

# Sweeney Mason

LLP

## ***Time Is Running Out to Comply with California's Sexual Harassment Training Requirements!***

***All employers with 5 or more employees must provide training to all employees  
by January 1, 2021***

Employers have until **January 1, 2021**, to ensure that their employees have received either the one-hour training (non-supervisory employees) or the two-hour training (supervisory employees) required by California law.

January 1, 2021 will be here before you know it!

### **Q&A**

#### **1. When is the training law effective?**

*SB 1343 amends California Government Code Section 12950.1 and went into effect January 1, 2019.*

#### **2. How much training is required?**

*At least two hours of sexual harassment prevention training must be provided to all supervisory employees. At least one hour of sexual harassment prevention training must be provided to all non-supervisory employees.*

#### **3. Who counts as a supervisor?**

*A supervisor is anyone with authority to hire, fire, assign, transfer, discipline, or reward other employees. A supervisor is also anyone with the authority to effectively recommend (but not*

*necessarily take) these actions if exercising that authority requires the use of independent judgment.*

#### **4. Does this apply to my business?**

*The sexual harassment prevention training applies to all employers having five or more employees.*

#### **5. How long do I have to comply?**

*Not long!! The required training must be provided no later than January 1, 2021, and once every two years after that. Employers must provide all required training within six months of a new part-time or full-time employee starting employment. Employers also must provide sexual harassment prevention training to temporary or seasonal employees within 30 calendar days after the hire date or within 100 hours worked if the employee will work for less than six months.*

#### **6. What if I provided sexual harassment training in 2019?**

*Employers who provided legally sufficient training in 2019 or 2020 do not need to schedule refresher training until two years thereafter.*

#### **7. What method of training is required?**

*Employers must provide sexual harassment prevention training in either 1) a classroom setting; 2) through interactive e-learning; or 3) through a live webinar. E-learning training must provide instructions on how to contact a trainer who can answer questions within two business days.*

#### **8. What topics does the training need to cover?**

- *The definition of sexual harassment under the Fair Employment and Housing Act and Title VII of the federal Civil Rights Act of 1964;*
- *The statutes and case-law prohibiting and preventing sexual harassment*
- *The types of conduct that can be sexual harassment*
- *The remedies available for victims of sexual harassment*
- *Strategies to prevent sexual harassment*
- *Supervisors' obligation to report harassment;*
- *Practical examples of harassment*

- *The limited confidentiality of the complaint process;*
- *Resources for victims of sexual harassment, including to whom they should report it;*
- *How employers must correct harassing behavior*
- *What to do if a supervisor is personally accused of harassment*
- *The elements of an effective anti-harassment policy and how to use it*
- *The definition of “abusive conduct” under Government Code section 12950.1, subdivision (g)(2)*
- *Harassment based on gender identity, gender expression, and sexual orientation, which shall include practical examples inclusive of harassment based on gender identity, gender expression, and sexual orientation.*
- *All training must include questions that assess learning, skill-building activities to assess understanding and application of content, and hypothetical scenarios about harassment with discussion questions.*

**January 1, 2021 will be here before you know it!** Sweeney Mason offers sexual harassment training to its clients. Let us know if you need to schedule harassment training(s).

*For more information, please contact our employment team at 408-356-3000 or via email: Roger Mason at [rmason@smwb.com](mailto:rmason@smwb.com) or Rachael Brown at [reb@smwb.com](mailto:reb@smwb.com).*

*Remember to make sure you are up to date with your COVID-19-related policies and protocols. The following links may assist you in evaluating some of the issues you may have. Stay safe!*

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***DOL Publications:***

[FFCRA FAQs](#)

[FFCRA Required Notice](#)

***IRS Guidelines:***

[FFCRA Tax Credits](#)

[Employee Retention Tax Credits Under CARES Act](#)

***SBA Guidelines:***

[PPP FAQs](#)

***CDC Guidelines:***

Interim Guidance on Risk Assessment for Individuals with Possible COVID-19 Exposure  
Interim Guidance for Businesses and Employers

**OSHA:**

Preparing Your Workplace for COVID-19

**California:**

Stay at Home Order

EDD COVID-19 Overview

EDD COVID-19 FAQs

**Santa Clara County:**

Updated Shelter-in-Place

Social Distancing Protocol

Public Health Department FAQs on the Shelter in Place Order

**San Jose:**

Paid Sick Leave Ordinance



The information provided in this publication is general in nature and is not intended to answer every question that may arise under different fact situations and should not be relied on in the place of professional advice in a given case. If you have specific questions, please contact Sweeney Mason LLP.

SWEENEY MASON LLP's philosophy is that by educating our clients, and other businesses, about their legal obligations, including changes in the law, we best serve our legal goal of minimizing or preventing expensive litigation.

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