



Civil Rights Department

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Civil Rights Department Obtains Fair Chance Act Settlement Against Global Healthcare Giant Octapharma Plasma

Settlement requires training, policy change, and three years of monitoring for compliance

SACRAMENTO – The California Civil Rights Department (CRD) today announced obtaining a more than \$50,000 settlement on behalf of an individual complainant against Octapharma Plasma, Inc. over alleged violations of California's Fair Chance Act, which aims to protect Californians against unlawful employment discrimination based on past involvement with the criminal legal system. Under California law, employers must demonstrate a direct and adverse relationship between a conviction and the specific duties of a job before denying the hiring of an otherwise qualified candidate. As a result of the settlement, Octapharma Plasma has agreed to take a range of corrective actions to prevent future discrimination at its California locations, including training for human resources personnel, updating its hiring and retention policies, and three years of monitoring to ensure compliance with state civil rights protections.

"Whether it's a global corporation or a local government office, employers in California have to do their part to comply with our state's civil rights protections," **said CRD Director Kevin Kish**. "The Fair Chance Act is about giving every Californian an opportunity to succeed. The law helps qualified candidates to retake control of their lives, give back to their communities, and reintegrate into society. Through this settlement, Octapharma Plasma is doing the right thing for its workers and for the people of our state."

The settlement is the result of a CRD investigation in response to a complaint filed by an individual who had sought employment at a Southern California plasma donation center operated by Octapharma Plasma, a multinational healthcare company headquartered in Switzerland with more than a dozen locations in California. The complaint alleged, among other things, that Octapharma Plasma unlawfully rescinded an offer without taking into account significant mitigating factors and evidence of rehabilitation submitted by the complainant. Under the Fair Chance Act, employers may not consider criminal history information until after a conditional job offer has been extended and, after an offer has been made, must consider any mitigation or rehabilitation evidence from an applicant in its review.

More broadly, the Fair Chance Act requires employers with five or more employees to have specific procedures for considering an applicant's criminal history after a conditional job offer is made and

limits convictions that employers can consider disqualifying to those that have a direct and adverse relationship with job responsibilities. For instance, blanket statements in job advertisements indicating that an employer will not consider anyone with a criminal history, such as “No Felons” or “Must Have Clean Record,” violate the law’s protections. In passing the Fair Chance Act, the Legislature recognized that nearly one in three adults in California have an arrest or conviction record that can significantly undermine their efforts to obtain gainful employment, which is a critical component of community reintegration and ultimately supports increased public safety.

As part of the settlement, Octapharma Plasma will take a range of corrective actions for its California locations, including agreeing to:

- Modify the company’s hiring policies to ensure compliance with the Fair Chance Act, prohibiting the consideration of criminal history information prior to making a conditional offer of employment.
- Train all employees involved in the hiring process for California on the requirements of the Fair Chance Act.
- Report on compliance for a period of three years, including by providing detailed information to CRD on each instance in which an applicant for employment or promotion in California had a conditional offer revoked or denied as a result of the individual’s criminal history.
- Pay \$51,350 in compensation to the complainant for the alleged damages.

If you or someone you know has been the victim of employment discrimination based on criminal history information, 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](#). Additional information regarding rights under the Fair Chance Act is available [here](#).

The settlement was negotiated by CRD’s Legal Division and mediated by Attorney IV Mediator Angela E. Oh. The matter was investigated by Maria Valenzuela with CRD’s Enforcement Division.

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The California Civil Rights Department (CRD) is the state agency charged with enforcing California’s civil rights laws. CRD’s mission is to protect the people of California from unlawful discrimination in employment, housing, public accommodations, and state-funded programs and activities, and from hate violence and human trafficking. For more information, visit calcivilrights.ca.gov.

