

Assembly Bill No. 3234

CHAPTER 438

An act to add Chapter 1.5 (commencing with Section 1250) to Part 4 of Division 2 of the Labor Code, relating to private employment.

[Approved by Governor September 22, 2024. Filed with
Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3234, Ortega. Employers: social compliance audit.

Existing law establishes the Division of Labor Standards Enforcement within the Department of Industrial Relations and authorizes the division to enforce the provisions of the Labor Code and all labor laws of the state which are not specifically vested in any other officer, board, or commission. Existing law regulates the wages, hours, and working conditions of any man, woman, and minor employed in any occupation, trade, or industry, whether compensation is measured by time, piece, or otherwise, except as specified.

This bill would require an employer who has voluntarily subjected itself to a social compliance audit, whether the audit is conducted in part, or in whole, to determine if child labor is involved in the employer's operations or practices, to post a clear and conspicuous link on its internet website to a report detailing the findings of its compliance with child labor laws. The bill would define the term "social compliance audit" to mean a voluntary, nongovernmental inspection or assessment of an employer's operations or practices to evaluate whether the operations or practices are in compliance with state and federal labor laws, including wage and hour and health and safety regulations, including those regarding child labor. The bill would require that report to include, among other things, whether the employer did or did not engage in, or support the use of, child labor and a copy of any written policies and procedures the employer has and had regarding child employees.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 1250) is added to Part 4 of Division 2 of the Labor Code, to read:

CHAPTER 1.5. SOCIAL COMPLIANCE AUDITS

1250. For purposes of this chapter, the following definitions apply:

(a) "Child" means a natural person under 18 years of age.

(b) “Child labor” means any work performed by a child in violation of state or federal law.

(c) “Clear and conspicuous” means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks that call attention to the language.

(d) “Social compliance audit” means a voluntary, nongovernmental inspection or assessment of an employer’s operations or practices to evaluate whether the operations or practices are in compliance with state and federal labor laws, including, but not limited to, wage and hour and health and safety regulations, including those regarding child labor.

1251. (a) An employer who has voluntarily subjected itself to a social compliance audit, whether the audit is conducted in part, or in whole, to determine if child labor is involved in the employer’s operations or practices, shall post a clear and conspicuous link on its internet website to a report detailing the findings of the employer’s compliance with child labor laws.

(b) A report described in subdivision (a) shall contain all of the following:

(1) The year, month, day, and time the audit was conducted, and whether the audit was conducted during a day shift or night shift.

(2) Whether the employer did or did not engage in, or support the use of, child labor.

(3) A copy of any written policies and procedures the employer has and had regarding child employees.

(4) Whether the employer exposed children to any workplace situations that were hazardous or unsafe to their physical and mental health and development.

(5) Whether children worked within or outside regular school hours, or during night hours, for the employer.

(6) A statement that the auditing company is not a government agency and is not authorized to verify compliance with state and federal labor laws or other health and safety regulations.