

Sexual Harassment and Abusive Conduct Prevention Training Information for Employers

S.B. 1343 requires that all employers of 5 or more employees provide 1 hour of sexual harassment and abusive conduct prevention training to non-managerial employees and 2 hours of sexual harassment and abusive conduct prevention training to managerial employees once every two years. Existing law requires the trainings to include harassment based on gender identity, gender expression, and sexual orientation and to include practical examples of such harassment and to be provided by trainers or educators with knowledge and expertise in those areas. The bill also requires the Department to produce and post both training courses to its website, which employers may utilize instead of hiring a trainer.

There is no requirement that the 5 employees or contractors work at the same location or that all work or reside in California.

Under the DFEH's regulations, the definition of "employee" includes full-time, part-time, and temporary employees.

By what date must employees be trained?

Both managerial and non-managerial employees must receive training by January 1, 2020. After January 1, 2020, employees must be retrained once every two years. That means that all employees statewide must be retrained by January 1, 2022.

What if my employees were trained between January 1 and December 31, 2018?

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

When will the Department of Fair Employment and Housing's online training courses be available?

S.B. 1343 requires that DFEH make online training courses available on the prevention of sexual harassment and abusive conduct in the workplace. DFEH expects to have such trainings available by late 2019. [In the interim period, DFEH is offering a sexual harassment and abusive conduct prevention toolkit, including a sample sexual harassment and abusive conduct prevention training.](#) Employers may use the training in conjunction with an [eligible trainer](#) to provide sexual harassment and abusive conduct prevention training.

What if my employees are not trained by January 1, 2020?

DFEH accepts complaints from employees that their employers have not complied with the law requiring that sexual harassment prevention training be provided. Complaints filed with DFEH after January 1, 2020, regarding an employer's failure to provide required sexual harassment and abusive conduct prevention training will be reviewed in light of the totality of the

circumstances, which may include the availability of DFEH’s online training courses or the availability of qualified trainers. If DFEH finds that the law has been violated, it will work with employers to obtain compliance with the law.

What are the laws and regulations governing the sexual harassment and abusive conduct prevention trainings?

The law requiring sexual harassment and abusive conduct prevention training is Gov. Code 12950.1. The regulations governing such trainings are 2 CCR 11024.

**Does the employer have to pay for sexual harassment abusive conduct prevention training?
Does the employer have to provide paid time for such training?**

California law specifies that, “An employer . . . shall provide” sexual harassment and abusive conduct prevention training. Gov. Code 12950.1(a)-(b). The Department is authorized to seek a court order that “the employer” has not complied with this requirement. Gov. Code 12950.1(f). This language makes clear that it is the employer’s—not the employee’s—responsibility to provide the required training, including any costs that may be incurred. This language also makes clear that employees may not be required to take such training during their personal time; the training must be “provided” by the employer as part of an individual’s employment.