

CONCURRENCE IN SENATE AMENDMENTS

AB 2495 (Katra)

As Amended August 13, 2026

Majority vote

SUMMARY

Expands the prohibition of an employer retaliating against a person for exercising their rights by engaging in, or directing another to engage in, an unfair immigration-related practice.

Senate Amendments

- 1) Make clarifying and technical changes.
- 2) Provide that, consistent with existing law, actual immigration status is irrelevant to the determination of liability under the unfair immigration-related practices anti-retaliation protections.
- 3) Provide that, for purposes of the unfair immigration-related practices anti-retaliation protections, "employee" includes an applicant, employee, or former employee.

COMMENTS

Studies have repeatedly shown that immigrant workers are far less likely than other workers to report workplace issues, due to fear of deportation and retaliation, language barriers, and lack of awareness regarding their rights. In many cases, immigrant workers do not report abuses because their employers actively threaten to report them to the authorities. This results in the loss of essential rights, including minimum wage, overtime pay, meal and rest breaks, workplace safety, and more. Amidst the Trump Administration's focus on immigration enforcement, there is concern that this problem has only been exacerbated.

California labor laws protect workers regardless of immigration status. Workers who file claims or complaints, or exercise other rights under California labor laws are not required to disclose their immigration status to the Department of Industrial Relations or its entities, nor do those entities inquire about immigration status. The only limits to this are those established under federal law.

Furthermore, California law prohibits employers from retaliating against employees by using unfair immigration-related practices, including threatening to report a person to immigration authorities. However, current law offers explicit retaliation protections only after a worker engages in protected activities, leaving a gap that allows employers to use threats to deter workers from acting.

Given that retaliation laws are intended to protect workers' ability to assert their workplace rights, the author argues that the prohibition on retaliation using unfair immigration-related practices should also extend to behavior that prevents workers from exercising their rights in the first place.

According to the Author

"AB 2495 amends existing labor protections to make it explicit that all immigration-related threats are unlawful. California must make it clear — employers cannot create a climate of fear

with immigration-related threats to prevent workers from reporting violations of workplace rights."

The author adds that the bill promotes equity solutions, per H.R. 39 (Gipson, 2021), in that "protecting vulnerable workers from coercion can make all workplaces safer as workers can feel empowered to come forward when facing the loss of essential rights, including minimum wage, overtime pay, rest breaks, workplace safety, and protection from harassment."

Arguments in Support

A coalition of worker and labor organizations, including the California Federation of Labor Unions, state in support that "immigrant workers are uniquely vulnerable to workplace exploitation given employers can weaponize workers' immigration status to violate their rights. The current national climate has emboldened bad-faith employers to increasingly coerce immigrant workers into never asserting their rights by making veiled threats, chilling statements, or implicit warnings about immigration consequences. When coercion succeeds, unlawful conduct goes unreported, workplace standards erode, and law-abiding employers are undercut."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The Labor Commissioner's Office (LCO), within the Department of Industrial Relations (DIR), indicates that it would incur first-year costs of \$900,000 to \$1.4 million, and \$800,000 to \$1.3 million annually thereafter, to implement the provisions of the bill (Labor Enforcement and Compliance Fund).
- 2) By expanding an existing prohibition for which a civil action may be filed to recover equitable relief, damages, or penalties, and enacting a new employer penalty for a violation of the existing and new prohibitions, this bill may result in an increased number of civil actions. Consequently, the bill could result in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). The specific number of new actions that could be filed under the bill also is unknown; however, it generally costs about \$10,500 per day to operate a courtroom. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund. The enacted 2026-27 budget includes \$70 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.
- 3) The bill could result in increased penalty revenue. The magnitude is unknown, but probably minor.

VOTES:

ASM LABOR AND EMPLOYMENT: 5-1-1

YES: Ortega, Elhawary, Kalra, Lee, Ward

NO: Lackey

ABS, ABST OR NV: Chen

ASM JUDICIARY: 9-3-0

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Lee, Zbur

NO: Dixon, Johnson, Sanchez

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Aguiar-Curry, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache

NO: Hoover, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 59-18-3

YES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NO: Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

ABS, ABST OR NV: Alanis, Celeste Rodriguez, Wallis

SENATE FLOOR: 30-8-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Choi, Dahle, Jones, Niello, Ochoa Bogh, Seyarto, Strickland

ABS, ABST OR NV: Grove, Valladares

UPDATED

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