

EMPLOYEES OR CUSTOMERS?

05.2000

Employment Law Reporter, Ervin Cohen & Jessup LLP

Another little-known section of this state's Labor Code prohibits employers from requiring that any employee or job applicant patronize the employer or any other person. Specifically, *Labor Code* §450 states that "[n]o employer or agent or officer thereof, or other person, may compel or coerce any employee, or applicant for employment, to patronize his or her employer, or any other person, in the purchase of anything of value." The prohibition has been interpreted broadly and has been applied, for example, to prevent a restaurant from requiring employees to accept meals in the restaurant as part of their minimum wage absent specific and prior voluntary employee consent. *See, e.g., Porter v. Quillin* (1981) 12 3 Cal.App.3d 869. Further, the statute was recently amended to preclude the charging of a fee to apply for employment or to process any employment application. None of these prohibitions, however, restrict an employer from requiring that employees wear uniforms, or from prescribing the weight, color, quality, texture or style of the uniform.

In view of Labor Code §450, employers would be well advised to refrain from requiring employees to make purchases from an employer absent voluntary written consent. The failure to do so is a misdemeanor.

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