



# **New California Bill Would Require Sexual Harassment Training to Include Sexual Orientation and Gender Identity Harassment**

Insights

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As introduced, Senate Bill 396 by Senator Ricardo Lara (D-Bell Gardens) dealt with medical residence training programs. However, recently the contents of the bill were stripped out and replaced with new and unrelated language (a procedure referred to as a “gut and amend” in legislative lingo). The new language proposes to expand California employers’ obligations regarding sexual harassment training.

Under current law, employers with 50 or more employees are required to provide at least two hours of training regarding sexual harassment to all supervisory employees every two years.

SB 396 proposes that, as a component of that training, a covered employer shall also provide training on harassment based on gender identity, gender expression, and sexual orientation.

The bill does not expand the total number of hours that must be devoted to the training overall, but the two hours of mandated training must include a component regarding these additional topics.

This is consistent with a trend in recent years to expand the mandatory sexual harassment training to include new topics. For example, legislation enacted in 2015 required the two hours of training to include a component on the prevention of “abusive conduct.”

SB 396 also imposes an obligation to provide the two hours of mandated harassment training on state contractors with 50 or more employees.

In addition, under current law, California employers are required to display a poster on discrimination (including harassment) in the workplace. SB 396 would also require employers to display a poster (developed by the Department of Fair Employment and Housing) regarding transgender rights in a prominent and accessible location in the workplace.

## **Next Steps**

Because SB 396 is a “gut and amend,” it will need to be re-referred to the appropriate policy committee for hearing. It is likely that SB 396 will be referred both to the Assembly Labor Committee and the Assembly Judiciary Committee. If the bill advances to the full Assembly, it will then need to return to the Senate before being sent to the Governor for signature or veto.

## ***Related People***

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