

## CALIFORNIA DEPT. OF FAIR EMPLOYMENT & HOUSING BEGINS ENFORCEMENT OF SEXUAL HARASSMENT TRAINING.

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In 2005, the California Legislature enacted California Government Code section 12950.1 requiring employers in California having fifty or more employees to provide at least two hours of sexual harassment training for all supervisors in California at least once every two years. Government Code section 12950.1(e) provides that if an employer violates this section, an order requiring the employer to comply with the requirements shall be issued.

The Department of Fair Employment and Housing (“DFEH”) now requires documentation of compliance with the sexual harassment training as part of its investigation of any claim of employment discrimination. The DFEH now requires employers to provide documentation of:

1. The number of supervisory employees employed within the last year.
2. The dates training regarding sexual harassment was provided to supervisory employees in the last year.
3. Submit copies of sign-in sheets or other verification of attendance at training.
4. Names and qualifications of trainer. (You may provide the resume or curriculum vitae of the trainer(s).)
5. Copies of the training materials provided to supervisors, including, but not limited to, workbooks, fliers, memoranda, Power Point or other multimedia presentations, etc.

The DFEH requires this information whenever a claim of discrimination is made, even if the claim has nothing to do with sexual harassment.

All employers of 50 or more employees need to:

1. Provide sexual harassment training at least once every two years for all supervisors, and
2. Maintain sign-in sheets documenting participation in the sexual harassment training together with copies of all training materials and the qualifications of the trainer.

Failure to document sexual harassment training does not in and of itself create liability for sexual harassment; however, it will make it more difficult to defend against any such claims and to establish that the employer actively prohibits sexual harassment in its work places. ■