New Law Requires Harassment Training for Supervisors in California

Insights
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A new law just enacted by the California Legislature and signed by Governor Schwarzenegger will require employers with 50 or more employees to provide two hours of sexual harassment training to all supervisors once every two years.

The required training "shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation." Newly hired (or promoted) supervisors must be trained within 6 months of becoming supervisors.

The law provides that training must be provided by January 1, 2006 for all supervisors who were employed as of July 1, 2005, but that employees do not need to be trained again prior to January 1, 2006 if they received training (presumably of the type specified in the statute) after January 1, 2003. Thus, employers will need to survey their supervisors as of July 1 of next year. Those who have not received training will have to be trained during the last 6 months of the year. For this reason, employers may not wish to do the training before July 1, as supervisors hired between the training date and July 1 will still have to be trained.

The only penalty for noncompliance is an order of the California Fair Employment and Housing Commission to comply. This law is not subject to enforcement via private attorney general class action lawsuits under the California "Bounty Hunter" law. The statute further states that failure to train a supervisor shall not, in itself, lead to a finding of liability for sexual harassment. Nor shall proof that a supervisor received training insulate an employer from liability for harassment.

Fisher Phillips has long provided training for managers and supervisors of its clients on harassment and discrimination. If you are interested in having us conduct this training for your managers and supervisors, contact your Fisher Phillips attorney.

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