

Time is Running Out to Comply with California's New Sexual Harassment Training Requirements

All employers with five or more employees are now required to provide training to all employees by January 1, 2020.

Q & A

1. When is the new law effective?

SB 1343 amends California Government Code Section 12950.1 and went into effect January 1, 2019.

2. How much training is required?

At least two hours of sexual harassment prevention training must be provided to all supervisory employees. At least one hour of sexual harassment prevention training must be provided to all non-supervisory employees.

3. Who counts as a supervisor?

A supervisor is anyone with authority to hire, fire, assign, transfer, discipline, or reward other employees. A supervisor is also anyone with the authority to effectively recommend (but not necessarily take) these actions if exercising that authority requires the use of independent judgment.

4. Does this apply to my business?

The sexual harassment prevention training applies to all employers having five or more employees.

5. How long do I have to comply?

The required training must be provided no later than January 1, 2020, and once every two years after that. Employers must provide all required training within six months of a new part-time or full-time employee starting employment. Beginning on January 1, 2020, employers must provide sexual harassment prevention training to temporary or seasonal employees within 30 calendar days after the hire date or within 100 hours worked if the employee will work for less than six months.

6. What if I provided sexual harassment training in 2018 pursuant to AB-1825?

The new law requires that employees be trained during calendar year 2019. Employees who were trained in 2018 or prior will need to be retrained.

7. What method of training is required?

Employers must provide sexual harassment prevention training in either 1) a classroom setting; 2) through interactive e-learning; or 3) through a live webinar. E-learning training must provide instructions on how to contact a trainer who can answer questions within two business days.

8. What topics does the training need to cover?

- The definition of sexual harassment under the Fair Employment and Housing Act and Title VII of the federal Civil Rights Act of 1964;
- The statutes and case-law prohibiting and preventing sexual harassment;
- The types of conduct that can be sexual harassment;
- The remedies available for victims of sexual harassment;
- Strategies to prevent sexual harassment;
- Supervisors' obligation to report harassment;
- Practical examples of harassment;
- The limited confidentiality of the complaint process;
- Resources for victims of sexual harassment, including to whom they should report it;
- How employers must correct harassing behavior;
- What to do if a supervisor is personally accused of harassment;
- The elements of an effective anti-harassment policy and how to use it;
- The definition of "abusive conduct" under Government Code section 12950.1, subdivision (g)(2); Harassment based on gender identity, gender expression, and sexual orientation, which shall include practical examples inclusive of harassment based on gender identity, gender expression, and sexual orientation.

All training must include questions that assess learning, skill-building activities to assess understanding and application of content, and hypothetical scenarios about harassment with discussion questions.

January 1, 2020 will be here before you know it! SMWB offers sexual harassment training to its clients. Let us know if you need to schedule harassment training(s).