

STATE REQUIRES HARASSMENT TRAINING FOR SUPERVISORS

HUMAN RESOURCES PROFESSIONAL GROUP

August 30, 2005

In This Issue

- [What the Law Says](#)
- [About HRPG](#)

California employers with 50 or more employees (*including independent contractors, part-time employees and temporary workers*) are now required to provide sexual harassment training to supervisors. The passage and signing of AB 1825 by Governor Schwarzenegger requires two hours of training every two years starting in 2005.

The following gives employers guidelines on the new requirement and provides action steps to take now.

What the Law Says

AB 1825 requires employers with 50 or more employees to provide supervisors with two hours of sexual harassment training every two years. Who is a supervisor? The term is broad, but in general, includes those individuals who have the authority 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.

This means that employees who make recommendations about the issues listed above must receive training if their recommendations are likely to be acted upon.

Who is considered an employee?

Under the new law, employees include all temporary employees, whether through a service or hired directly, and all independent contractors. Additionally, the law applies to California employers with a total of 50 or more employees, even if some of the employees are located outside of the state.

What must be included in the training?

- Practical guidance regarding federal and state sexual harassment regulations
- Steps to be taken for harassment prevention and correction
- Remedies available to harassment victims

What training format is required?

The required sexual harassment must be "interactive." Discussion, role-playing, question and answer sessions, and similar interactive training techniques must be a part of the program. Video training and non-interactive web-based training will not comply with the

new requirement.

Training must be led by a qualified trainer.

What is the timing of the new requirements?

- Supervisors employed as of July 1, 2005 must receive two hours of training by January 1, 2006
- A supervisor hired or promoted into a supervisory position after July 1, 2005 must complete training within six months of the hire or promotion
- Supervisors who have received training after January 1, 2003 do not need to be re-trained prior to January 1, 2006
- Beginning January 1, 2006 all supervisors must receive training within six months of becoming a supervisor, and must be provided with at least two hours of anti-harassment training every two years.

What should employers do now?

- Review training records for all supervisory personnel since January 1, 2003 to determine who is required to be trained and when the training must occur.
- Identify a resource to provide the mandated training.
- Include training in your 2005 budget.
- Schedule training sessions.
- Create a system for recording who has been trained and notifies you when new training is required.
- Review and update written policies and procedures to comply with the new regulations.

What are training options that may be considered now?

You may provide training in 2004 by a qualified trainer. This training need not be two hours in length as is required by AB 1825. HRPG currently offers a 90-minute supervisory training session which we are scheduling during the remainder of 2004. Supervisors trained in this 90-minute session need not be trained again before 2006. The alternative is to wait until 2005 and provide the required two hours of training prior to January 1, 2006.

Human Resources Professional Group is available to answer any questions you may have regarding these new training requirements. HRPG offers qualified trainers who can provide your company with the updated and interactive training programs that AB 1825 requires. Reference materials are available for all participants. We can also assist you in setting up an effective, compliant record keeping program.

If your company does not have a qualified trainer on staff, or you do not have the updated training that is required, HRPG is available to assist you.