



OFFICE OF THE GOVERNOR

OCT 13 2017

To the Members of the California State Assembly:

I am returning Assembly Bill 570 without my signature.


This bill would prohibit apportionment of permanent disability, in the case of a physical injury occurring on or after January 1, 2018, from being based on pregnancy, childbirth, or other medical conditions related to pregnancy or childbirth. I am vetoing this bill for the same reasons that I vetoed similar measures Assembly Bill 1643 in 2016 and Assembly Bill 305 in 2015.

The California Constitution provides that the Legislature shall create a complete system of Workers' Compensation so that employers compensate employees for injuries sustained in the course of their employment. To that end, Labor Code Section 4663 provides that the employer shall only be liable for the percentage of permanent disability directly caused by the injury. AB 570 is in direct contradiction to this Constitutional mandate and legislative scheme because it requires employers to be liable for non-work related injuries. This measure would extend the scope of the workers' compensation system well beyond what it is meant to do: compensate injured workers who suffer a work related injury.

I agree with the Author that there is no place for gender discrimination in the workers' compensation system. However, it is not discrimination to have a gender-neutral system in which only permanent disability that results directly from work injuries is compensable. The creation of a broad exception to the apportionment statutes for medical conditions that affect only women would create a gender-based classification and would not be likely to withstand constitutional challenge.

I am committed to ensuring that California's workers' compensation policy treats all injured workers fairly and that every worker, regardless of gender, is adequately compensated for their injury. I encourage proponents of this bill to support continuing efforts to educate medical evaluators on current laws prohibiting gender bias.

Sincerely,

  
Edmund G. Brown Jr.