

E-ALERT: California Pushes Back Start Date for New Anti-Harassment Training Requirements



Background

On August 30, 2019, California enacted a new law delaying mandatory anti-harassment training deadlines to January 1, 2021. The new law has cleared up the confusion about retraining requirements for employees who had previously received the training in 2018 or 2019.

On September 30, 2018, California had expanded the training requirement for employers of 50 or more employees to employers of 5 or more employees, including temporary or seasonal workers. At the same time, the training was expanded from two hours of training every two years for supervisory employees and to all new supervisory employees within six months of their assumption of a supervisory position, to include one hour of training every two years for all other employees. The initial deadline for providing this expanded training was January 1, 2020.

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Summary

California employers with five or more employees **now have until January 1, 2021**, to comply with the new anti-harassment prevention training requirements. Under these changes, employers must provide supervisors with at least two hours of training and all other employees with at least one hour of training every two years.

Prior to this new law, there was uncertainty for employers regarding the timing of the two-year training cycle. The California Department of Fair Employment and Housing (DFEH) had taken the position that any employee, supervisory or otherwise, who completed the anti-harassment training in 2018 would need to receive it again in 2019 to follow the expanded law enacted on September 30, 2018.

However, the new law resolves any potential confusion, clarifying that employees who are receiving — or have received — training in 2019 **do not** need to be retrained until two years have passed, sometime in 2021, and then every two years thereafter. Also, supervisory employees who received the training in 2018 or 2019 do not need to be retrained until two years after their initial training.

California employers will receive assistance from the DFEH to ensure compliance with the newly enacted law. The DFEH will develop online training courses that employers can use for supervisory and nonsupervisory training. Employers may also develop and use their own training modules if they meet the compliance requirements. These trainings must be completed for supervisory and nonsupervisory employees within six months of starting the position. Also, the law extends the training to temporary and seasonal workers who are hired and employed for less than six months. This training would need to be completed for these employees within 30 calendar days of hire or within 100 hours worked.

Employer Next Steps

- Employers with five or more employees should review the training requirements and ensure that employees receive the training by the **January 1, 2021**, deadline.
- You can find resources for compliance with the training requirements [here](#).
- Ensure all your new hires are provided the anti-harassment prevention training within the required time frame.
- If you would like our assistance with the required anti-harassment prevention training, please [email us](#).



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