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Civil Rights Department Urges Appellate Court to Protect and Preserve Key Legal Tool for Tackling Systemic Wage Discrimination

SACRAMENTO – The California Civil Rights Department (CRD) today announced submitting a friend-of-the-court brief in support of a class action lawsuit brought on behalf of a group of more than 3,000 women against Oracle America, Inc. (Oracle) over alleged pay disparities. After initially allowing the plaintiffs to sue over gender bias and unequal pay claims as a group, the trial court ultimately ruled that it would be unmanageable for the case to proceed to trial. In the amicus brief, CRD urges the appellate court to reject the trial court's misapplication of the law, which threatens to undermine the ability of Californians to directly address pervasive wage discrepancies.

"While California has some of the strongest equal pay laws in the country, gender-based pay gaps continue to persist," said **CRD Acting Director Mary Wheat**. "Women — and women of color in particular — remain underpaid for their work. From government enforcement to private action, we need every tool available to protect the civil rights of the people of our state. It is critical that we protect and preserve the ability of individual Californians to work together through our legal system to directly tackle systemic wage discrimination when they encounter it."

Class action lawsuits serve a critical role in augmenting the state's efforts to enforce civil rights protections by allowing affected individuals to work together to pursue legal remedies. Such actions are particularly important with respect to violations of the law that may be difficult to identify on an individual basis and where the harms become clearer when considering the impact across a group of individuals. The trial court's decision to decertify the class based on manageability imposes new, unwieldy burdens on the ability for any public or private plaintiff to bring class or systemic claims to address wage disparities, and runs counter to the Legislature's efforts to strengthen the enforcement of equal pay laws in California. The ruling is particularly problematic in the face of historical and pervasive wage inequities between men and women. For instance, women are estimated to earn approximately 84 cents to every dollar earned by men in similar positions. The wage gap is even starker for women of color.

Accordingly, in the amicus brief, CRD further contends that:

- Ongoing private and public enforcement of equal pay laws is imperative to combat pay inequity and correlated social harms.
- Trial courts have flexibility to ensure class actions can be efficiently and fairly tried.
- Plaintiffs may use classwide statistical analysis, rather than individual comparator evidence, to prove disparate impact.

If you or someone you know has been the victim of discrimination, CRD may be able to assist you through its complaint process. General information about CRD's complaint process and how to file a complaint is available [here](#). General information on pay and demographic data for approximately 7.3 million employees across California is available [here](#).

A copy of the amicus brief is available [here](#).

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CRD is the state agency charged with enforcing California's civil rights laws. Formerly known as the California Department of Fair Employment and Housing (DFEH), the mission of CRD is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-fund programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

