



Assembly Bill 800 Resources:

Assembly Bill (AB) 800 (Ortega 2023) produced the new *Education Code* 49110.5 which designates the week of May 28 as “**Workplace Readiness Week**” and requires all secondary schools including charters to annually observe that week and educate students on labor rights by providing information to pupils on their rights as workers, and **includes the topics:** prohibitions against misclassification of employees as independent contractors, child labor protections, wage and hour protections, young worker safety, workers’ compensation, unemployment insurance, Paid Sick Leave, Paid Family Leave, State Disability Insurance, and the California Family Rights Act, the right to organize a union in the workplace, prohibitions against retaliation by employers when workers exercise these or any other rights guaranteed by law, the labor movement’s role in winning the protections and benefits described above, an introduction to state-approved apprenticeship programs in California, how to access them, the variety of programs available, and how they can provide an alternative career path for those who do not attend college.

Each year the State Superintendent of Public Instruction (SSPI) will **send a letter** to schools reminding them to implement required activities associated with Workplace Readiness Week and include a list of resources at least one month prior.

AB 800 also requires that any minor submitting a Statement of Intent to Employ a Minor (CDE B1-1) in order to get a work permit (CDE B1-4), must receive an **Information Sheet** clearly explaining basic labor rights for workers at the time the B1-1 was submitted that contains the same topics listed above that must be addressed during Workplace Readiness Week. Workplace Readiness Week/Information Sheet Required Topics:

Know Your Rights

Things to look out for:

Make sure your boss pays you correctly, and on time, and doesn’t make you pay for extras, like uniforms. You have the right to sick leave, breaks, a safe workplace, and more.

Don’t get paid in cash—you could get scammed! And it’s illegal. Your employer has to give you a pay stub showing your wages, the hours you worked, taxes, and other deductions. Most of the time, this will be a version you access online.

Know Your Rights Publications

- California Labor Commissioner [Know Your Rights webpage](#)
- Labor Enforcement Task Force booklet, [All Workers Have Rights In California](#)
- Legal Aid at Work, [12 Things Everyone Should Know About Employment Law](#)
- UCLA Labor Center [I am a #YoungWorker](#) webpage and resources

Undocumented workers

Undocumented workers have almost all the same workers' rights as other workers. The exception is that you are not eligible for unemployment insurance, though you can get state disability if you paid into the system. Check your pay stub to see if state disability insurance was deducted.

Learn more from the [Legal Aid at Work Factsheet](#): and learn more about the [Employment Rights of Undocumented Workers](#).

Minimum Wage, Overtime, and Other Wage Laws

Minimum wage

- \$16.00 in 2024, increases every January 1. [The current minimum wage is always listed here.](#)
- [Many cities have higher minimum wages.](#)
- There is a special minimum wage for fast-food workers: \$20 per hour. Learn more: [Department of Industrial Relations webpage Fast Food Minimum Wage Frequently Asked Questions](#)
- Some special rules or exceptions may apply, depending on your job:
 - Personal attendants like babysitters under 18 are exempt from the minimum wage.
 - There is also the "learner" exception that could apply (regardless of age): During the first 160 hours of employment, workers can be paid 85% of the minimum wage if they have no previous experience in the occupation.
 - Student employees and camp counselors may also only be paid 85 percent of the minimum wage.
- To learn more about minimum wage laws and who is exempt, see [Legal Aid at Work Factsheet Minimum Wage Protections in California](#).

Overtime pay

If you work more than eight hours in one day, more than 40 hours in one week, or seven days in a row, you get higher wages for the extra hours of work. California law does NOT require overtime on holidays. Learn the details about overtime: [Legal Aid at Work Factsheet: Overtime in California](#).

There are different overtime rules for farmworkers and domestic workers. Learn more: [Legal Aid at Work Factsheet: Exemptions from Overtime Pay](#).

Get your check on time

If your check is late, or if it is returned because there is not enough money in the employer's account, you are entitled to an additional payment. If you are fired, you should receive your final paycheck on your last day of work. If you quit, you should receive your final paycheck within 72 hours. Your final paycheck should include anything you are owed for overtime work and payment for any vacation time you didn't use. Learn more: [Legal Aid at Work Factsheet: Paydays/Late Pay/Bounced Paychecks](#).

“Show up” pay

“Show up” or “reporting time” pay means you could still get paid for some of your scheduled shift even if you are sent home because there isn't enough work. If you show up for work and your employer doesn't put you to work or gives you less than half of your usual or scheduled hours, you may be entitled to partial payment for the cut hours. See the Department of Industrial Relations webpage for [frequently asked questions about reporting time pay](#).

Split shift pay

If you work a “split shift,” you may be entitled to additional pay. A split shift is a workday with a chunk of unpaid time off in between work shifts (meal breaks don't count). See the Department of Industrial Relations webpage for [frequently asked questions about split shifts](#).

Tips

Workers earning tips have the same minimum wage as other workers. Tips do NOT count toward your minimum wage. Your employer cannot take your tips, but tip pooling is allowed. More details about tips:

- **How does a tip pool work?** Everyone's tips are collected into a “pool” and then distributed to service staff (bartenders, hosts, servers, bussers) in a “fair and reasonable manner.” In general, the server will get the most, with bussers, bartenders, and hosts getting much smaller shares. Those who do not serve customers (dishwashers, cooks, cashiers) as well as managers and supervisors should not be included in the pool.

- **What happens to tips paid by credit card?** You should receive your tips paid by credit card by your next payday. Your employer CANNOT deduct credit card processing fees from your tips.
- **Are mandatory service charges treated like tips?** No. While many employers will give distribute some or all of the service charge they collect from customers to staff, they are not required to do so. Three cities have passed ordinances requiring employers to pass on all service charges to staff: Berkeley, Oakland, and Santa Monica.

For more information:

- [Nolo's California Laws for Tipped Employees](#)
- [California Labor Commissioner's Tips and Gratuities webpage](#)

Breaks and Sick Time

Take your breaks and use your sick time if you need to!

All workers get regular breaks on the job and sick time when they are ill. It's the law.

Breaks

You are entitled to:

- 10-minute *paid* rest breaks for every 4 hours of work
- An *unpaid*, uninterrupted 30-minute break for every five hours of work
- Learn more from the [Legal Aid at Work Factsheet: Rest Breaks and Meal Breaks](#).

Some workers such as domestic workers and farm workers are covered by different meal and break laws.

When working outdoors, workers have additional rights to prevent them from getting sick from the heat. Employers must allow outdoor workers to take a break whenever needed to cool off in the shade. Learn more about [heat illness prevention for workers](#).

Paid sick leave

Most workers, including part-time workers, are entitled to five days or 40 hours of paid sick leave (whichever is more), each year.

- You start “accruing” (meaning you start collecting or accumulating) paid sick leave after you’ve worked for your employer for 30 days. You can start using paid sick leave beginning on the 90th day of your employment.

- You can take paid sick leave for yourself or to care for a family member (parent, child, spouse, registered domestic partner, grandparent, grandchild, or sibling) or a “designated person.” The designated person is someone you identify at the time you request your paid leave; it doesn’t have to be a family member; and your employer may limit you to one designated person per year.
- You can also use paid sick leave for specific purposes if you are a victim of domestic violence, sexual assault, or stalking (for instance, to go to court for a restraining order).
- Your employer cannot discipline, fire, or demote you for using paid sick leave that you are entitled to by law.
- Your employer cannot require you to find your own replacement when you take paid sick leave. However, you should notify your employer in advance of planned sick leave and as soon as possible for unplanned sick leave.

More information on paid sick leave is available:

- [Legal Aid at Work Factsheet on paid sick leave](#)
- [Department of Industrial Relations California Paid Sick Leave: Frequently Asked Questions](#)

The following California cities have their own sick leave laws: Berkeley, Emeryville, Los Angeles, Oakland, San Diego San Francisco, Santa Monica, West Hollywood.

Wage Theft

Wage theft is illegal!

When an employer doesn’t pay you *everything* you are owed, that’s wage theft and it’s illegal.

Some examples of wage theft:

- If you are paid less than you were promised
- If you are made to do any work *before* clocking in, *after* clocking out, or during paid or unpaid breaks
- If your employer changes your timecard
- If your employer deducts anything from your paycheck without your permission or anything not required by the government including:
 - Equipment
 - Uniforms: Your employer must pay the cost of any required uniform; the term “uniform” includes wearing apparel and accessories of distinctive design and color.

- Things you accidentally break
- Cash register shortages caused by mistakes. (Employers can ONLY deduct from an employee's wages for any cash shortage, breakage or loss of equipment if the employer can show that the shortage, breakage or loss is caused by a dishonest or willful act, or by the employee's gross negligence. This accusation must be proven; a simple accusation does not give the employer the right to make the deduction.)

Additional examples of wage theft can be found on the [Department of Industrial Relations webpage Examples of Wage Theft](#).

Misclassification: You Are Not a Contractor!

If your employer sets your wages and hours and tells you how your job should be done you are an employee, not an independent contractor — that is, self-employed, often requiring a license. Some employers pretend that employees are independent contractors because it saves them money. But it leaves those workers without labor protections like minimum wage, overtime wages, paid sick leave, and more. Minors (children and adolescents under 18) cannot be independent contractors—that's known as misclassification and it's **illegal!**

Learn more about how to make sure you are not misclassified: [Legal Aid at Work Factsheet: Misclassification of Employees As Independent Contractors](#).

Unsafe Working Conditions

Is your job dangerous? Your employer is required to provide:

- A safe and healthy workplace
- Training on chemicals and other hazards
- Protective uniforms and equipment
- Workers' compensation if you are hurt on the job

Learn about some of the [common job hazards you should watch out for](#).

*****You have the right to refuse to do a job task that could get you injured or even killed! ***

Learn more about your rights, employers' duties and how to stay safe on the job:

- youngworkers.org
- [Legal Aid at Work Factsheet Health and Safety at Work](#)

- [Labor Occupational Health Program](#)
- [UCLA Labor Occupational Safety & Health Program](#)

Jobs teens are not allowed to do

The information in this section comes from California Child Labor Laws. We use the word “teen” or “minor,” but more specifically these laws apply to:

Any person under the age of 18 years who is required to attend school. These laws do NOT apply to high school graduates under the age of 18, however they DO apply to high school dropouts who are not yet 18. [Learn more about who the California child labor laws apply to.](#)

Some jobs are too dangerous for teens.

In California workers under 18 cannot:

- Drive a motor vehicle on public streets as a main part of the job (17-year-olds may drive in a few specific cases.)
- Drive a forklift or other heavy equipment
- Use powered equipment like a circular saw, box crusher, meat slicer, or bakery machine
- Work in wrecking, demolition, excavation, or roofing
- Work in logging or a sawmill
- Prepare, serve, or sell alcoholic drinks
- Work where the teen is exposed to radiation.

Also, 14- or 15-year-old workers cannot:

- Do any baking
- Cook (except with electric or gas grills that do not involve cooking over an open flame and with deep fat fryers that automatically lower and raise the baskets)
- Work in dry cleaning or a commercial laundry
- Do building, construction, or manufacturing work
- Load or unload a truck, railroad car, or moving belt.
- Work on a ladder or scaffold

Work Hours for Teens

Labor laws protect teens from working too long, too late, or too early. Some school districts may have stricter rules. You can learn more from the LOHP pamphlet [Are You a Working Teen?](#)

Hours	Ages 14-15	Ages 16-17
Work Hours	7am – 7pm, from Labor Day – June 1	5am – 10pm when there is school the next day
Vacation and weekends	7am – 9pm, from June 1 – Labor Day	5am – 12:30am when there is no school the next day
When school is in session	Not during school hours	Local school schedule
The most hours you can work when school is in session	18 hours a week, but not over	48 hours a week, but not over
Normal school week	3 hours a day on school days	4 hours a day Monday – Thursday
Vacation days and weekends	8 hours a day Saturday – Sunday and holidays	8 hours a day Friday – Sunday and holidays
The most hours you can work when school is not in session	40 hours a week	48 hours a week
Daily limit during vacation days	8 hours a day	8 hours a day

We use the word “teen,” but the following rules about working hours apply specifically to anyone under the age of 18 years who is required to attend school. They do NOT apply to high school graduates under the age of 18, however they DO apply to high school dropouts who are not yet 18. [Learn more about who the California child labor laws apply to.](#)

Work Hours for Teens

Work hours for Teens created with [Datawrapper](#).

Discrimination and Harassment

Racial discrimination and sexual harassment from supervisors, coworkers, or customers are **illegal**! You have the right to speak up and file a complaint with HR or the government. Legal Aid at Work has numerous factsheets including:

- [Discrimination and Harassment in Employment](#)
- [Sexual harassment](#)
- [Combatting Islamophobia in the Workplace](#)
- [Hair Discrimination](#)
- [Sexual Orientation and Gender Identity Discrimination and Harassment](#)

Right to Join a Union

You have the right to join a labor union

The right to join or organize a union is a basic right. Through unions, workers negotiate wages, benefits, health and safety, and other workplace rights. Employees are entitled to work together on common issues, even if they don't have a union.

National law protects workers' right to decide whether they want to participate in union activities. It is illegal for employers to punish an employee because of involvement in a union.

Learn more about participating in a union:

- Legal Aid at Work's factsheet [The Right To Organize and Join a Union](#)
- California Labor Federation website [Unionize California](#)

Retaliation (Employers CANNOT Take Your Rights)

Employers get to decide many things at work, but they cannot violate your rights without facing fines or even jail time!

It is **illegal** for an employer to fire you, cut your hours, give you a worse shift, or bad assignment, or punish you in any other way for exercising any of your rights such as refusing to work off the clock, taking paid sick leave, reporting harassment, or insisting on a safe workplace. It is **illegal** for an employer to call ICE to get back at workers who report workplace violations; employers face high fines for this.

Learn more about what retaliation in the workplace is and what to do about: Legal Aid at Work factsheet [Retaliation: Things You Should Know About Protected Workplace Rights](#).

Workers' Comp, Unemployment & Disability Benefits, Family Leave

It can be confusing to apply for worker benefits to help you when you are sick, injured on the job, unemployed, or need family leave. You are entitled to benefits from these programs and they are not the same as filing a complaint against your employer. Sometimes, a company's Human Resources ("HR") department, or your union if you have one, can help you. If not, find a trusted adult to help you navigate the bureaucracy.

Workers' compensation

If you are hurt on the job, you are entitled to medical care, lost wages if you miss more than three days of work, and additional benefits for more serious injuries. It doesn't matter who was at fault for the injury. You will need to apply for this program; your employer should give you a form after a work injury. Get help and information from the [Division of Workers' Compensation](#) at 1-800-736-7401.

Unemployment insurance

If you lose your job, you may qualify for [unemployment payments](#) for a period of time. If you lost your job because your employer didn't have enough work for you, you will almost certainly qualify. Even if the employer says you were fired for making a mistake or for some other form of misconduct, you may still be eligible for these benefits.

State disability insurance and family leave

California workers also can get partially paid time off for up to eight weeks through the [state disability program](#) if:

- they can't work because of illness, injury, pregnancy, or childbirth;
- to care for a very ill family member;
- to bond with a new child; and
- sometimes because of a family member's military service.

Most workers in California are allowed twelve weeks of UNPAID leave for these reasons, too.

Where to Get Help or Report a Problem

Where to go for help

It can be confusing to figure out how to report an employer for violating your rights. Try to find a trusted adult, like a parent, teacher, or school counselor, to help you find assistance. There are legal aid organizations that can help you for free or for a small cost. You should report wage theft and safety violations to the government.

The organization **Legal Aid at Work** has helplines and clinics throughout the state that provide services for low-income California workers. Learn more and [find a clinic near you](#).

Wage theft

To make a complaint about wage theft (including from being misclassified as an independent contractor) go to the [U.S. Department of Labor Wage and Hour Division](#); or [the California Labor Commissioner](#); or your local office of Labor Standards Enforcement (see below, “Cities that have their own labor rights enforcement office”).

Retaliation

To make a complaint about retaliation go to the [California Labor Commissioner](#).

Safety violations

To report complaints about safety violations go to [Cal/OSHA](#). Your call to Cal/OSHA is confidential and you can even call them without giving your name. Cal/OSHA also has [job safety information for young workers](#).

Sexual harassment or racial or sexual discrimination

For sexual harassment call the California Department of Fair Employment and Housing has a Workplace Harassment Hotline: 1-800-884-1684.

If you think you are the victim of racial discrimination contact the [California Civil Rights Department](#).

Child labor violations

If your employer is making you work too late, too early, or too long (see the section above on “work hours for teens”) or is making you do tasks that are not legal for teens (see the section above on “jobs teens are not allowed to do”), these are child labor

violations. You should report these to the [U.S. Department of Labor Wage and Hour Division](#) or to the [California Labor Commissioner](#).

To report a bad employer or labor violations

California's special taskforce for receiving tips and leads about bad employers is the [California Labor Enforcement Task Force \(LETF\)](#). You can also report bad employers and labor violations to the [California Labor Commissioner](#).

Cities that have their own labor rights enforcement office

- [Los Angeles \(city\)](#)
- [Los Angeles County](#)
- [San Diego \(city\)](#)
- [San Diego County](#)
- [San Francisco](#)
- [San Jose](#) (this office also enforces the minimum wage laws for these cities: Burlingame; Cupertino; Foster City; Menlo Park; Mountain View; Palo Alto; Redwood City; San Carlos; Santa Clara; San Mateo; South San Francisco; Sunnyvale.)
- [Santa Clara County](#)
- [Oakland](#)