



Requirements For California AB 1825 Mandatory Prevention Training For Supervisors

AB 1825 Training Profile

Requirements for California AB 1825 Mandatory Harassment Prevention Training for Supervisors

California Harassment Laws – Compliance with A.B. 1825, A.B. 2053 and S.B. 292

If you are an employer in California, complying with the various Anti-harassment laws can be complicated. To help our client's avoid having to figure out which training requirements affect their business, we have created this easy to read white paper about which employers are affected by the laws, how often training must occur and the training documentation process.

What is Assembly Bill 1825?

Passed August 24, 2004, Assembly Bill 1825 requires employers to meet certain standards relating to sexual harassment training and education in the workplace. A.B. 1825 applies only to employers with fifty or more employees or contractors. This includes employees that are full time, part time, and temporary employees.

Even employers that have less than fifty employees in California may need to comply with A.B. 1825. This is because A.B. 1825 defines "employer" as "any person engaged in any business or enterprise in California, who employs 50 or more employees to perform services for a wage or salary or contractors or any person acting as an agent of an employer, directly or indirectly." If your business has employees in other states, which bring your total employee count to fifty or above, training would be required. ("There is no requirement that the 50 employees or contractors work at the same location or all reside in California.")

Assembly Bill 1825 Requirements

A.B. 1825 training must cover the following topics, at a minimum:

- » The definition of unlawful sexual harassment under the FEHA and Title VII of the Civil Rights Act of 1964.
- » FEHA and Title VII provisions regarding the prohibition and prevention of unlawful sexual harassment.
- » Types of conduct that constitute harassment.
- » Remedies available to stop harassment.
- » Tactics to prevent workplace harassment.
- » Practical examples of harassment in the workplace.
- » The complaint process and its limited confidentiality.
- » Victim resources.
- » The obligation of the employer to conduct an investigation for all harassment complaints.
- » Supervisor harassment allegations.
- » The components of a harassment prevention policy.

Assembly Bill 1825 Record Keeping

Employers are required to maintain compliance with A.B. 1825 by keeping detailed records of Harassment Prevention training. The records must be kept for a minimum of two years. The records must include:

- » The name of the supervisor trained
- » The training date
- » The type of training
- » The name of the trainer, educator or instructional designer

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Who Conducts the Training?

A.B. 1825 stipulates that trainers “must have knowledge and expertise in the prevention of harassment, discrimination, and retaliation.” Live training sessions must be led by a “Qualified Trainer.” A person can be considered a Qualified Trainer if they have had formal education and/or training as well as experience lead a training session. Another person considered a Qualified Trainer is a Subject Matter Expert, which has received legal education on the topics of harassment, discrimination and the prevention of retaliation.

Trainers must have the training and experience to train on certain subjects. Instructional designers must develop the training based on materials provided by qualified presenters with the knowledge and expertise in the prevention, discrimination and retaliation related to sexual harassment.

The regulations are very specific about who is considered qualified to be a trainer and provide criteria for determining the qualifications of corporate investigator’s, attorneys, HR professionals, training consultants, and professors and instructors who are permitted to create content and deliver the training.

The trainer must be available to answer questions and provide feedback either during the training session, or with eLearning, within two business days of the question being asked.

Training Format

Training may be in a classroom setting with an in-person trainer, delivered via online interactive “e-learning” programs, and through online interactive seminars (“webinar”). The content delivered during the training session for classroom and online programs must be designed and delivered by a Qualified Trainer. For Internet-based eLearning programs, the content must be created by a Qualified Trainer and an instructional designer to ensure the program is content heavy and learner friendly. All e-learning programs must allow a function where the trainee can contact the Qualified Trainer to answer any questions within two business days.

Additional Harassment Laws

Since Assembly Bill 1825 came into law in 2006, there have been two new laws which cover similar/parallel issues: Assembly Bill 2053 is an Anti-Bullying law and essentially fits into A.B. 1825’s section on general harassment, and Senate Bill 292, which basically just further clarifies the fact that sexual harassment can occur in instances that do not involve sexual “desire.”

What is Assembly Bill 2053?

On September 9, 2014, CA Governor Jerry Brown signed Assembly Bill 2053, which mandates that certain California employees provide workforce anti-bullying training in addition to already-required sexual harassment training. California employers are required to expand their A.B. 1825 training program to address abusive conduct beginning on January 1, 2015.

Prevention of abusive conduct is a component of this training. “Abusive conduct” otherwise known as “bullying” is defined as conduct “with malice, which a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.” Examples of what constitutes abusive conduct include repeated use of insults, derogatory remarks, and epithets; threatening, intimidating or humiliating verbal or physical conduct; and the gratuitous sabotage of a person’s work performance. The A.B. 2053 training excludes a single act in its definition of abusive conduct unless it is especially severe and egregious.

A.B. 2053 does not contain any new requirements for record keeping or the length of training. As a result, Compliance Training Group has incorporated appropriate content into its Harassment Prevention training which will satisfy A.B. 1825 as well as A.B. 2053.

What is Senate Bill 292?

Senate Bill 292 was signed into law in 2013. It was passed in response to the Court of Appeals ruling in Kelly v. Conco Companies. S.B. 292 amended the definition of sexual harassment in the Fair Employment & Housing Act to clarify:

“Sexually harassing conduct need not be motivated by sexual desire.” This is meant to inform that trainee that Male-on-male, Female-on-female, Male-on-female, and Female-on-male sexual harassment can occur without the accused having any “sexual desire” for the victim.

S.B. 292 does not contain any new requirements for record keeping or the length of training. As a result, Compliance Training Group has incorporated appropriate content into its Harassment Prevention training which will satisfy A.B. 1825 as well as A.B. 2053 and S.B. 292.

Best Practices

Assembly Bill 2053 and Senate Bill 292 do not have any new requirement for who delivers the content, the length of the content or any specific stipulations regarding trainer periods and record keeping. At Compliance Training Group, our best practice recommendation is to incorporate the same baseline regulations provided in Assembly Bill 1925. To ensure employers’ have no problems maintaining compliance with all these laws, we have incorporated A.B. 2053 and S.B. 292 into our A.B. 1825 training, making compliance simple.

Conclusion

The degree to which misconduct remains unidentified is determined by how well employees are screened, trained, and supervised. Recognition, corrective action, and training are necessary steps to cultivating and preserving a healthy and productive workplace.

Call us to receive a complementary consultation and proposal for your training needs. Learn more about ways we can help your organization reduce liability, improve morale and increase profitability. We have no minimums, no contracts and a simple pay-as-you-go service.

About Compliance Training Group

Compliance Training Group creates a safer workplace through education on such topics as sexual harassment prevention and substance abuse awareness, diversity & inclusion, conflict resolution, HIPPA, OSHA Safety, violence in the workplace prevention and many other compliance human resources related topics. Our courses are available in Spanish and training materials for the hearing and vision impaired. Compliance Training Group is a division of Employers Choice Online, Inc., a provider of employment background screening and drug testing services, specializing in serving mid-market corporate and government clients.

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