

NEW SEXUAL HARASSMENT TRAINING REQUIREMENTS

We are well into the #METOO movement now. This means that there is extra vigilance and sensitivity surrounding the words you use and the approach you take to various situations. One of the most effective actions you can take is to make sure your Sexual Harassment training is updated and in-place.

Sexual Harassment training for Supervisors is mandatory in California for all employers with 50 or more employees. Presently, there are about 30 bills floating around Sacramento to increase responsibilities on employers and the 50-employee rule may drop ALL employers with even one employee. It may also become necessary for all employees, not just supervisors to go through the training.

Sexual Harassment training is considered an affirmative defense, but it does not protect the employer if it is not part of a larger business practice. You can train on an issue, but it needs to be reflected in the actions taken by upper management and the culture within the organization. Any policy is only as good as the execution of that policy.

The State of California has added 2 more topics to the Sexual Harassment training requirement. You now must cover Gender Identity and choice of National Origin. It is your responsibility to ensure your training includes these topics. Since Supervisors are only required to take the class every 2 years, it may be a while before they are in another class. Due to the sensitivity surrounding these new additions to the law, it may be prudent for employers to have a class this year to educate everyone in the latest rules and laws concerning these subjects.

Finally, remember, harassment is not just about physical relationships. The top issues right now are loud and abusive language and cyber-bullying. In a sensitive time, employers are wise to be more vigilant and pro-active. That attitude must start from the top.