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State law requires harassment training

Effective Jan. 1, 2005, A.B. 1825 requires California employers with more than 50 employees to provide two hours of sexual harassment training programs to all supervisors and managers once every two years.

The training program must be conducted by instructors with knowledge and expertise in the prevention of sexual harassment and discrimination. Most of the businesses affected by A.B. 1825 do not typically have an in-house training staff and will be forced to hire outside consultants to conduct the new required training.

According to one law firm, the required training "shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation, and shall be presented by trainers or edu-



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cators with knowledge and experience in the prevention of harassment, discrimination and retaliation."

The law requires that the training be in a classroom or an equally effective interactive environment. Because of the term "interactive," a video or Internet presentation alone without questions and answers, role playing and other interactive methods may be insufficient.

Steps for Employers:

- Audit the organization's prior training programs
- Include plans to provide the required sexual harassment training in your 2005 training calendar and budget, and complete by January 2006.
- Train supervisors within six months of hire or promotion date
- Identify the resources to provide the mandated training

- Establish the training program

- Identify the personnel to be trained and keep track of who has taken the program

- Update policies and procedures to include the documentation of training

- After January 2006, train each supervisor once every two years. The penalty for noncompliance with this law is an order by the California Fair Employment and Housing Commission to comply. The statute states that failure to train a supervisor shall not, in itself, lead to a finding of liability for sexual harassment. The failure to comply with this law should be evidence in favor of an award of punitive damages, as it shows "reckless disregard" for the law. Providing training programs to your supervisors and managers on legal issues is a good idea, and certainly on the areas of sexual harassment can reduce the company liability.

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