

Insights, News & Events

YOUR CALIFORNIA IMMIGRATION RIGHTS NOTIFICATION IS DUE BY FEBRUARY 1: HERE'S YOUR 7-STEP COMPLIANCE PLAN

Insights
Jan 21, 2026

Thanks to a new law passed last year, California employers will need to provide written notice to each employee advising them of their constitutional rights when interacting with law enforcement at work by February 1. Enacted in response to the current federal immigration enforcement posture, SB 294, also known as the "Workplace Know Your Rights Act," will also require employers to notify the employee's "designated person" if the employee is arrested or detained at work. This Insight provides a reminder of the law's specific requirements to ensure you're prepared before February 1, and a list of seven action steps you should consider taking right away.

What Does the Workplace Know Your Rights Act Do?

To equip California workers with knowledge to protect themselves, their families, and their communities, the Act delineates two main requirements for employers:

- Written notice; and
- Real-time notification to a designated person.

Written Notice Requirements

By February 1, 2026, and annually thereafter, employers must provide stand-alone written notice to each employee advising them of their constitutional rights when interacting with law enforcement. The Labor Commissioner has posted a template notice on the DIR's website, which you can find in both [English](#) and [Spanish](#).

Related People



Alexa Greenbaum

Associate

916.210.0405

Service Focus

Counseling and Advice

Government Relations

Immigration

Related Offices

Irvine

Los Angeles

Currently, employers are required to provide written notice to employees describing workers' compensation and information related to inspections by immigration enforcement. This new notice requirement means that employers will need to advise employees of the following specific rights:

- The right to workers' compensation benefits, including disability pay and medical care for work-related injury or illness
- The right to notice of inspection by immigration agencies
- Protection against unfair immigration-related practices
- The right to organize a union or engage in concerted activity in the workplace
- Constitutional rights when interacting with law enforcement at the workplace, including the rights to be free from unreasonable searches and seizures, to due process, and against self-incrimination

The notice must also include a description of legal developments in workplace-related laws deemed material by the Labor Commissioner.

Employers must circulate the notice to existing employees and new employees upon hire in the manner normally used to communicate employment-related information, provided it is received within one business day of sending.

Notification to Employee's Designated Person

If authorized to do so by the employee, employers will also need to notify their designated emergency contact if they are detained or arrested at or away from the worksite during work hours or performance of job duties.

Accordingly, employers have until March 30, 2026, to provide existing workers and new employees upon hire the opportunity to designate an emergency contact. In designating an emergency contact, employees must be allowed to authorize their employer to notify that designated person if they are arrested or detained at the worksite or in performance of job duties away from the worksite.

What Should Employers Do Now?

Sacramento

San Diego

San Francisco

Silicon Valley

Woodland Hills

To ensure compliance with the Workplace Know Your Rights Act, consider the following now:

1. Download the **Labor Commissioner's template notice** in [English](#) or [Spanish](#).
2. Make appropriate plans to **send the written notice** to all employees by February 1, taking into account your number of employees, employee demographics, number and layout of worksites, standard company methods of communication (including language and form), and other relevant factors.
3. Revise your **employee emergency contact designation form** to include a box or space for the employee to indicate whether they authorize you to contact their designated person in event of their arrest or detainment by any agency.
4. With the same business considerations, decide and outline a timeline for **company-wide dissemination of the new designation form** which allows employees reasonable opportunity to return the information by the March 30 deadline.
5. Upon collection of contact information from existing employees, **initiate protocol to contact designated persons** in the event of employee detainment.
6. In this vein, prior to or while collecting information from employees, **advise and train managers and supervisors** of their obligation to contact the employee's designated person in the event of the employee's detainment.
7. Finally, ensure the inclusion of the written notice and new designation form in your **onboarding process** coincides with dissemination to existing employees. Train your hiring personnel on the same.

Conclusion

We will continue to monitor developments in this area, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions regarding the Workplace Know Your Rights Act, please contact your Fisher Phillips attorney, the authors of this alert, or any attorney in [any of our California offices](#).

