



SIGNIFICANT CALIFORNIA ANTI-HARASSMENT & HUMAN TRAFFICKING TRAINING LAWS<sup>1</sup>

TYPE OF TRAINING	EMPLOYER COVERAGE	SUPERVISORY TRAINING OBLIGATION & FREQUENCY	NON-SUPERVISORY TRAINING OBLIGATION & FREQUENCY	CONTENT NEEDED	RECORDS NEEDED	TRANSLATION NEEDED	EFFECTIVE DATE
Anti-harassment and abusive conduct prevention- <i>General-Pre-2019 law: Now superseded as below!<sup>2</sup></i>	50+ employees	Yes. 2 hours of classroom or other effective interactive training, every 2 years. For new supervisors, <sup>3</sup> within 6 months of assuming role.	None, under this prior version— but see below entry for expanded training duties taking effect in 2019.	This supervisor training must include: (a) definition of sexual harassment; (b) pertinent state and federal statutes concerning harassment, discrimination and retaliation; (c) types of conduct that constitutes sexual harassment; (d) remedies available to victims; (e) prevention strategies; (f) supervisor duty to report; (g) practical examples; (h) limited confidentiality of the complaint process; (i) resources for victims; (j) remedial steps; (k) how to handle supervisory harassment; (l) anti-harassment policies; and (m) a review of the meaning of “abusive conduct.” <sup>4</sup> Must cover harassment based on sexual orientation, gender identity, and gender expression.	Yes. Employers must maintain records for at least 2 years to show that training was provided. <sup>5</sup>	Yes. Per recent changes, the training (along with the needed poster and notice) should be made available in languages other than English, once materials are prepared by the DFEH. <sup>6</sup>	Updates effective 1/1/2019, as below

1 This summary is current as of January 1, 2019. There are, of course, additional training requirements mandated by state law, including industry-specific obligations.

2 CAL. GOV'T CODE § 12950.1; CAL. CODE REGS. tit. 2, § 11024.

3 New supervisors include employees hired or promoted into supervisory positions after the date the employer last provided sexual harassment prevention training.

4 “Abusive conduct” refers to “conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests.” CAL. GOV'T CODE § 12950.1.

5 This documentation should include: (a) supervisor-attendee names; (b) date of training; (c) sign-in sheet; (d) copies of attendance/completion certificates; (e) type of training provided; (f) copies of all written or recorded materials comprising the training; and (g) the name of the trainer. CAL. CODE REGS. tit. 2, § 11024(b).

6 DFEH refers to the California Department of Fair Employment and Housing. Per [SB 1343](#), the DFEH should make these materials “available in English, Spanish, Simplified Chinese, Tagalog, Vietnamese, Korean, and any other language that is spoken by a ‘substantial number of non-English-speaking people’” as defined by another California law.

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Anti-harassment and abusive conduct prevention- <i>General- Now effective<sup>7</sup></i>	5+ employees	Yes. Same as above.	Yes. 1 hour of classroom or other effective interactive training, every 2 years.  Must be delivered within 6 months of starting the position.  Initial round of training must be completed by 1/1/2020.	All training must include the above components.  Per the new law, training may be provided: (a) with other types of training; (b) in an individual or group setting; and (c) in shorter segments that meet the hourly requirement in total. Employers may use their own modules or may use online training courses developed by the DFEH. <sup>8</sup>  Beginning 1/1/2020, training requirements also will apply to seasonal and temporary employees. <sup>9</sup>	Yes. Same as above.	Yes. Same as above.	1/1/2019
Anti-harassment- <i>Property Service Employers<sup>10</sup></i>	1+ employees in the janitorial industry <sup>11</sup>	Yes. Sexual violence and harassment prevention training will be required for all employees every 2 years.		The DLSE <sup>12</sup> must establish training requirements for employees and employers by 1/1/2019. Until those requirements are set, employers must comply with the statute by distributing the DFEH-185 pamphlet. <sup>13</sup>	None expressly required to date by statute or regulation.	None expressly required to date by statute or regulation.	Ongoing, with updates expected in 2019

7 These amendments to Government Code sections 12950 and 12950.1 are found in [SB 1343](#).

8 The DFEH has posted [online resources](#) for employers on sexual harassment prevention training, including helpful FAQs and a training toolkit.

9 Such employees (including those hired to work for less than 6 months) must receive training within 30 calendar days of hire, or within 100 hours worked, whichever occurs first.

10 CAL. LAB. CODE §§ 1420, 1429.5.

11 Covered employers include “any person or entity that employs at least one employee and one or more covered workers and that enters into contracts, subcontracts, or franchise arrangements to provide janitorial services,” including successor employers. Covered workers refers to “a janitor, including any individual predominantly working, whether as an employee, independent contractor, or franchisee, as a janitor” as that term is defined by U.S. Department of Labor guidance. CAL. LAB. CODE § 1420.

12 DLSE refers to the California Division of Labor Standards Enforcement.

13 Further information about the janitorial services training requirements should become available at the Department of Industrial Relations [website](#). The DFEH-185 pamphlet is available in [English](#) and in [Spanish](#), for distribution as appropriate.

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Anti-harassment- <i>Farm Labor Contractors</i> <sup>14</sup>	All farm labor contractor licensees	Yes. 2 hours of training, each calendar year, for all supervisors, crewleaders, mayordomos, and forepersons.	Yes. All new non-supervisory employees—including agricultural workers—to be trained at time of hire, and every 2 years. <sup>15</sup>  As of 1/1/2020, this non-supervisory training extends to migrant and seasonal agricultural workers.	All training must include: (a) the illegality and definition of sexual harassment; (b) a description thereof, with examples; (c) the employer’s internal complaint process; (d) legal remedies and DFEH complaint process; (e) how to contact DFEH; and (f) protections against retaliation.  The DFEH-185 pamphlet must also be distributed.	Yes.  Employers must maintain records with the names of all trained employees for at least 3 years. <sup>16</sup>	Yes. Training must be delivered in, or translated into, a language understood by the employee.	1/1/2018, with updates as of 1/1/2020
Anti-harassment- <i>Talent Agencies</i> <sup>17</sup>	All talent agency licensees	In addition to any applicable employee training (as above), training is required for adult <i>artists</i> working with an agency. Training must occur within 90 days of representation or of procuring an engagement, meeting, or interview.  Agencies must also request and retain a copy of a minor’s entertainment work permit, prior to representation or sending the minor for an audition, etc. <sup>18</sup>		Training by talent agencies for adult artists must include the components specified in the DFEH-185 pamphlet.  Adult model artists must also be given educational materials on nutrition and eating disorders. <sup>19</sup>	Yes.  Licensees must maintain records for 3 years showing compliance with training duties.	Yes. Training must be delivered in, or translated into, a language understood by the artist.	1/1/2019

14 CAL. LAB. CODE §§ 1682, 1684. The Labor Commissioner will not issue or renew a license to a farm labor contractor unless that individual satisfies numerous conditions, including this anti-harassment training requirement.

15 No particular time requirement (e.g., 1 hour of training) is specified.

16 In addition, to renew a license, the licensee must be prepared to submit other related materials, such as “a complete list of all materials or resources utilized to provide sexual harassment prevention training,” a record of all sessions that includes the trainer and date of training, and the “the total number of agricultural employees trained . . . in the calendar year prior to the month the renewal application is submitted.” CAL. LAB. CODE § 1684(a)(8).

17 “Talent agency” is defined as “a person or corporation who engages in the occupation of procuring, offering, promising, or attempting to procure employment or engagements for an artist or artists.” CAL. LAB. CODE § 1700.4. Training requirements are imposed by [AB 2338](#), which creates Labor Code sections 1700.50 through 1700.54.

18 Minor entertainment permits will not be issued until the minor’s parent or legal guardian completes anti-harassment training.

19 “Educational materials regarding nutrition and eating disorders shall include, at a minimum, the components specified in the National Institute of Health’s Eating Disorders Internet Web site at [www.nimh.nih.gov/health/topics/eating-disorders/index.shtml](http://www.nimh.nih.gov/health/topics/eating-disorders/index.shtml) or a successor Internet Web site.” CAL. LAB. CODE § 1700.51(b).

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Human Trafficking Awareness- <i>Hotels &amp; Motel Employers</i> <sup>20</sup>	All hotels and motels subject to FEHA <sup>21</sup> (5+ employees)	Yes. Training is required for any employee (supervisory or non-supervisory) who is likely to interact or come into contact with victims of human trafficking. <sup>22</sup> Employers must provide at least 20 minutes of classroom or other effective interactive training.  For workers employed by 7/1/2019, training is due by 1/1/2020. For new hires, training is due within 6 months of hire. After 1/1/2020, training is required for all employees every 2 years.		All training must include: (a) definition of human trafficking and commercial exploitation of children; (b) guidance on how to identify individuals at risk; (c) difference between labor and sex trafficking specific to the hotel sector; (d) guidance on the role of hospitality employees in reporting and responding; and (e) contact information for appropriate agencies. <sup>23</sup>	None expressly required to date by statute or regulation.	None expressly required to date by statute or regulation.	1/1/2019, with an initial deadline of 1/1/2020
Human Trafficking Awareness- <i>Mass Transit Employers</i> <sup>24</sup>	All transit employers- intercity passenger rail or light rail stations; and bus stations	Yes. Training is required for any employee (supervisory or non-supervisory) who may interact with, or come into contact with, a victim of human trafficking or who is likely to receive (in the course of employment) a report from another employee about suspected trafficking.  Employers must provide at least 20 minutes of training by 1/1/2021.		All training must include: (a) definition of human trafficking, including sex and labor trafficking; (b) myths and misconceptions about human trafficking; (c) physical and mental signs that trafficking may be occurring; (d) guidance on how to identify individuals most at risk; (e) guidance on how to report trafficking; <sup>25</sup> and (f) protocols for reporting trafficking when on the job.	None expressly required to date by statute or regulation.	None expressly required to date by statute or regulation.	1/1/2019, with an initial deadline of 1/1/2021

20 Training requirements are imposed by [SB 970](#), which creates Government Code section 12950.3.

21 FEHA refers to the California Fair Employment and Housing Act.

22 Such employees include, for example, “employee[s] who [have] reoccurring interactions with the public, including, but not limited to, an employee who works in a reception area, performs housekeeping duties, helps customers in moving their possessions, or drives customers.” CAL. GOV’T CODE § 12950.3.

23 Contact information must include, at a minimum, “the National Human Trafficking Hotline toll-free telephone number, 1-888-373-7888, and text line, 233733, and the telephone numbers of the appropriate local law enforcement agencies.” *Id.*

24 Training requirements are imposed by [AB 2034](#), which amends Civil Code section 52.6. This statute also obligates covered employers to post a model notice about trafficking.

25 This information must include, at a minimum, the National Human Trafficking Hotline toll-free telephone number and text line, as well as “contact information for local law enforcement agencies that an employee may use to make a confidential report.” CAL. CIV. CODE § 52.6.