



Sexual Harassment and Abusive Conduct Prevention

Training Information for Employers



S.B. 1343 requires that all employers of 5 or more employees provide 1 hour of sexual harassment and abusive conduct prevention training to non-managerial employees and 2 hours of sexual harassment and abusive conduct prevention training to managerial employees once every two years.

Existing law requires the trainings to include harassment based on gender identity, gender expression, and sexual orientation and to include practical examples of such harassment and to be provided by trainers or educators with knowledge and expertise in those areas. Under the DFEH's regulations, the definition of "employee" includes full-time, part-time, and temporary employees.

By what date must employees be trained? Both managerial and non-managerial employees must receive training by January 1, 2020. After January 1, 2020, employees must be retrained once every two years.

What if my employees were trained between January 1 and December 31, 2018? The law requires that employees be trained during calendar year 2019. Employees who were trained in 2018 or before will need to be retrained.

Does the employer have to pay for sexual harassment abusive conduct prevention training? Does the employer have to provide paid time for such training? California law specifies that, "An employer . . . shall provide" sexual harassment and abusive conduct prevention training. Gov. Code 12950.1(a)-(b). The Department is authorized to seek a court order that "the employer" has not complied with this requirement. Gov. Code 12950.1(f). This language makes clear that it is the employer's—not the employee's—responsibility to provide the required training, including any costs that may be incurred. This language also makes clear that employees may not be required to take such training during their personal time; the training must be "provided" by the employer as part of an individual's employment

Who is qualified to train employees? A trainer shall be one or more of the following: Employment Attorneys or Human resource professionals or harassment prevention consultants (certified) or qualified Professors or instructors.