

HR News Alerts

California Expands Sexual Harassment Prevention Training Requirement

Training Requirement to Apply to Employers with 5 or More Employees

Under a [new California law](#), by January 1, 2020, and once every 2 years thereafter, employers with 5 or more employees—including temporary or seasonal employees—must provide:

At least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position;

At least 1 hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees within 6 months of their assumption of a nonsupervisory position; and

If they will work for the employer for less than 6 months, at least 1 hour of classroom or other effective interactive training and education regarding sexual harassment to all directly hired temporary or seasonal employees within 30 days of being hired or 100 hours worked.

As a reminder, under current law, employers with 50 or more employees must provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years.

Sexual Harassment in California (CA)

Sexual harassment is a form of discrimination based on sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. Under California law, all California employers must prevent sexual harassment and take all steps necessary to prevent its occurrence. The following chart generally explains the law and its requirements in detail.

What is Sexual Harassment?	Unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. Among other things, violations include offering employment benefits in exchange for sexual favors and making or threatening reprisals after a negative response to sexual advances.
What Are the Types of Sexual Harassment?	Hostile work environment: Unwelcome comments or conduct based on sex that unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive work environment.

	<p>Quid pro quo: Explicit or implicit conditioning of a job or promotion on an applicant or employee's submission to sexual advances or other conduct based on sex.</p>
<p>When Are Employers Liable for Sexual Harassment?</p>	<p>When it is perpetrated by a supervisor.</p> <p>When it is perpetrated by an employee other than a supervisor, if the employer or its supervisor(s) knows or should have known of the harassment and fails to take immediate and appropriate corrective action.</p> <p>When it is perpetrated by a non-employee against an employee, if the employer or its supervisor(s) knows or should have known of the harassment and fails to take immediate and appropriate corrective action.</p>
<p>Must Employers Adopt Policies or Provide Notice to Employees?</p>	<p>Yes. First, employers must:</p> <p>Conspicuously post a notice regarding workplace discrimination and harassment;</p> <p>Post a notice regarding transgender rights in a prominent and accessible location in the workplace; and</p> <p>Distribute a sexual harassment brochure or fact sheet from the state.</p> <p>In addition, employers must develop a sexual harassment prevention policy that meets <u>specific requirements</u>.</p>
<p>Must Employers Provide Sexual Harassment Training?</p>	<p>Yes. Under current law, employers with 50 or more employees must provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years.</p> <p>However, by January 1, 2020, and once every 2 years thereafter, employers with 5 or more employees—including temporary or seasonal employees—<u>must provide</u>:</p> <p>At least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position;</p> <p>At least 1 hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees within 6 months of their assumption of a nonsupervisory position; and</p>

	If they will work for the employer for less than 6 months, at least 1 hour of classroom or other effective interactive training and education regarding sexual harassment to all directly hired temporary or seasonal employees within 30 days of being hired or 100 hours worked.
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