



November 11, 2020

CALIFORNIA SUPERVISORS & SEXUAL HARASSMENT TRAINING

DISCLAIMER

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Supervisory employees are mandated by California law to receive two hours of Harassment Prevention training by no later than December 31, 2020.

NOTE: For non-supervisory employees, there is one hour of mandated training.

⇒ An employee promoted into a supervisory position after having received initial non-supervisory training must receive supervisory level training in Harassment Prevention within six months of being promoted.

Under California Government Code §12940(j)(1), an employer is “strictly liable” for acts of sexual harassment committed by an agent or supervisor. “Strict Liability” means that the employer’s liability arises *regardless* of the employer’s own lack of knowledge or the employer’s attempts to remedy the situation, such as by publishing a policy against sexual harassment.

Under California employment law, a “supervisor” is “any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment”.

Employers are cautioned for the need to carefully examine an employee’s specific duties and responsibilities in determining her/his classification as a supervisory employee or not. Additionally, given that roles often evolve, employers need to ensure they re-classify employees when deemed appropriate.