

The 12 days of California Labor & Employment Series – Day 3 “Transgender Work Opportunity Act”

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It's the end of the year and while everyone is busy, employers in California should be aware of new laws and regulations that go into effect on January 1, 2018. In the spirit of the season, we are using the next “12 days of the holidays” to blog about one California law a day and that law's impact on California employers. On the Third Day of Christmas, my Labor and Employment attorney gave to me – three French hens and SB 396.

California's Fair Employment and Housing Act (FEHA) currently requires employers with 50 or more employees to provide a minimum of two hours of sexual harassment and abusive conduct prevention training to all supervisory employees. The training must take place within six months of an individual's assumption of supervisory duties and once every two years thereafter. The recently enacted SB 396 also requires training on gender identity, gender expression and sexual orientation. The training must include practical examples and the trainer must have knowledge and experience in this area. A new notice requirement is also included, mandating employers display the Department of Fair Employment and Housing poster on transgender rights in the workplace.

What should California employers be doing? Ensure that you are providing the requisite harassment training to management and supervisors. Not only does the training need to be done every two years but new hires must be trained within six months of beginning employment. It is also very important for employers to investigate each and every complaint and take the appropriate corrective action when needed. The employee handbook should be updated as well. Finally, it is also recommended for the employer to keep detailed records of the harassment training, including when the training was held and which employees attended.

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Topics

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