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# New Harassment Prevention Training Requirements: What You Need to Know

Believe it or not, mandatory sexual harassment prevention training has been on the books for nearly 15 years. More specifically, as of 2005, after AB 1825 was signed into law, employers with 50 or more full-time, part-time, and temporary employees or independent contractors have been required to provide supervisory employees with two hours of sexual harassment prevention training within six months of hire or promotion, and once every two years thereafter.

And now, an employer's legal obligations to provide sexual harassment prevention training have expanded, thanks to the new sexual harassment training law (SB 1343). Under this new law, **employers with five or more employees** must provide sexual [harassment prevention training](#); and it's not just supervisors that must be trained, but all employees.

As of January 1, 2019, SB 1343 requires that employers with five or more employees located anywhere must provide:

- Two hours of sexual harassment prevention training to all supervisors; and
- One hour of sexual harassment prevention training to all non-supervisory employees.

As with the previous law, employers must post the required California Department of Fair Employment and Housing (DFEH) poster, which includes information on the illegality of sexual harassment and discrimination, and the required *Transgender Rights in the Workplace* poster. Employers with 15 or more employees must also post the federal Equal Employment Opportunity poster, and all employers must also distribute a pamphlet on sexual harassment to all employees.

## Training Deadline

The DFEH determined that beginning January 1, 2019, employees must receive training by the first mandated deadline on January 1, 2020, meaning **all employees must be trained in the 2019 calendar year**. To comply with the January 1, 2020, deadline, the new law requires that **all employees trained in 2018 must retrain in 2019**. Training must take place within six months of hire or promotion, and every two years thereafter.

Beginning January 1, 2020, seasonal and temporary employees, or any employee hired to work for less than six months, must be trained within 30 calendar days after the date of hire or within 100 hours worked, whichever occurs first. In the case of a temporary employee employed by a temporary services employer, the training must be provided by the temporary

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services employer, not the client.

## **Training Content and Providers**

Under the new law, the training must include topics such as harassment based on gender identity, gender expression and sexual orientation, as well as a component on the prevention of “abusive conduct.” As with the prior law, the harassment prevention training must include information and practical guidance about federal and state sexual harassment laws, including harassment prevention and correction, and remedies available to victims.

The training, whether classroom-style or another method (such as online), must be “interactive” and include practical examples. The training may be completed by employees individually or as part of a group presentation, and it may be completed in shorter segments as long as the applicable hourly total requirement is met.

The new law permits employers to develop their own compliant course, but also requires that the DFEH develop and make compliant training courses available. The DFEH expects its training courses to be available in late 2019, and it will allow employees who’ve completed the training to save electronically and print a certificate of completion.

Keep in mind that employers are not required to use the DFEH’s training, and given the uncertainty around its availability, utilizing a different qualified training program may be worthwhile. Whichever program you use must be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination and retaliation, and include interactive components.

CalChamber’s online [harassment prevention training courses](#) for both supervisors and employees include a wide range of administrative [functions and features](#) that make it easy to not only track training progress and completion for every employee and supervisor, but also comply with recordkeeping requirements.

Though AB 1825 became law in 2005, the Fair Employment and Housing Council (FEHC) is in the process of revising the regulations that address its requirements; whether the FEHC will amend the existing regulations to include SB 1343 requirements or create new regulations is currently unknown. CalChamber will continue monitoring the status of these regulations and keep our members updated.

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## Best Practices

- If you have five or more employees, ensure mandatory harassment prevention training meets California requirements. CalChamber's online [supervisor](#) and [employee](#) courses meet state training requirements.
- Train all employees in the 2019 calendar year. If you recently trained employees in 2018, those employees will need to be retrained in 2019.
- Implement a harassment, discrimination and retaliation prevention policy that complies with California law. A sample policy is available as part of CalChamber's [Employee Handbook Creator](#).