their labor rights in the first place, thereby protecting them before or after any unfair immigration-related practice.

2. Need for this bill?

According to the author:

“Anti-immigrant national rhetoric has emboldened bad-faith employers to increasingly deter immigrant workers from complaining about violations of their workplace rights by making veiled threats, chilling statements, or implicit warnings about immigration consequences. When such employer deterrence succeeds, unlawful conduct goes unreported, workplace standards erode, and law-abiding employers are undercut.

Current law offers protections against immigration-related threats after a worker engages in protected activities but does not explicitly prohibit employers from using threats to deter workers from exercising their rights in the first place. Additionally, there are no worker protections comparable to Penal Code § 519, which criminalizes extortion based on coercive threats, such as threats to deport or “call ICE”. Assembly Bill 2495 expands the scope of prohibited unfair immigration-related practices that employers use to intimidate and dissuade workers from asserting their workplace rights.”

3. Proponent Arguments:

The sponsors of the measure, the California Employment Lawyers Association, Legal Aid at Work, Coalition for Humane Immigrant Rights (CHIRLA), APIs for Civic Empowerment, and Equal Rights Advocates write:

“Current law prohibits employers from retaliating against workers who have asserted their workplace rights. However, the existing definition of “unfair immigration related practices” does not fully capture the range of employer conduct that interferes with workers’ ability to assert their workplace rights or that undermines effective enforcement of labor standards. Notably, current law does not adequately address employer conduct that exploits workers’ precarious immigration status to dissuade them from making complaints about their employment conditions in the first place. Any employer actions that chill or deter the future exercise of workplace rights weaken enforcement of those rights and should fall squarely within the scope of “unfair immigration related practices.”

AB 2495 will address employer actions that chill workers’ exercise of their rights by ensuring that such conduct falls within legal protections against unfair immigration related practices. The bill does so by expressly including within the definition of “unfair immigration related practices” conduct that would dissuade a reasonable worker from exercising workplace rights, or induce that worker to engage in conduct the worker has a legal right to decline. In this way, AB 2495 makes clear that creating a coercive work environment based on a worker’s immigration status—designed to silence or intimidate workers—is prohibited under California law.

California must make it clear: employers cannot create a climate of fear with immigration-related coercion to prevent workers from reporting violations of workplace rights. Existing laws requiring minimum wage, overtime pay, rest breaks, worksite safety, and workplaces free from harassment and discrimination are meaningless if employers can use coercion to ensure workers never come forward.”

4. Opponent Arguments:

None received.

5. Double Referral:

This bill has been double referred and if approved by this Committee today, will be sent to Senate Judiciary Committee for a hearing.

6. Prior/Related Legislation:

SB 294 (Reyes, Chapter 667, Statutes of 2025), (1) requires employers to provide a stand-alone written notice annually to each employee informing them of their rights under state and federal law, as specified; (2) directs the LC to develop a template notice, as well as videos for employers and employees informing them of their responsibilities and rights, as specified; (3) requires employers, if authorized by an employee, to contact an employee's designated emergency contact if the employee is arrested or detained, as specified; and (4) authorizes various penalties for noncompliant employers.

AB 1136 (Ortega, 2025) would have provided, until July 1, 2029, job protections to workers who are detained or need to take time off from work to resolve immigration-related matters including requiring employers to reinstate the employee to their former job classification without loss of seniority upon their return, as specified. *AB 1136 was vetoed by the Governor.*

SB 54 (De Leon, Chapter 495, Statutes of 2017) limited the involvement of state and local law enforcement agencies in federal immigration enforcement.

AB 450 (Chiu, Chapter 492, Statutes of 2017) prohibited an employer from providing access to a federal government immigration enforcement agent to any non-public areas of a place of labor if the agent does not have a warrant.

SUPPORT

APIs for Civic Empowerment (Co-Sponsor)
California Employment Lawyers Association (Co-Sponsor)
Coalition for Humane Immigrant Rights (Co-Sponsor)
Equal Rights Advocates (Co-Sponsor)
Legal Aid at Work (Co-Sponsor)
Asian Law Caucus
California Coalition for Worker Power
California Community Foundation
California Domestic Workers Coalition
California Federation of Labor Unions
California Food and Farming Network
California for Safety and Justice
California Immigrant Policy Center
California Latinas for Reproductive Justice
California National Organization for Women

California Partnership to End Domestic Violence
California Primary Care Association
California Rural Legal Assistance Foundation
California Teachers Association
California Work & Family Coalition
California Working Families Party
Californians for Safety and Justice
CFT - A Union of Educators & Classified Professionals
Child Care Law Center
Chinese for Affirmative Action
Church State Council
City of Soledad
Community Legal Services in East Palo Alto
Consumer Attorneys of California
County of Santa Clara
Courage California
End Child Poverty CA
Friends Committee on Legislation of California
Immigrants Rising
Legal Aid Association of California
Loyola Law School, Sunita Jain Anti-Trafficking Initiative
Mujeres Unidas Y Activas
National Council of Jewish Women CA
Parent Voices California
Pilipino Workers Center of Southern California
Santa Clara County Wage Theft Coalition
Street Level Health Project
Sunita Jain Anti-trafficking Initiative
The Wage Justice Center
Wage Justice Center
Western Center on Law & Poverty
Women's Foundation California

OPPOSITION

None received

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