



Employer Advisory Council of Orange County, Inc.

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New Developments in Employment Law

Update

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EAC Update

Expanded California Sexual Harassment Training Requirements Delayed to 2021

By Tyler Woods

At the height of the #MeToo movement, California lawmakers enacted a requirement that all employers with five or more employees would need to provide sexual harassment prevention training to all employees by January 1, 2020. However, in response to outcry from the business community, Governor Newsom signed into effect a law this past Friday extending the deadline for employers to provide the newly required sexual harassment prevention training to January 1, 2021. What do California employers need to know about this one-year reprieve?

Summary of Legislation

At the prompting of the business community, the state legislature introduced and passed SB 778 to make some needed clarifications to the new sexual harassment prevention training law. Primarily, SB 778 would delay the changes made by SB 1343 – one of the many #MeToo laws passed in the 2018 legislative session – so employers would have an additional year to get up to speed with and comply with the training requirements.

The bill contained an “urgency clause”, meaning it would go into effect immediately if signed into law. Governor Newsom heard the concerns of the business community and signed the law into effect on August 30, right before the Labor Day weekend.

What Does the New Law Mean For Employers?

With the signing of SB 778, California employers with five or more employees will now be required to provide by January 1, 2021:

- at least *two hours* of classroom or other “effective interactive training and education” regarding sexual harassment prevention to all *supervisory* employees; and
- at least *one hour* classroom or other “effective interactive training and education” regarding sexual harassment prevention to all *non-supervisory* employees.

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After this initial sexual harassment prevention training is completed, a covered employer must provide the requisite sexual harassment and prevention training to each employee in California once every two years.

SB 778 further requires that covered employers are required to provide training to nonsupervisory employees within six months of hire, and to new supervisory employees within six months of the assumption of a supervisory position.

Finally, SB 778 clarifies that a covered employer who provided the requisite sexual harassment training and prevention to an employee in 2019 is not required to provide refresher training and education again for such employee until two years thereafter.

The Time To Prepare Is Now

While you might be breathing a sign of relief knowing that the next few months will not be a mad scramble for compliance, you should not let your guard down. For most California employers, complying with the requirements of the new law by the beginning of 2021 will still be a large undertaking and will require advance preparation and work. This is particularly true for employers who do not currently provide sexual harassment prevention training for their non-supervisory employees, or did not previously provide training to supervisors because they fall under the 50-employee threshold.

To learn more, or if you have questions about this new law, please contact the author, Tyler Woods at twoods@fisherphillips.com, or (949) 798-2117.

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