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Labor Code § 98.7 - Compiled January, 2013

Our review of the annotated history reveals the following legislative history (every “c.” below represents a separate legislative bill):

§ 98.7

Prior History:

- Former Labor Code §1196.1, added 1976, c. 1184;
- Former Labor Code §98.7, added 1978, c. 1250

Added: 1985, c. 1479

Amended: 1999, c. 615; 2001, c. 134; 2002, c. 664

To give you an idea on former language, the original **1976** bill enacted:

11 SEC. 2. Section 1196.1 is added to the Labor Code, to
 12 read:
 13 1196.1. Notwithstanding the provisions of Section
 14 1196, any employee who has been discharged, threatened
 15 with discharge, or in any other manner discriminated
 16 against, because the employee has testified or is about to
 17 testify, or because the employer believes that the
 18 employee will testify, in any investigation or proceedings
 19 relative to the enforcement of this chapter, may
 20 commence a civil action, or an available administrative
 21 action, in which recovery may include, but shall not be
 22 limited to, reinstatement, payment of wages which would
 23 otherwise have been due, and damages.

Former Labor Code §98.7 was enacted and former §1196.1 was repealed by the **1978** bill:

26 98.7. Any employee who believes that he has been
 27 discharged or otherwise discriminated against by any
 28 person in violation of Section 98.6 may, within 30 days
 29 after the occurrence of the violation, file a complaint with
 30 the Labor Commissioner alleging the discrimination.
 31 Upon receipt of the complaint, the Division of Labor
 32 Standards Enforcement shall use such investigation to
 1 be made as it deems appropriate. If upon investigation
 2 it determines that the provisions of Section 98.6 have
 3 been violated, it shall bring an action in any appropriate
 4 court against the person who committed the violation. In
 5 any such action the courts shall have jurisdiction, for
 6 cause shown, to restrain violations of Section 98.6 and
 7 order all appropriate relief including reinstatement of
 8 the employee to his former position with back pay.
 9 Within 30 days of the receipt of a complaint pursuant
 10 to this section, the division shall review the facts of the
 11 employee's complaint, set a hearing date, or notify the
 12 employee and the employer of its decision, and, where
 13 necessary, begin the appropriate court action to enforce
 14 such decision.

Six bills affected this section.

Tracing Statutory Language:

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