



Mandatory Sexual Harassment Training Must be Completed by 12/31/05

Does it apply to your organization?

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California Assembly Bill 1825

increases the training obligations for all types of employers (including non-profit organizations) with 50 or more employees. All supervisors must now receive a minimum of two hours of sexual harassment training every two years, beginning this year.

While every organization is strongly encouraged to have written policies and procedures in place to protect against harassment and discrimination of all kinds, if your organization has 50 or more employees, sexual harassment training is now mandatory for all supervisors (AB 1825).

Did you know that the California Supreme Court recently ruled that supervisors showing extensive sexual favoritism toward multiple employees could constitute a “hostile work environment”? This significant ruling means that employees that are *not even directly involved* in the sexual activity can bring suit against your agency!

What covered employers should do:

- 1 Determine which of your employees fit the definition of “supervisor” according to AB 1825.
 - a) Supervisors are any individual that have the authority “to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action...if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment”.
- 2 Determine whether any training since 2003 for these supervisors fit all the new requirements:
 - a) minimum of 2 hours. *Training does not have to be held in one session—it can be broken down into shorter sessions, so long as the total time equals 2 hours or more*
 - b) specific to sexual harassment (including information, practical guidance, remedies available to victims, and includes practical examples). Additional time may be spent on other types of harassment and discrimination
 - c) presented by trainers with “knowledge and expertise” via classroom or other effective/interactive training method. *Training does NOT have to be conducted by an attorney. An HR professional who’s familiar with applicable laws would qualify, as would professionally designed online (web-based) training if the trainees can submit questions and receive answers.*
- 3 If your supervisors have not allowed at least two hours of training that meets the new requirements, then determine who will provide your training. Document attendance and completion of training.

When and How Often:

For supervisors who were in their positions as of 7/1/05, training must be completed by 12/31/05.

For supervisors hired after 7/1/05, training must be completed within 6 months of assuming the position.

Once initial training is completed, supervisors must receive training every two years.

In addition to this mandatory training for supervisors, it is strongly recommended that general anti-harassment/discrimination training (i.e. race/color, national origin/ancestry, religion, age, etc.) be given to all employees.

Where to Get Training:

After researching various training packages available, two of our favorite online trainings are from:

The California Chamber of Commerce:

<http://www.calchamberstore.com/Store/Products/SHSolutions.htm>

and Brightline Compliance:

<http://www.brightlinecompliance.com/training/online-courses-overview.html>

Prices range from \$35–\$150 per person, depending upon how many individuals take the course, how much customization is desired, etc. Both companies claim to have received assurances from CA Department of Fair Employment and Housing and the State Fair Employment and Housing Commission that their programs will comply with the requirements of AB 1825.

For More Information:

For more information regarding the regulation please contact the State of California at:

<http://www.spb.ca.gov/spbtrain/ab1825.htm>.

This article is an outline of the basic responsibilities of employers under AB 1825. We recommend, because of the complexity and potential liability of sexual harassment claims, legal advice or other expert assistance should be obtained. ■