

# The 12 Days of California Labor & Employment Series – Day 2 “Sexual Harassment Training Expanded and Then Some”

2 min read

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By: Mellissa A. Schafer

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, 2019. 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. Without further adieu, on the second day of Christmas, my Labor and Employment attorney gave to me—two turtle doves and SB 1343.

Anti-harassment training has been a part of California employment law for many years. Generally speaking, employers with 50 or more employees are required to provide training regarding sexual harassment and other prohibited conduct to any employee with a supervisory role. The training needs to be completed every two years or within six months of the person obtaining a supervisory position. In recent years, the law was expanded to include anti-harassment training on gender identity, gender expression and sexual orientation.

SB 1343 further expands the anti-harassment training requirements. The law now requires that employers with 5 or more employees provide anti-harassment training. In addition, training must be provided to all non-supervisory employees, including seasonal and temporary workers. Employers must provide their non-supervisory employees 1 hour of training no later than January 1, 2020. Similar to prior laws, the training needs to be completed every two years thereafter.

While larger California employers may not find it challenging to add the anti-harassment training into their policies and procedures for non-supervisory employees, small California employers may have difficulty in complying with SB 1343 for various reasons. One, many small employers do not have employment counsel on retainer and many may not even know this law was passed. Secondly, the additional cost of providing training is more substantial for small employers. It appears the Legislature took these potential issues into account. SB 1343

also requires the Department of Fair Employment and Housing (DFEH) to post compliant one- and two-hour online harassment prevention training videos on their website.

What actions should a California employer take? It is recommended that you review your current policy (if you have one) and amend it accordingly. It is also recommended that employers who hire seasonal or temporary workers design a plan to train these employees that works with their business practices. Hiring and training plans for the 2019 holiday seasonal employees should be developed sooner rather than later. Small employers should seek out the assistance of employment counsel to ensure they are in compliance, and to plan for how best to provide the required training.

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## Topics

California, Sexual Harassment, Harassment, Temporary Workers, Sex-Based Harassment, Sexual Orientation-Based Harassment, Gender Identity-Based Harassment, Anti-Harassment Policy, Temporary Employee, Training, #MeToo, Supervisors, Non-Supervisory Employees, Seasonal Workers, California Department Of Fair Employment And Housing, #12Days