



Client Alerts

California Compliant: Governor Declares That FEHA Already Prohibits Discrimination Based on “Caste” and Therefore Vetoes SB 403

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Governor Newsom has vetoed California Senate Bill 403 (SB 403), which would have amended the state’s Fair Employment and Housing Act (FEHA) to explicitly prohibit discrimination based on a person’s “caste.” SB 403 would have added a definition of “ancestry” in Government Code Section 12926. The proposed definition of “ancestry” would have included “lineal descent, heritage, parentage, caste, or any inherited social status.” “Caste” would have been defined, for purposes of FEHA, as “an individual’s perceived position in a system of social stratification on the basis of inherited status.” SB 403 also would have made comparable changes to California’s Unruh Civil Rights Act (Civil Code § 51) and the Education Code (Section 200, *et seq.*).

Co-sponsors of SB 403 argued that “[c]aste may not be as visible as race to the California legislature, but it is a longstanding system of exclusion...”. Notably, the Legislature declared that SB 403 should not “be construed to mean that discrimination on the basis of ancestry does not already include discrimination on the basis of lineal descent, heritage, parentage, caste, or any other inherited social status.” Indeed, “ancestry” already is listed as among the prohibited bases for discrimination, in Government Code Section 12926(l).

In his veto message, the Governor agreed with the Legislature’s declaration, stating:

California already prohibits discrimination based on sex, race, color, religion, ancestry, national origin, disability, gender identity, sexual orientation, and other characteristics, and state law specifies that these civil rights shall be liberally construed. ***Because discrimination based on caste is already prohibited under these existing categories, this bill is unnecessary.***

SB 403 was authored by Aisha Wahab, who represents California Senate District 10. In a statement on August 28th, Senator Wahab thanked supporters for “protecting people from a long-standing form of discrimination.”

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