Sexual Harassment Prevention Training: Information For Employers

FAQ

California law (Government Code section 12950.1) requires that all employers of 5 or more employees provide training to their employees regarding sexual harassment and abusive conduct prevention. Every two years, non-supervisory employees must receive 1 hour of training and supervisors must receive 2 hours of training. The next training deadline is January 1, 2027. An employer is required to train its California-based employees so long as it employs 5 or more employees anywhere, even if they do not work at the same location and even if not all of them work or reside in California.

The Civil Rights Department (CRD) offers free online trainings that satisfy these requirements - one for supervisors and one for non-supervisors. Both trainings are available in Chinese, English, Korean, Spanish, Tagalog, and Vietnamese (CLICK HERE TO ACCESS THE TRAININGS). The law requires the Department to produce and post both training courses to its website, which employers may utilize instead of hiring a trainer.

For more information, see Government Code sections 12950.1 and 12950.2, and California Code of Regulations, Title 2, sections 11023 and 11024.

Why is this training required?

California takes sexual harassment very seriously, and it is against the law. Despite greater awareness of sexual harassment and its harms, many workers are still subjected to harassment because of their sex or other protected characteristic. These trainings are legally required and designed to educate or remind everyone about what is – and is not – acceptable behavior in the workplace.

By what date must employees be trained?

Employees must be trained by January 1, 2027. Employees must be retrained every two years, either two years from the date of completion of the last training or by the end of the next training deadline; employers shall not extend the training deadline for new employees. New supervisory employees must be trained within six months of assuming their supervisory position, and new non-supervisory employees must be trained within six months of hire. For more information, see California Code of Regulations, Title 2, section 11024(b)(1).

Do the CRD's online sexual harassment and abusive conduct prevention courses satisfy the requirements of Government Code section 12950.1?

Yes.

Do my employees have to take CRD's training?

No. CRD offers these trainings as a resource to help employers meet their obligation, but employers may elect other ways that satisfy the training requirement.

If I have employees located outside of California, are they required to be trained?

No. While employees located inside and outside of California are counted in determining whether employers are covered by Government Code section 12950.1 (and California's Fair Employment and Housing Act more generally), employees located outside of California are not themselves required to be trained.

What does "effective interactive training" mean?

Government Code section 12950.1 requires "effective interactive training," which can include any of the following:

- Classroom training that is conducted in-person, consisting of content created and delivered by a qualified trainer and provided to an employee in a setting removed from the employee's daily duties.
- E-learning that is individualized, interactive, and computer-based, containing content created by a qualified trainer. This form of training must include directions on how to contact a trainer, who shall be available to answer questions and provide guidance within two business days. The trainer shall maintain a record of all written questions received, and all written responses or guidance provided, for a period of two years after the date of the response.
- Webinar training consisting of an Internet-based seminar whose content is created and taught by a qualified trainer and transmitted digitally in real time.
- Other "effective interactive training" and education includes the use of audio, video, or computer technology in conjunction with classroom, webinar, and/or e-learning training.

If an employer utilizes CRD's online interactive training, can employees watch the training in a large group at the same time?

No. The online interactive trainings offered by CRD are "e-learning" trainings that are individualized, interactive, and computer-based. E-learning trainings cannot be watched in a group setting. For more information regarding training, trainer guidelines, and interactive training guidelines, please see California Code of Regulations, Title 2, section 11024.

Does the employer have to pay for the sexual harassment and abusive conduct prevention training required by Government Code section 12950.1? Does the employer have to provide paid time for such training?

Yes. California law specifies: "An employer... shall provide" sexual harassment and abusive conduct prevention training. Government Code section 12950.1(a)-(b). 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.

What if the employees are seasonal, temporary, or otherwise work for less than six months?

For employees hired for less than six months, employers are required to provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.

- Employers are not required to train employees who are employed for fewer than 30 calendar days and work for fewer than 100 hours.
- If an employee is hired to work for less than six months but has not worked in the 30 calendar days after being hired, then the "hire date" is the first day of work.
- In the case of a temporary employee employed by a temporary services employer, as defined in Section 201.3 of the Labor Code, to perform services for clients, the training shall be provided by the temporary services employer, not the client.

Can I provide a text-only training for my employees to read?

No. Government Code section 12950.1 requires that the training be "effective interactive training," as defined above.

Must the training be online, done individually, or completed all at once?

No. You may provide training live in a classroom, online, or in any other effective interactive format. Training may be completed by employees individually or as part of a group presentation (unless it is an e-learning training) and may be completed in segments as long as the applicable hourly total requirement is met within the two-year reporting period.

Do employers need to train independent contractors, volunteers, and unpaid interns?

No, but employers might consider doing so to be a best practice. However, in determining whether an employer meets the threshold of having 5 employees and is subject to the harassment prevention training requirement, independent contractors, volunteers, and unpaid interns are counted. For example, if an employer has 2 full time employees and 6 unpaid interns, the employer would meet the training threshold requirement and would need to ensure the two full time employees receive training.

What if an employee received the training in compliance with Government Code section 12950.1 within the prior two years from another employer? Do they have to be trained again?

No. An employee who has received training in compliance with Government Code section 12950.1 within the prior two years during employment with a current, a prior, an alternate, or a joint employer, or who received a valid work permit from the Labor Commissioner that required the employee to receive training in compliance with section 12950.1 within the prior two years, must read and acknowledge receipt of the employer's anti-harassment policy within six months of assuming their new position. That employee must then be put on a two-year tracking schedule based on the employee's last training. The current employer is responsible for ensuring that the prior training was legally compliant with the law. See California Code of Regulations, Title 2, section 11024(b)(6) regarding "Duplicate Training" for more information.

Am I required to provide bystander intervention training for my employees?

While not required by law at this time, an employer may also provide bystander intervention training that includes information and practical guidance on how to enable bystanders to recognize potentially problematic behaviors and to motivate bystanders to take action when they observe problematic behaviors. The training and education may include exercises to provide bystanders with the skills and confidence to intervene as appropriate and resources they can call upon that support their intervention.

Does CRD have a list of approved outside training providers, or can CRD recommend or approve an outside training provider for my company to use?

CRD does not approve training providers. CRD cannot offer recommendations or approvals for other training providers.

I believe I may be eligible to become a trainer; how can I verify this?

There is currently no certification requirement for qualified trainers, and CRD is unable to provide guidance as to whether one meets the qualifications of a trainer.

Does a trainer who is also an employee need to receive sexual harassment prevention training?

No. An individual who is a qualified training provider according to California Code of Regulations, Title 2, section 11024(a)(A) (and who does provide the training) does not need to participate in a separate sexual harassment prevention training for their employer to be in compliance with the training requirements.

What documentation is required for those who have completed the training?

The law requires employers to keep documentation of the training it has provided its employees for a minimum of two years, including but not limited to the names of the employees trained, the date of training, the sign in sheet (if used), a copy of all certificates of attendance or completion (if issued), the type of training, a copy of all written or recorded materials that comprise the training, and the name of the training provider. Examples of documentation to track individual compliance include a certificate and/or a sign-in sheet that includes a verification that trainees completed the training. Documentation of the training should not be sent to CRD but should be kept on the employer's premises.

What if an employee misplaces or fails to save (or print) the certificate of completion available at the end of CRD's online training, can they request a replacement copy?

No. CRD does not store or track certificates or completion of their trainings. If the employee still has their training session open on their browser, they may try using the 'PREVIOUS' button to backstep and regenerate their certificate. Otherwise, they should retake the training to retrieve a certificate of completion.

Should my employees contact CRD for training content questions?

No. Government Code section 12950.1 states that questions resulting from CRD's online training courses shall be directed to the employer's human resources department or equally qualified professional.

In addition to the requirements of Government Code section 12950.1, must employers provide anything else to their employees?

Yes, employers must provide employees with a poster or fact sheet developed by CRD regarding sexual harassment, or equivalent information. Additionally, California Code of Regulations, Title 2, section 11023(b) requires employers to develop and provide employees with a harassment, discrimination, and retaliation prevention policy.

For additional training questions: shpt@calcivilrights.ca.gov

TO TAKE THE TRAINING

www.calcivilrights.ca.gov/shpt

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