

California Fast Food Workers are Already Protected by the State's Strongest-in-the-Nation Labor Laws

Background

California recently passed a historic new law that provides fast food workers a \$20/hour minimum wage and establishes a new statewide **Fast Food Council** charged with developing minimum standards for wages, benefits, training and workplace protections. It makes no sense for Santa Clara County to pass a duplicative and potentially conflicting county ordinance that will further strain local restaurant owners before the Fast Food Council even has a chance to work as intended.

California already has the most robust worker protections in the country—for fast food workers and all employees—including in the very areas Santa Clara County is considering additional requirements:

Know Your Rights!



Under California law, all employers, including local restaurants, are required to provide each employee with a **detailed written notice of their workplace rights and protections upon hire—including how to file a complaint or seek help.** These notices include:

- **Notice to Employee:**

Labor Code section 2810.5(b) requires employers to provide employees written notice of their **rate of pay, overtime rate of pay, designated paydays, right to five days of paid sick leave,** and information related to workers' compensation. *Must be provided upon hire and within 7 calendar days of a change in information set forth in the notice. **Employees must acknowledge receipt by signing the notice.***

- **California's Fair Employment and Housing Council Anti-Harassment Policy:**

California Code of Regulations section 11023(b) requires employers to develop and distribute a **Workplace Harassment, Discrimination, and Retaliation Prevention Policy** in writing to all employees upon hire or as a standalone policy. The policy must establish a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. ***Employees must confirm receipt of the Anti-Harassment Policy by signing an acknowledgement form.***



Know Your Rights! cont.

- **California Economic Development Department’s “For Your Benefit” Pamphlet:**
 Provides employees information on their **rights related to unemployment insurance, disability insurance, paid family leave, and workforce services**, including when and how to apply for benefits upon termination. *Must be provided upon hire and discharge of employees.*
- **California Department of Industrial Relations’ “Time of Hire” Pamphlet:**
 Provides employees with information on their **rights related to workers’ compensation, benefits, protections against discrimination, how to file a claim, and other information related to medical care.**
- **California Labor Commissioner’s Office “Rights of Victims of Domestic Violence, Sexual Assault and Stalking” Notice:**
 Provides employees with information on their **rights as victims of domestic violence, sexual assault, stalking, crimes causing or threatening physical or mental injury.**
- **California Civil Rights Department’s “Sexual Harassment” Fact Sheet:**
 Provides employees with information regarding their **rights and protections related to sexual harassment in the workplace, including how to seek civil remedies.**
- **California Economic Development Department’s “Paid Family Leave” Pamphlet:**
 Provides employees information on their **rights related to paid family leave.** *Must be provided upon hire and when an employee notifies their employer that they need to take time to care for a seriously ill family member, bond with a new child, or participate in another qualifying event.*
- **California Economic Development Department’s “Disability Insurance Provisions” Pamphlet:**
 Provides employees information on their **rights related to disability insurance.** *Must be provided upon hire and when an employee notifies their employer that they need to take time off for a non-work-related illness, injury, pregnancy or childbirth.*
- **Lactation Accommodation Policy:**
 Provides employees information on their **right to request lactation accommodations in the workplace**, the process of making such requests and the employer’s obligation to respond. *Must be provided upon hire and when an employee makes an inquiry about or requests parental leave.*

Know Your Rights! cont.

In addition to written notices provided upon hire, local restaurants are also required to **display written notices outlining employee rights and protections—including how to file a complaint or seek civil remedies**—in a location that can be easily seen and read by all employees. These notices must be made available in multiple languages to accommodate employees' needs:



- [California Minimum Wage Order for Fast Food Employees](#)
- [Payday Notices](#)
- [Paid Sick Leave Requirements](#)
- [Unemployment Insurance, Disability Insurance and Paid Family Leave](#)
- [Safety and Health Protections on the Job](#)
- [California Law Prohibits Workplace Discrimination & Harassment](#)
- [Transgender and Gender Non-Conforming Employee Rights](#)
- [EDD Notice to Employees](#)
- [Log of Work-Related Injuries and Illnesses](#) (employers with 11 or more employees)
- [Pregnant Employee Rights and Obligations](#) (employers with 5 or more employees)
- [Family Care & Medical Leave and Pregnancy Disability Leave](#) (employers with 50 or more)
- [Protections and Workers' Compensation for Injuries Caused By Work](#)
- [Federal Fair Labor Standards Act Protections](#) (minimum wage, overtime pay, recordkeeping and youth employment standards)
- [Federal Family Medical Leave Act Rights](#) (employers with 50 or more employees)
- [Equal Employment Opportunity Protections](#) (includes Americans with Disabilities Act notice)
- [Uniformed Services Employment and Reemployment Rights Act Protections](#)
- [Smoke and Tobacco Free Workplace](#)
- [Emergency Phone Numbers](#)
- [Whistleblowers Protections](#)
- [Time Off to Vote](#)
- [Employee Polygraph Protection Act](#)

Know Your Rights! cont.

Under [California law](#), all employers are required to provide each employee, semimonthly or at the time of each payment of wages, a detailed accounting of their compensation and deductions during the given pay period, including **gross wages earned, total hours worked, rate of pay, overtime rate of pay, pay period dates, and itemized deductions for taxes, insurance, and retirement contributions.**

Several individual cities in Santa Clara County also require employers to **display additional written notices detailing employee rights related to wages and scheduling—including how to file a complaint—** in a location that can be easily seen and read by all employees. These notices must be made available in multiple languages to accommodate employees' needs.



- [San Jose Minimum Wage Ordinance](#)
- [San Jose Opportunity to Work Protections for Part-Time Employees](#)
- [Santa Clara City Minimum Wage Ordinance](#)
- [Santa Clara City Worker Retention Ordinance](#)
- [Cupertino Minimum Wage Ordinance](#)
- [Los Altos Minimum Wage Ordinance](#)
- [Milpitas Minimum Wage Ordinance](#)
- [Mountain View Minimum Wage Ordinance](#)
- [Palo Alto Minimum Wage Ordinance](#)
- [Sunnyvale Minimum Wage Ordinance](#)

California Fast Food Workers Already Undergo Extensive On-the-Job Training

Training



California's new statewide Fast Food Council is specifically charged with developing minimum standards on **training** for fast food workers.

California employers are already required to provide extensive training for workers, including:

- **Sexual Harassment Training**—*Source: Code § 12950.1(a).*

California employers with 5 or more employees must provide at least 2 hours of classroom or interactive training/education on sexual harassment to all supervisory employees and at least hour of classroom or interactive training/education to all nonsupervisory employees.

- **Workplace Violence Prevention Training**—*Source: Cal. Lab. Code § 6401.9(e).*

This mandatory annual training must include topics such as how to report workplace violence incidents or concerns to the employer or law enforcement, workplace violence hazards specific to the employees' jobs, how to seek assistance to prevent or respond to violence, and strategies to avoid physical harm. The corresponding workplace violence prevention plan must be kept in writing and easily accessible to employees at all times.

- **Injury and Illness Prevention Program**—*Source: Cal. Lab. Code § 6401.7(a)(4).*

Cal/OSHA requires every employer to maintain a written Injury and Illness Prevention Program, which must include, among other things, an "occupational health and safety training program designed to instruct employees in general safe and healthy work practices and to provide specific instruction with respect to hazards specific to each employee's job assignment."

- **Food Handler Training and Certification**—*Source: Cal. HSC Code § 113948.*

All employees that handle food are required to complete an accredited food handler training program within 30 days of starting their job to protect both themselves and the public. Employers are required to pay for the food handler training and exams, as well as the time it takes to complete the program, on behalf of their employees.