



Harassment Prevention Training Frequently Asked Questions

1. What do employers need to do?

With the recent passing of SB 1343 and SB 778 in addition to earlier harassment training bills, employers must provide harassment training for all employees and local agency officials as follows:

- Supervisory Employees
 - All Public Sector Employers: New Supervisory employees must receive the mandatory 2 hour harassment prevention training within 6 months of their hire/promotion into the supervisor position and every two years thereafter.
 - Private Sector Employers with 50 or More Employees: New Supervisory employees must receive the mandatory 2 hour harassment prevention training within 6 months of their hire/promotion into the supervisor position and every two years thereafter.
 - Private Sector Employers with 5-49 Employees: Supervisors must receive the mandatory 2 hour harassment prevention training by **January 1, 2021** and every two years thereafter.
 - Supervisory employees who received training in 2018 do not need to be retrained until 2020.
 - Supervisory employees who received training in 2019 do not need to be retrained until 2021.
- Non-Supervisory Employees – For All Employers (with more than 5 employees)
 - Non-supervisors must receive the mandatory 1 hour harassment prevention training by **January 1, 2021** and every two years thereafter.
 - After January 1, 2021, new non-supervisory employees must receive the mandatory 1 hour harassment training within 6 months of hire and every two years thereafter
 - Non-supervisory employees who received training in 2019 do not need to be retrained until 2021.
- Temporary/Seasonal Employees (Hired to work for less than 6 months) – For All Employers (with more than 5 employees)
 - **Beginning January 1, 2020**, the applicable supervisor/non-supervisory training should be provided to temporary/seasonal employees hired to work less than 6 months within 30 days of hire or 100 hours worked, whichever comes first.
- Temp Agency Employees– For All Employers (with more than 5 employees)
 - If a temporary employee is hired through a temporary services employer, the temporary services employer should provide training.
- Local Agency Officials (Elected Officials and Legislative Body Members of Public Agency)
 - New Supervisory employees must receive the mandatory 2 hour harassment prevention training within 6 months of their hire/promotion into the supervisor position and every two years thereafter.



2. What type of training does an employer need to provide?

According to California’s Department of Fair Employment and Housing (DFEH), employers must provide sexual harassment prevention training in a classroom setting, through interactive E-learning, or through a live webinar.

The training may be completed by employees individually or as part of a group presentation, and may be completed in shorter segments, as long as the applicable hourly total requirement is met.

3. Do all employers need to comply?

- Public Sector Employers: All public sector employers must provide the training regardless of the number of employees employed.
- Private Sector Employers: Private sector employers with five or more employees must provide the training. Although the training is not required to be provided to volunteers, unpaid interns and independent contractors, they are counted towards the five or more employees threshold to determine if training needs to be provided.

4. What is the deadline?

The deadline to provide the new non-supervisory employee training for covered employers and the new supervisory training for private sector employers with 5-49 employees has been updated to January 1, 2021. For all public sector employers and private sector employers with 50 or more employees, the deadline for providing supervisor training continues to be within 6 months of hire/promotion to supervisory position and every 2 years thereafter. The deadline to provide the applicable training to temporary/seasonal employees hired to work for less than 6 months after January 1, 2020, is within 30 days of hire or the first 100 hours worked, whichever is sooner.

5. Who can provide sexual harassment prevention training?

According to DFEH, there are three types of qualified trainers:

- Attorneys who have been members of the bar of any state for at least two years and whose practice includes employment law under the Fair Employment and Housing Act or Title VII of the federal Civil Rights Act of 1964;
- Human resource professionals or harassment prevention consultants with at least two years of practical experience in:
 - Designing or conducting training on discrimination, retaliation, and sexual harassment prevention;
 - Responding to sexual harassment or other discrimination complaints;
 - Investigating sexual harassment complaints; or
 - Advising employers or employees about discrimination, retaliation, and sexual harassment prevention.
- Law school, college, or university instructors with a post-graduate degree or California teaching credential and either 20 hours of instruction about employment law under the FEHA or Title VII.

Neither DFEH nor any other state agency issues licenses or certificates validating a person's qualifications to teach sexual harassment prevention training classes.

6. What do all of these bill numbers mean?

We know – there are a lot of bill numbers mandating harassment training and the contents of such training!! We've provided a quick timeline of required harassment prevention training in California over the years:

- **2005: AB 1825** became effective and created Government Code section 12950.1, which required supervisors of all public sector employers and private sector employers with 50 or more employees to receive 2 hours of harassment prevention training every two years.
- **2016: AB 2053** amended Government Code section 12950.1 to have the required harassment prevention training also cover "abusive conduct."
- **2016: AB 1661** created a separate law requiring local agency officials to receive 2 hours of sexual harassment training and education within the first six months of taking office and every two years thereafter.
- **2018: SB 396** amended Government Code section 12950.1 to have the required harassment prevention training also cover harassment based on gender identity, gender expression, and sexual orientation.
- **2019: SB 1343** amended Government Code section 12950.1 to expand harassment training requirements to include one hour of harassment training every two years for non-supervisory employees and apply such supervisory/non-supervisory employee harassment training obligations to private sector employers with five or more employees, in addition to all public sector employers.
- **2019: SB 778** was signed into law by Governor Newsom on August 30th as an urgency bill effective immediately, and generally extended the required due dates for the new harassment training requirements to January 1, 2021. For those employers who trained their employees in 2019, they would not need to provide training again until calendar year 2021.