

AMENDED IN ASSEMBLY APRIL 28, 2004

AMENDED IN ASSEMBLY MARCH 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1825

Introduced by Assembly Member Reyes

January 20, 2004

An act to ~~amend Section 12950 of~~ *add Section 12950.1 to the* Government Code, relating to employment practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, as amended, Reyes. Sexual harassment: training and education.

Existing law makes certain specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. Existing law further requires every employer to act to ensure a workplace free of sexual harassment by implementing certain minimum requirements, including posting sexual harassment information posters at the workplace and obtaining and making available an information sheet on sexual harassment.

This bill would require employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees, *as specified*, within one year of January 1, 2005, unless the employer has provided sexual harassment training and education to employees after ~~August 1, 2002~~ *January 1, 2003*. The bill would provide that *a claim that the training and education did not reach a particular individual does not automatically result in the liability of an employer*

for sexual harassment and that an employer’s compliance with these provisions does not insulate the employer from liability for sexual harassment of any current or former employee or applicant. *The bill would specify that the statute establishes a minimum threshold for training and education and that employers may provide training and education beyond that required by the statute to prevent and correct sexual harassment and discrimination.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12950.1 is added to the Government
2 Code, to read:
3 ~~12950.1. (a) An employer having 50 or more employees~~
4 ~~shall provide two hours of training and education to all supervisory~~
5 ~~employees within one year of January 1, 2005, and to all new~~
6 ~~supervisory employees within six months of their assumption of~~
7 ~~a supervisory position, provided any employer who has provided~~
8 ~~training and education to an employee after August 1, 2002, may~~
9 ~~not be required to provide training and education a second time.~~
10 ~~The training and education shall include information concerning~~
11 ~~the federal and state statutory provisions concerning sexual~~
12 ~~harassment and remedies available to victims of sexual~~
13 ~~harassment.~~
14 *12950.1. (a) By January 1, 2006, an employer having 50 or*
15 *more employees shall provide at least two hours of classroom or*
16 *other effective interactive training and education regarding sexual*
17 *harassment to all supervisory employees who are employed as of*
18 *July 1, 2005, and to all new supervisory employees within six*
19 *months of their assumption of a supervisory position. Any*
20 *employer who has provided this training and education to an*
21 *employee after January 1, 2003, is not required to provide training*
22 *and education by the January 1, 2006, deadline. After January 1,*
23 *2006, each employer covered by this section shall provide sexual*
24 *harassment training and education to each supervisory employee*
25 *once every two years. The training and education required by this*
26 *section shall include information and practical guidance*
27 *regarding the federal and state statutory provisions concerning the*
28 *prohibition against and the prevention and correction of sexual*



1 *harassment and the remedies available to victims of sexual*
2 *harassment in employment. The training and education shall also*
3 *include practical examples aimed at instructing supervisors in the*
4 *prevention of harassment, discrimination, and retaliation, and*
5 *shall be presented by trainers or educators with knowledge and*
6 *expertise in the prevention of harassment, discrimination, and*
7 *retaliation.*

8 (b) For purposes of this ~~paragraph~~ *section* only, “employer”
9 means any person regularly employing 50 or more persons or
10 regularly receiving the services of 50 or more persons providing
11 services pursuant to a contract, or any person acting as an agent of
12 an employer, directly or indirectly, the state, or any political or
13 civil subdivision of the state, and cities.

14 (c) ~~At~~ *Notwithstanding subdivisions (j) and (k) of Section*
15 *12940, a claim that the training and education required by this*
16 *section did not reach a particular individual or individuals shall*
17 *not in and of itself result in the liability of any employer to any*
18 *present or former employee or applicant in any action alleging*
19 *sexual harassment. Conversely, an employer’s compliance with*
20 *this section does not insulate the employer from liability for sexual*
21 *harassment of any current or former employee or applicant.*

22 (d) If an employer violates the requirements of this section, the
23 commission shall issue an order requiring the employer to comply
24 with these requirements.

25 (e) *The training and education required by this section is*
26 *intended to establish a minimum threshold and should not*
27 *discourage or relieve any employer from providing for longer,*
28 *more frequent, or more elaborate training and education*
29 *regarding workplace harassment or other forms of unlawful*
30 *discrimination in order to meet its obligations to take all*
31 *reasonable steps necessary to prevent and correct harassment and*
32 *discrimination.*

