

CALIFORNIA EMPLOYERS HAVE LESS THAN SIX MONTHS TO COMPLETE SEXUAL HARASSMENT AND ABUSIVE CONDUCT TRAINING

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In September 2018, California passed SB 1343, which expanded the sexual harassment training requirements for California employers. Previously, employers with 50 or more employees were required to provide at least two hours of sexual harassment training to all supervisory employees within six months of their assumption of a supervisory position and once every two years thereafter.

SB 1343 expands the training requirement in two key ways. First, it requires employers who employ **five or more employees** to provide sexual harassment training. Second, in addition to training supervisors, employers must now provide at least one hour of sexual harassment training to all **nonsupervisory employees** by January 1, 2020, and once every two years thereafter. As a result, all employees will need to be retrained by January 1, 2022.

The good news for employers is that the California Department of Fair Employment and Housing ("DFEH") is required to develop online training courses that employers can use to satisfy their obligation to provide sexual harassment training. The bad news is that the DFEH still has not done so and there is no date certain by which the online training courses will be available. However, the DFEH has posted a sexual harassment and abusive conduct prevention toolkit, which includes a sample sexual harassment and abusive conduct prevention training. It is available here: <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2018/12/SexualHarassmentandAbusiveConductPreventionTrainingToolkit.pdf>. However, unlike the online training courses that will be available, the toolkit is intended to be used in conjunction with a qualified trainer.

With only six months until the end of the year and the busy holiday season approaching fast, employers should monitor the DFEH's website for the publishing of the online training courses and plan ahead so that all of their employees receive the required training by January 1, 2020.

Bryan Cave Leighton Paisner LLP has a team of knowledgeable lawyers and other professionals prepared to help employers review their employee policies. If you or your organization would like more information on any state-specific workplace training or any other employment issue, please contact an attorney in the Employment and Labor practice group.

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Christopher J. Archibald

Kansas City / Irvine

[christopher.archibald@bclplaw.co](mailto:christopher.archibald@bclplaw.com)

[m](#)

[+1 949 223 7341](tel:+19492237341)

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