

SENATE THIRD READING

SB 294 (Reyes)

As Amended September 02, 2025

Majority vote

SUMMARY

Requires employers to provide a stand-alone written notice annually to each employee, and upon hire, informing them of their rights under state and federal law, as specified; directs the Labor Commissioner (LC) to develop a template notice, as well as separate videos for employers and employees informing them of their responsibilities and rights, as specified; 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 authorizes penalties for noncompliant employers.

Major Provisions

- 1) Establishes the Workplace Know Your Rights Act and establishes the intent of the Legislature that California workers:
 - a. Have a strong understanding of their rights as workers, as well as their constitutional rights.
 - b. Are equipped with knowledge of their rights that they can also use to protect their families, neighbors, and communities at a time of potential disruption, dislocation, and fear for many Californians.
- 2) Requires, within 30 days after the LC posts the template notice as required by (6) below on the LC's website, and annually thereafter, an employer to provide a stand-alone written notice to each current employee in a manner that the employer normally uses to communicate employment-related information.
 - a. Authorizes the notice to include, but not be limited to personal service, email or text message, if it can reasonably be anticipated to be received by the employee within one business day of sending.
 - b. Requires the notice to also be provided to each new employee upon hire; as well as annually be provided to the employee's authorized representative, if any.
 - c. Provides that, for purposes of this bill, "authorized representative" means an exclusive collective bargaining representative.
- 3) Requires the notice to contain a description of workers' rights in the following areas:
 - a. Protection against misclassification of an employee as an independent contractor.
 - b. Outdoor heat illness prevention and indoor heat illness prevention.
 - c. Workers' compensation, including a short summary of what it is and where to obtain more information.
 - d. Paid sick days.

- e. The right to notice of inspection by immigration agencies pursuant to existing law.
 - f. Protection against unfair immigration-related practices against a person exercising protected rights.
 - g. The right to organize a union in the workplace.
 - h. Constitutional rights when interacting with law enforcement at the workplace, including an employee's right under the Fourth Amendment to the US Constitution to be free from unreasonable searches and seizures, and rights under the Fifth Amendment to the US Constitution to due process and against self-incrimination.
- 4) Requires the written notice to be provided to an employee in the language the employer normally uses to communicate employment-related information to the employee, if the template notice is available in that language on the LC's website; authorizes the notice to be provided in English if the template notice is not available in that language.
 - 5) Authorizes an employer to, in addition to the required written notice, choose to provide a link to, or show, the video developed by the LC's office pursuant to (9) below.
 - 6) Requires the LC to develop a template notice that an employer may use to comply with the requirements above and post it to the LC's website such that it is accessible to an employer.
 - 7) Requires the template notice to be written in plain terminology that is easily understood by a worker.
 - 8) Requires the LC to make the template notice available in different languages, including English, Spanish, Chinese, Tagalog, Vietnamese, and Korean, and authorizes the LC to also provide the template notice in additional languages.
 - 9) Requires, on or before July 1, 2026, the LC to develop a video for employees advising them of their rights under the areas listed in (3) above, as well as a video for employers advising them of their requirements under the same areas, and to post the videos on the LC's website.
 - 10) Requires, if an employee has notified their employer that they would like their designated emergency contact to be notified in the event the employee is arrested or detained, the employer to notify the designated emergency contact if the employee is arrested or detained on their worksite.
 - 11) Requires, if the arrest or detention occurs during work hours, or during the performance of the employee's job duties, but not on the worksite, the employer to notify the employee's designated emergency contact only if the employer has actual knowledge of the arrest or detention of the employee.
 - 12) Requires an employer to offer an employee the option to provide written notice to their employer that indicates that the employee would like their designated emergency contact notified in the event of either of the situations in (10) and (11) above.
 - 13) Authorizes parties subject to this bill to provide, by collective bargaining agreement, that the agreement supersedes the requirements of this bill, in whole or in part, if the waiver is explicitly set forth in the agreement in clear and unambiguous terms.

- 14) Prohibits employer retaliation, as specified.
- 15) Requires the LC to enforce this bill, as specified.
- 16) Authorizes this bill to alternatively be enforced by a public prosecutor, as specified.
- 17) Authorizes, in any civil action brought pursuant to (15) or (16) above, the petitioner to seek appropriate temporary or preliminary injunctive relief, including punitive damages, and reasonable attorney's fees and costs.
- 18) Authorizes, in addition to any other remedy, an employer who violates this bill to be subject to a civil penalty of up to \$500 per employee for each violation.
- 19) Authorizes an action to be brought in the superior court in any county in which the violation in question is alleged to have occurred or in which the employer resides or transacts business.
- 20) Provides that this bill does not preempt any city, county, or city and county ordinance that provides equal or greater protection to employees who are covered by this bill.

COMMENTS

California labor laws protect workers regardless of immigration status. Given the Trump Administration's focus on immigration enforcement and recent reports of ICE agents carrying out worksite raids throughout the state, it is ever more important to equip employers and workers with the knowledge and tools to better understand their respective rights and obligations when facing immigration-related issues at work.

Employers' responsibilities related to workplace immigration inspections:

In 2017, the Legislature passed AB 450 (Chiu), Chapter 492, which set forth certain requirements for employers regarding worksite inspections by immigration enforcement agents. AB 450, among other things, required that employers provide notification to employees of immigration enforcement activities at work within 72 hours of receiving the notification of inspection by the immigration agency. Employers must also provide affected employees with the results of the inspection and inform them of their right to representation to address deficiencies.

Other labor laws that protect immigrants include:

- 1) An employer may not retaliate against a worker for filing a complaint with the Labor Commissioner.
- 2) Employers are prohibited from requesting more or different documents than required by federal law, misusing e-verify, threatening to file a false report with a government agency, or threatening to contact or contacting immigration authorities.
- 3) An employer who verifies employment eligibility beyond what federal law requires may face a \$10,000 penalty.

Workplace Notices and Postings:

Employers in California must meet numerous workplace notice and posting requirements, including:

- 1) Upon hiring, employers must provide each nonexempt employee a written notice containing, among other things, the following information: the rate of pay, the regular payday designated by the employer, the name, address, and telephone of the employer, information on sick leave, and the existence of a federal or state emergency or disaster declaration applicable to the county where the employee will be employed and that was issued within 30 days before the employee's start date.
- 2) Employers must provide newly hired employees with pamphlets on a variety of topics, including further information about workers' compensation, unemployment insurance, disability insurance, paid family leave, sexual harassment, and the rights of victims of domestic violence, sexual assault, and stalking.¹
- 3) Employers must post information related to wages, hours and working conditions in an area frequented by employees such that they can easily read the postings during the workday. The DIR website lists the various workplace postings required.² Additional posting requirements apply to some workplaces.

According to the Author

"Since President Trump's inauguration, the federal government has enacted a wave of Executive Orders that aims to weaken civil and labor protections which muddies the waters for workers and employers alike. This makes it difficult for employers to know how to best comply with existing law, and for workers to understand what their rights are so they feel empowered to speak up when those rights are violated. This confusion over state and federal laws often scares workers into remaining silent and makes them susceptible to civil and labor law violations. As an example, past experiences with worksite raids from the Immigration and Customs Enforcement (ICE), demonstrate the likelihood of raids violating employees' due process. Now, more than ever, it is imperative that workers and employers know their rights under California and federal law.

SB 294 will provide notice to workers when they are hired and annually thereafter that informs them of their rights in areas such as their right to organize a union, right to a notice of inspection by immigration agencies, and constitutional rights when interacting with law enforcement in the workplace. It is critical that our workers are equipped with the tools they need to exercise their rights."

¹ DIR, Division of Workers' Compensation, "Time of Hire Notice," <https://www.dir.ca.gov/dwc/DWCPamphlets/TimeOfHireNotice.pdf>;
 EDD, Employee Benefit Rights, "For Your Benefit: California's Programs for the Unemployed," https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de2320.pdf;
 Civil Rights Department, "Sexual Harassment" https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2020/03/Sexual-Harassment-Fact-Sheet_ENG.pdf;
 DIR, the LC's Office, "Rights of Victims," https://www.dir.ca.gov/dlse/victims_of_domestic_violence_leave_notice.pdf

² <https://www.dir.ca.gov/wpnodeb.html>

Arguments in Support

A coalition of labor unions and workers' rights organizations, including the California Federation of Labor Unions and SEIU California are in support and state that "California workers, unions, and advocates have fought tirelessly to ensure the strongest worker protection laws in the country. California exceeds the federal floor in minimum wages, meal breaks and overtime pay, health and safety standards, paid sick days, and anti-harassment and anti-discrimination protections, and countless other laws that protect all workers.

The federal administration has enacted a wave of executive orders that weaken civil and labor protections, making it difficult for employers to know how to best comply with existing law and for workers to understand what their rights are under California law versus changes at the federal level. In addition, the federal administration's policies target the most vulnerable workers and confusion over state and federal laws often scares workers into remaining silent."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Annual costs of approximately \$1 million to \$2 million to the LC to develop multilingual template notices, develop videos for employees and employers, and provide enforcement (Labor Enforcement and Compliance Fund). Costs may be minimally offset by penalty revenue.
- 2) Annual cost pressures (General Fund (GF) or Trial Court Trust Fund (TCTF)) of an unknown, but potentially significant amount, to the courts in additional workload by creating a new civil action and authorizing public prosecution to enforce workplace notice rights. It is unclear how many additional civil actions may be filed statewide, but the estimated workload cost of one hour of court time is \$1,000. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF to perform existing duties. The Budget Act of 2025 provides \$82 million ongoing GF to the TCTF for court operations.

VOTES

SENATE FLOOR: 28-10-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Limón, Reyes

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Flora, Chen, Elhawary, Kalra, Lee, Ward

ASM JUDICIARY: 10-1-1

YES: Kalra, Dixon, Hart, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Macedo

ABS, ABST OR NV: Sanchez

ASM APPROPRIATIONS: 11-1-3

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

NO: Dixon

ABS, ABST OR NV: Sanchez, Ta, Tangipa

UPDATED

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FN: 0001433