



Sexual Harassment Compliance Training

Sexual harassment is a form of discrimination that violates [Title VII of the Civil Rights Act](#) of 1964. Sexual harassment occurs when one employee makes continued, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to another employee against his or her wishes.

Sexual harassment is not only alleged between the opposite sex, it covers same genders as well.

According to a current issues report update from the [U.S. Equal Employment Opportunity Commission \(EEOC\)](#), sexual harassment occurs, "when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment."

California Senate Bill 1343 **explicitly covers training for employees. This law now requires employers with 5 or more employees to train all non-supervisor employees every two years. Due to the rise in sexual harassment claims across the U.S. over the past twenty years, Competitive Edge Education and Business Services and the Glendora Chamber of Commerce is promoting Compliance Education on this important issue.**

Effective January 1, 2019, California requires employers with five (5) or more employees (located anywhere) to provide not only two (2) hours of sexual harassment and abusive conduct prevention training to supervisors (and to any out-of-state) supervisors of California employees but also at least one (1) of such training to ALL their employees in California. All must be trained in the 2019 calendar year, before January 1, 2020. The minimum count of five (5) employees covers seasonal and temporary hires, including independent contractors.

Assembly Bill 1825 ([AB 1825](#)) and Government Code section 12950.1 are the first laws to actually outline the requirements for effective compliance training, setting the standard not only for California, but for the rest of the country as well. In practical terms, AB 1825 requires California businesses with 50 or more employees to train their supervisors on sexual harassment, every two years.

Passed August 24, 2004, Assembly Bill 1825 requires employers to meet certain standards relating to sexual harassment training and education in the workplace. AB 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 AB 1825.

This is because AB 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.")

Contact: Professor Renee Willis of Competitive Edge Education and Business Services at (626) 818-3631

Live Training On-Site by Professor Renee Willis, MBA

Three (3) Hours of Training at \$200 plus \$75.00 per participant with a Certificate of Completion

Supervisors – 2 Hours of Mandatory Training & Employees – 1 Hour of Mandatory Training

Our Live Training and online courses for individual learning provide content that is relevant to today's issues and challenges. Updated California harassment training content and features include:

- 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.

The two-hour Supervisor & one-hour Employee course includes:

- Real workplace scenarios
- Harassment prevention training that addresses current issues in the workplace
- Increased flexibility allowing the users to move through the course at their own pace without waiting for the audio to complete, while ensuring users still fulfill the two-hour training requirement
- Quizzes & final test
- Certificate of Completion

Are You Ready for an Allegation?

EEOC recovered \$164.5 million



30,000 Sexual Harassment Cases

When employers consider the costs of workplace harassment, they often focus on legal costs, and with good reason. Last year, EEOC Equal Employment Opportunity Commission alone recovered \$164.5 million for workers alleging harassment.

Almost fully one third of the approximately 90,000 charges received by EEOC in fiscal year 2015 included an allegation of workplace harassment. This includes, among other things: charges of unlawful harassment on the basis of sex (including sexual orientation, gender identity, and pregnancy), race, disability, age, ethnicity/national origin, color, and religion.

Examples of Sexual Harassment:

Sexual harassment can occur in a variety of situations. These are examples of sexual harassment, not intended to be all-inclusive.

- Unwanted jokes, gestures, offensive words on clothing, and unwelcome comments and repartee that is sexual in nature.
- Touching and any other bodily contact such as scratching or patting a coworker's back, grabbing an employee around the waist, kissing an employee, hugging an employee, or interfering with an employee's ability to move.
- Repeated requests for dates or other get-togethers that are turned down or unwanted flirting.
- Transmitting or posting emails or pictures of a sexual or other harassment-related nature.

- Watching pornography or other suggestive material online or on smartphones even if the employee is watching in a private office.
- Displaying sexually suggestive objects, pictures, or posters in the workplace.
- Playing sexually suggestive music.

When an employee complains to a supervisor, another employee, or the Human Resources office, about sexual harassment, an immediate investigation of the charge should occur. Supervisors should immediately involve the Human Resources staff.

Employees need to understand that they have an obligation to report sexual harassment concerns to their supervisor, manager or the Human Resources office. Only when your HR staff knows what is going on can they effectively [address sexual harassment at work](#).

In the current cultural environment, many accusations of past sexual harassment up to and including rape have been leveled at prominent people. They bear commonalities. Frequently, the abuser is a man with a powerful position from which he can negatively affect the careers of those who refuse the harasser's requests.

Secondly, for a variety of reasons, the harassed individuals have not requested help from the HR departments or managers of these powerful people. Hopefully, the result of these people coming forward will be to discourage sexual harassment in workplaces. Note also though, that while the current charges are truly egregious, all workplace sexual harassment is morally, ethically, and legally wrong— no matter the scale of the accusations.

Policies to Adopt to Prevent and Address Sexual Harassment:

Your [policy handbook](#) needs a:

- Sexual Harassment Policy,
- General Harassment Policy,
- Policy about how sexual harassment investigations are conducted in your company, and
- A policy that forbids an employee in a supervisory role from dating a reporting employee and that details the steps required should a relationship form.

Workplace [non-fraternization policies](#) need to recognize that the workplace is one of the logical locations for people to meet and fall in love, as long as the employees engaged in the [relationship](#) follow common sense guidelines.

However, as a manager or supervisor dating your reporting staff is never appropriate. After creating these policies, you need to train all employees on the ways to prevent sexual harassment and how to report sexual harassment when it occurs.

Role of Managers in Sexual Harassment Prevention and Investigation:

[Managers and supervisors](#) are on the front lines when it comes to managing employee performance and [needs from work](#). First, and most importantly, you do not want a [workplace culture](#) that allows any form of harassment to occur. Out of your commitment to your employees and your company, harassment, in any form, is never to be tolerated.

As an employer, demonstrating that you took appropriate steps following a sexual harassment complaint is crucial. In fact, demonstrating that you took [immediate action](#) and that the [consequences](#) for the perpetrator were severe, is also critical. The front line leader is usually the person initiating and following through on those steps, so they have to feel confident about what they are doing.

They and HR also need to remember that not all charges of sexual harassment occurred. Innocent people have been [wrongly accused](#) and convicted of sexual harassment in the workplace. So, be careful that you don't rush to get justice for the purported victim of sexual harassment and carefully investigate all claims.

Any form of harassment can create a [hostile work environment](#) including sexual harassment and how it is addressed. The court's definition of what constitutes a hostile

work environment has expanded to coworkers who are caught up in the sexual harassment situation, too.

As you think about sexual harassment and other forms of harassment in your workplace, keep these facts in mind.

- The employee harassing another employee can be an individual of the same sex. Sexual harassment does not imply that the perpetrator is of the opposite sex.
- The harasser can be the employee's supervisor, manager, customer, coworker, supplier, peer, or vendor. Any individual who is connected to the employee's work environment can be accused of sexual harassment.
- The victim of sexual harassment is not just the employee who is the target of the harassment. Other employees who observe or learn about the sexual harassment can also be the victims and institute charges. Anyone who is affected by the conduct can potentially complain of sexual harassment. For example, if a supervisor is engaged in a sexual relationship with a reporting staff member, other staff can claim harassment if they believe the supervisor treated his or her lover differently than they were treated.
- In the organization's sexual harassment policy, advise the potential victims that, if they experience harassment, they should tell the perpetrator to stop, that the advances or other unwanted behaviors are unwelcome.
- Sexual harassment can occur even when the complainant cannot demonstrate any adverse impact on his or her employment including [transfers](#), discharge, [salary](#) decreases, and so on.
- When an individual experiences sexual harassment, they should use the complaint system and recommended procedures as spelled out in the sexual harassment policy of their employer. The investigation should be conducted as spelled out in the handbook.
- The employer has the responsibility to take each complaint of sexual harassment seriously and investigate.
- Following the [investigation of the harassment complaint](#), no [retaliation](#) is permitted, regardless of the outcome of the investigation. The employer must in no way treat the employee who filed the complaint differently than other employees are treated nor change his or her prior-to-the-complaint treatment. If it is determined that the employee lied, however, disciplinary action is necessary.