



## Coffee Club

Sexual Harassment Training for Supervisors...Five Reminders



July 11, 2017  
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## Introduction

Welcome to the AALRR monthly "Coffee Club" Webinar Series. Our series will focus on labor and employment law issues facing California employers and will provide you with a unique understanding and perspective on a variety of interesting and timely topics.



*Join us the first Tuesday of every month @ 10:00 am for a new and exciting topic.*

Today, we will be discussing *Sexual Harassment Training for Supervisors...Five Reminders*

Next Month, **August 1** - *Severance Agreements under California Law...Make them Work for Your Company*



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## Disclaimer | Housekeeping

This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The Firm is not responsible for inadvertent errors that may occur in the publishing process.



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Sexual Harassment in the News



Uber logo and FOX 11 logo.

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- Obviously, it's a good idea to prevent sexual harassment if its at all possible.
- Not only is it a legal obligation, but it's also smart business.



A hand with the word 'STOP' written on the palm, held up as a sign.

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What is the Difference Between Discrimination and Harassment?

- Discrimination challenges an **employment decision.**
- Harassment challenges **behavior.**

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### Remember the Requirement...

- Under current law, employers with **50 or more employees** are required to provide at least two hours of training regarding sexual harassment to all supervisory employees **every two years**.
- In 2015, the legislature included a component on the prevention of “**abusive conduct**.”
- California employers are also required to display a poster on discrimination (including harassment) in the workplace.

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### Remember Who is Liable?

EMPLOYERS

- Acts of supervisors & managers
- Acts of Co-workers
- Acts of Non-employees

Supervisors, Managers, Employees → Personal liability

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### Remember Who is a Supervisor/Manager?

**Authority** “to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees.”

**Responsibility** to direct them, or to adjust their grievances.

**Recommend** action if the exercise of authority is not merely routine or clerical nature, but requires the use of independent judgment.”

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Tip Number 

- **A Policy is Not Enough**
  - Ensure managers and supervisors understand their obligation to maintain zero tolerance for harassment in the workplace.
  - Ensure employees know their options if they find themselves in such a situation. Employees should know that they have the right to request the behavior to stop. Employees should also know what to do next if they don't feel safe asking the person or people involved to stop, or if doing so does not stop the unwanted behavior.
  - Clearly define the process to submit a complaint, including a process for situations where the direct supervisor can be bypassed if necessary.

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Tip Number 

- **Cultivate a Culture Where Sexual Harassment is not Welcomed or Tolerated**
  - Ensure that work-sponsored activities after hours are professional.
  - Ensure that supervisors and managers know where to draw the line with employees in terms of tolerating off-color jokes and other offensive material.
  - If a complaint comes in, treat it seriously and always investigate.
  - If harassment is discovered, take immediate and appropriate action to ensure it doesn't happen again, including disciplining or even terminating the employee(s) responsible.
  - Do not tolerate retaliatory behavior.

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Tip Number 

- **Have a Clear Process for Investigating any Complaint of Harassment.**
  - Clearly define the process to submit a complaint, including a process for situations where the direct supervisor can be bypassed if necessary.
  - If a complaint comes in, look into it immediately and, if necessary, take steps to ensure the behavior stops while the investigation is ongoing.
  - Take every complaint seriously and allow no retaliation.

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Tip Number **4**

- **Anyone Can Be Sexually Harassed** – TRAIN, TRAIN, TRAIN.
  - Sexual Harassment is a gender-neutral offense.
  - Everyone in the organization should understand what sexual harassment is and what to do if it occurs.
  - All supervisors **MUST** attend a two-hour anti-harassment workshop, every two-years.

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Tip Number **5**

- **Monitor New Developments** | *Are NEW requirements on the horizon...*
- “Gut and amend” bill
- Senate Bill 396 proposes that a covered employer shall also provide training on harassment based on **gender identity, gender expression, and sexual orientation**.

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**Thank You**

For questions or comments, please contact:

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