



HR Toolbox: New California Law Mandates Anti-Harassment Training for Managers and Supervisors

California has recently added a new, proactive training requirement of employers with 50 or more employees. Governor Schwarzenegger signed Assembly Bill 1825 which requires qualifying companies to conduct two hours of sexual harassment training every two years for employees with supervisory responsibilities.

The following outlines the key provisions of the new law, as well as the steps employers must take to comply with the new requirements.

Who Must Receive the Training?

- Managers and supervisors from companies that have over 50 employees. Temporary agency employees and independent contractors must be included in the 50 or more employee count. AB 1825 does not address how the employee count relates to employees outside of California; therefore, it is recommended they be included.
- Training must be provided to all employees who have "supervisory authority." This term is broadly defined in California, but generally includes any employee who has the authority to exercise independent judgment to:
 - Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;
 - Direct the work of other employees or adjust their grievances; or
 - Effectively recommend any of these actions.
 - Based upon these points, employees who make recommendations to managers about such matters must receive training if their recommendations may be acted upon.

How Should the Training Be Delivered?

- The training must be "interactive" in nature, and include information and practical guidance regarding federal and state sexual harassment laws, as well as harassment prevention and correction and remedies available to victims. Use of the term "interactive" implies that the training should be delivered in a classroom setting, or in a similarly interactive environment. This means that video training would not be sufficient without combining it with discussion, role-playing, a question-and-answer session, or other similar techniques led by a qualified trainer. Live, interactive "webinars" presented by qualified trainers will meet the law's requirements.

What are the Deadlines Employers Must Meet?

California employers must adhere to the following deadlines:

- Supervisors who are employed by qualifying employers as of July 1, 2005, must receive two hours of training no later than January 1, 2006.
- If a supervisor is hired or promoted into a supervisory position after July 1, 2005, the training must be completed within six months of hire or promotion.
- As of January 1, 2006, the law requires ongoing training for all supervisors within six months of becoming supervisors, and providing them with at least two hours of anti-harassment training every two years.
- Supervisors who have received training after January 1, 2003, need not be re-trained prior to January 1, 2006.

(Continued)



HR Toolbox: New California Law Mandates Anti-Harassment Training for Managers and Supervisors

What Liability Do Employers Have Under the New Law?

- Employers who fail to conduct the required training may be ordered to do so by the Department of Fair Employment and Housing.
- It is important to note that providing the required training in and of itself is not a defense to a sexual harassment claim. In addition, plaintiffs' attorneys are likely to take the position that failure to comply with the new law should be grounds for punitive damages, as it shows "reckless disregard" for the law.

What Steps Should Employers Take?

- Strategic HR has long recommended that managers and supervisors – as well as front-line employees – receive harassment training. Although AB 1825 only addresses supervisory employees, California employers would be prudent to conduct harassment training for non-supervisory employees as well.
- Employers should either contract with a qualified outside firm to deliver the training or develop and deliver a program themselves using qualified in-house professionals that have specific expertise in harassment prevention and training.
- Employers should also develop a monitoring method to ensure the required training takes place and is properly documented from a record keeping standpoint.
- Ensure that the company has a standalone harassment policy that is signed by all employees, and verify that the company's employee handbook includes a current and compliant policy against sexual and other forms of harassment.

How Strategic HR Can Help

Strategic HR can assist in a number of ways, including:

- Providing qualified instructors with extensive experience in providing harassment training to conduct the training in three different formats:
 1. Instructor-led classroom training at the location(s) desired by the client.
 2. Provide live, interactive web-based harassment training that enables managers/supervisors (and if desired, front-line employees) to receive the required training without having to leave their office.
 3. Provide Train-The-Trainer programs that would enable the client to deliver the harassment training themselves.
- Providing employers with the required harassment policies and procedures, including updates to the client's employee handbook.

For more information, contact Tim Chambers, Senior Vice President, Strategic HR:

Phone: (949) 260-5051

E-Mail: tchambers@strategichr.com