

Sexual harassment training and education regulations take effect

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ARTICLE SYNOPSIS - CALIFORNIA SEXUAL HARASSMENT TRAINING LAW AB 1825

In order to better address of the problem of sexual harassment, the California Government introduced and passed a new Bill in Assembly. This bill created the responsibility of the employers in California. The bill is effective and codified with the California Government Code 12950. 1. To removal of doubts, the Commission of California Fair Employment and Housing Commission issued the regulations called Sexual Harassment Training and Education Regulations, finally become effective from August 17, 2007.

The main idea of the Bill is to provide Sexual Harassment Training to the Supervisor employees. The training should be for once in every two years. It means the employer should provide training to the supervisory staff existing and new supervisory staff. The statute mandates training of all supervisory employees. With respect to the employees, the periodic training of all employees is advisable under federal and state law.

EMPLOYERS

Here the employers means the employer who employ or engage 50 or more employees or contractors for the working day in any 20 consecutive weeks in the current calendar year or preceding calendar year. It means even one day is enough to become employer. Here it did not need that all the 50 employees should have been working in California. It is enough the 50 or more may be any where other than California. It attracts if the supervisor is working in California.

SUPERVISORS

In case of supervisors, the supervisor should have been defined under Government Code of section 12926 (r). With regard to the newly appointed supervisors, they should be provided training within six months after the attaining the service as supervisory. Even one supervisory staff in California should be provided training.

TRAINING PROCESS

The training should be provided by the qualified trainers such as attorneys, human resource professionals, harassment prevention consultants, professors or instructors in law schools, college/universities. The provided training must be interactive and it should be provided in classroom through e-learning or webinar methods. At the end of training the questionnaire must be added to assess the supervisor's understanding about the harassment.

LEGAL ISSUE

It is called California Sexual Harassment Training Law AB 1825. The Bill i. e. AB 1825 indicated that the training should be provided for every two years starting from 1st January 2006. It affected burden on the employers those who have already provided the training on 2005. Similarly the supervisory staff those who have taken training in 2006 with respect to the bill and due to change of employment, they again forced to have training with other employer.

In order to remove for such difficulties, the commission California Fair Employment and Housing Commission issued guidelines for exempting them.

With the guidelines, the supervisory staff deemed to have training with the <https://assignbuster.com/sexual-harassment-training-and-education-regulations-take-effect/>

current employer, if they have taking training with the previous employer. But the current employer having burden to prove that the supervisor have such training.

AUTHOR'S OPINION

The training is intended to prevent harassment and discrimination among employees. It should not be restricted to the supervisors but it should be extended to all staff in all over in the United Nations. Hence it should be extended to all States. The training Programme should facilitate that employers should include such discussions with respect to harassment and unlawful discrimination so that more awareness existed. The training period is at least 2 hours, which is insufficient.

MANAGERIAL PERSPECTIVE

AB 1825 covers all employers who are operating in California with employed of 50 or more persons. Interestingly it should be remembered that the employees means permanent and temporary employees. Hence temporary employees and independent contractors are also covered for this purpose. It means if the employer has only 50 employees that too they are temporary in nature; still the supervisors of the organization have to have the specified training, which is burdensome to the employer. Because the employees are temporary they have to go out at any time.

If the supervisor has training and the new persons are coming in every month it will be burdensome to the supervisor. Handling of new persons for supervisory is a tough task. The supervisor cannot concentrate on the work

instead the supervisor concentrate on the behavior of the employee for which the supervisor learnt through training.

The AB 1825 has passed the Bill on September 30, 2004 and required the employers to provide the training to the supervisors in California. The bill envisaged that the first round of training should be completed by January 1 2006. But the question is can the employee complete the course in two hours and is it sufficient to provide only two hours for the training course. The AB 1825 describes that two hours of classroom or two hours of webinar training or e-learning program. If the employer should act accordingly Bill, then the employer should ensure that the employee should attend the course with not less than two hours.

The employer has also another liability about training provider's expertise because ultimate responsibility is lies on the employer if there is any harassment in question. Hence the employer should ask specifically ask the training providers to ensure that the provider have employment law and harassment prevention expertise on staff. And the provider belonging to any firm directing to production of copy of contractual language for which the firm shall maintain the course.

The employer has one more responsibility that the training provider should be able to provide latest court decisions and statutes of federal and California.

Mere providing training is not enough. As far as the Supervisor, the employer should maintain the following records.

1. The name of the supervisor,

2. Date of training
3. Type of training
4. Name of the training provider.

It means the employer should keep the record so that it should fulfill the supervisor has got training besides the training should be provided once for every two years. The records make alert the employer to have time schedule. Besides if there is any complaint about sexual harassment received, it will be easily known that who are the trainer what type of training has been provided. Here type means whether training provided as e learning or classroom.

Hence it is learnt that mere compliance of AB 1825 is not enough with respect to the employer. The employer is more burdened with the Bill though the employer has less supervisory staff i. e. even one employee. And secondly if the employees are working outside of California, still the supervisor who is residing in California should get Sexual Harassment training, which has no meaning because the Bill applicable to California whereas employees working outside California and supervisor is working in California for which the supervisor has no control in California.

CONCLUSION

The Bill passed simply leaving with the doubts for which the commission's guidelines required. It also burdened to the employers who have their employees beyond California for which the California law is applicable in California only. It means if the employer is having only 50 members and all

working beyond the area of California still the law is applicable if any supervisor is working in California to supervise such staff.

And that the supervisor has to have the specified training i. e. Sexual Harassment Training. It is very much meaningless as the employees are working beyond the place of California and even one supervisor works in California should get training. It is nothing but mere compliance of legislation only but will have no effect. However the Bill described that the training should gradually be applicable to the all employees.

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