In Galvan v. Dameron Hospital Asso., the Third Appellate District provides clarity for employers on how broad national origin discrimination can go, and what elements constitute a constructive discharge.
Members can click here for the detailed information:
(Insert)

1. National origin claims can be based on, quoting the decision page 14: the Equal Employment Opportunity Guidelines currently "define[] national origin discrimination broadly as including, but not limited to, the denial of equal employment opportunity because of an individual's, or his or her ancestor's, place of origin; or because an individual has the physical, cultural, or *linguistic characteristics* of a national origin group." The claim was a motivation by the employer to get rid of employees who speak poor English, or English as a second language.
2. Construction discharge claims can be based on, quoting the decision beginning on page 9: "In an attempt to avoid liability [for wrongfully discharging an employee], an employer may refrain from actually firing an employee, preferring instead to engage in conduct causing him or her to quit. The doctrine of constructive discharge addresses such employer-attempted 'end runs' around wrongful discharge and other claims requiring employer-initiated terminations of employment. [¶] . . . [¶] Constructive discharge occurs when the employer's conduct effectively forces an employee to resign. Although the employee may say, 'I quit,' the employment relationship is actually severed involuntarily by the employer's acts, against the employee's will. As a result, a constructive discharge is legally regarded as a firing rather than a resignation. [Citation.]" (Turner v. Anheuser-Busch, Inc. (1994) 7 Cal.4th 1238, 1244-1245 (Turner).) "In order to establish a constructive discharge, an employee must plead and prove, by the usual preponderance of the evidence standard, that the employer either intentionally created or knowingly permitted working conditions that were so intolerable or aggravated at the time of the employee's resignation that a reasonable employer would realize that a reasonable person in the employee's position would be compelled to resign. [¶] For purposes of this standard, the requisite knowledge or intent must exist on the part of either the employer or those persons who effectively represent the employer, i.e., its officers, directors, managing agents, or supervisory employees." (Turner, supra, 7 Cal.4th at p. 1251, italics added.)

You can click here for a copy of the court's decision:
https://www.courts.ca.gov/opinions/documents/C081092.PDF