

## Publications

### *Labor and Employment Alert: California Expands Employers' Mandatory Harassment Training*

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**CLIENT ALERT** | 10.20.2017

The California Fair Employment and Housing Act currently requires employers with 50 or more employees to provide all supervisory employees with at least two hours of training and education regarding sexual harassment and abusive conduct. Training for each covered individual must occur within six months of the individual becoming a supervisor and then once every two years thereafter. California has just expanded these requirements to include harassment based on gender identity, gender expression and sexual orientation. The new requirements become effective on January 1, 2018.

Under current law, the required training and education must include information and practical guidance regarding federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and abusive conduct, and the remedies available to victims. The training and education must also include practical examples of ways to prevent harassment, discrimination, abusive conduct and retaliation. It must be presented by trainers or educators with knowledge and expertise in those areas. "Abusive conduct" means "malicious" workplace conduct that a reasonable person would find hostile or offensive, and which is unrelated to the employer's legitimate business interests.

Now, these training and education programs must also include harassment based on gender identity, gender expression and sexual orientation. Like the other forms of required training and education, such training must include practical examples of harassment based on gender identity, gender expression and sexual orientation, and be presented by trainers or educators with knowledge and expertise in those areas. In addition, employers must also display a poster (to be developed by the Department of Fair Employment and Housing) regarding transgender rights. Existing law already requires employers to post a poster on discrimination and sexual harassment.

Employers should review their existing supervisor training to ensure that it includes gender identity, gender expression and sexual orientation. Contact your Vorys lawyer if you have questions about EEO

training.

