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March 26, 2024

**VIA ADVOCACY PORTAL**

California Senate Judiciary Committee  
1021 O Street, Room 3240  
Sacramento, CA 95814

**Re: Letter in Support of California Senate Bill 1137**

Dear California Senate Judiciary Committee Members:

We write on behalf of Sanford Heisler Sharp, LLP, which is a public interest law firm that advocates on behalf of workers that have experienced discrimination in California and across the country.<sup>1</sup> As one of the nation’s largest worker-side employment law firms, we write to express our enthusiastic support for [California Senate Bill 1137 \(“SB-1137”\)](#), which would amend California’s civil rights laws to explicitly prohibit discrimination because of the intersection of two or more protected characteristics, such as race, sex, or disability.<sup>2</sup>

Courts have already recognized that discrimination based on the intersection of multiple protected characteristics is prohibited under California law,<sup>3</sup> and the proposed legislation would ensure that these protections are explicitly codified in California’s statutes. This will ensure that courts treat intersectional claims consistently, and that workers are not forced to focus their complaints on one aspect of their identity when that does not reflect their lived experience.<sup>4</sup> For example, without such protections, a court could determine that a Black woman was not discriminated against based on the experiences of her Black male and white female coworkers—failing to account for the unique discrimination Black women often face.

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<sup>1</sup> Sanford Heisler Sharp has offices in California (San Francisco, Palo Alto, and San Diego), New York, Tennessee, Maryland, and Washington D.C.

<sup>2</sup> California law prohibits discrimination based on various protected characteristics, including sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.

<sup>3</sup> See, e.g., *Peoples v. Cnty. of Contra Costa*, No. C 07-00051 MHP, 2008 WL 2225671, at \*8 (N.D. Cal. May 28, 2008) (finding plaintiff established prima facie Fair Employment Housing Act claim “premised on a combination of race and gender and the relevant protected class is the class of African-American women[.]”).

<sup>4</sup> *ERA-Sponsored CA Intersectionality Bill Recognizes Amplified Harm of Overlapping Forms of Discrimination in State Law*, Equal Rights Advocates (Feb. 14, 2024), <https://www.equalrights.org/news/era-sponsored-ca-intersectionality-bill-recognizes-amplified-harm-of-overlapping-forms-of-discrimination-in-state-law/>.

Passing this bill would make California the first state in the nation to explicitly recognize that individuals with multiple protected characteristics are often subjected to unique forms of discrimination.<sup>5</sup> This would not only set an important example for rest of the country, but it would also help raise awareness that individuals with multiple protected characteristics experience discrimination at disproportionate rates. For example, on average, women make 83 cents to every dollar paid to men, but that gap grows to 64 cents to every dollar for Black women and 57 cents to every dollar for Hispanic women.<sup>6</sup> Black women are also far more likely to experience sexual harassment than white women, reporting sexual harassment to the EEOC at 3.8 times the rate of white women in 2016.<sup>7</sup> Similarly, LGBT employees of color are significantly more likely to report verbal harassment in the workplace and being denied jobs relative to their white counterparts.<sup>8</sup> Women of color with disabilities are also less likely than white women with disabilities to have employers meet their requests for accommodations, and they are more likely to experience discrimination and harassment than other people with disabilities.<sup>9</sup>

Therefore, it is imperative for both civil and workers' rights that California lead the nation and pass this bill. Thank you for considering our letter in support.

Respectfully Submitted,



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<sup>5</sup> *Id.*

<sup>6</sup> Sarah Jane Glynn et al., *Connecting the Dots: "Women's Work" and the Wage Gap*, U.S. Dept. of Labor Blog (Mar. 14, 2022), <https://blog.dol.gov/2022/03/15/connecting-the-dots-womens-work-and-the-wage-gap>.

<sup>7</sup> Dan Cassino & Yasemin Besen-Cassino, *Race, threat and workplace sexual harassment: The dynamics of harassment in the United States, 1997-2016*, 1228, Wiley Online Library, (May 27, 2019), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/gwao.12394>.

<sup>8</sup> Brad Sears et al., *LGBT People's Experiences of Workplace Discrimination and Harassment*, UCLA School of Law Williams Institute (Sept. 2021), <https://williamsinstitute.law.ucla.edu/publications/lgbt-workplace-discrimination/>.

<sup>9</sup> Soeren Palumbo et al., *Supporting the Diverse Identities of Employees with Disabilities*, Boston Consulting Group (Feb. 07, 2024), <https://www.bcg.com/publications/2024/supporting-the-diverse-identities-of-employees-with-disabilities>.

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