



## **Shorago Training Services**

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### **Answers to Frequently-Asked Questions about AB 1825**

*By Alisa A. Shorago of Shorago Training Services*

#### **What is AB 1825?**

Assembly Bill AB 1825 ("AB 1825"), passed by the California legislature and signed by the governor, requires, effective 2005, that companies who do business in California and who have 50 or more employees provide at least two hours of sexual harassment prevention training to their supervisors. (The statute based on AB 1825 is California Government Code section 12905.1. Additionally, many of the requirements of AB 1825 can be found in the regulations adopted by the Fair Employment and Housing Commission in 2007.)

#### **How often must AB 1825 training be provided?**

This training must be provided at least every two years to each supervisory employee, as well as to all supervisory employees either newly promoted or newly hired within six months of assuming their supervisory position at the company.

#### **Who is qualified to be a trainer under AB 1825?**

The 2007 regulations state that a trainer must fall within one of three categories:

- attorneys admitted to practice for at least two years and whose practice includes employment discrimination law;
- employment law professors; and/or
- human resource professionals who have at least two years of practical experience in designing employment discrimination trainings, responding to or conducting investigations of harassment complaints or advising employers regarding harassment prevention.

Additionally, any such person must be able, through training and experience, to train supervisors about what is unlawful harassment, discrimination and retaliation under California and federal law; what steps to take when harassment occurs; how to report and respond to a harassment



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complaint; the duty to conduct a workplace investigation of a harassment complaint; essential components of an anti-harassment policy; and the effect of harassment on the entire company.

#### **What type of training is allowed under AB 1825?**

Not all methods of harassment prevention trainings satisfy AB 1825. The 2007 regulations require “effective, interactive training,” which the regulations define as either 1) in-person classroom training; or 2) e-learning or a webinar where a qualified trainer is available for questions during (for webinars) or after (for e-learning) the session. A videotape or audiotape is only acceptable when it is accompanied by an in-person trainer or occurs during an otherwise-qualified e-learning session or webinar.

Also, the regulations require that AB 1825 training cover a number of topics, including but not limited to 1) defining unlawful sexual harassment under state and federal laws; 2) statutes and case law principles prohibiting sexual harassment, discrimination, and retaliation; 3) the types of conduct that constitute sexual harassment; remedies available for sexual harassment; 4) strategies to prevent sexual harassment in the workplace; 5) practical examples such as case studies and hypotheticals; 6) the limited confidentiality of the complaint process; 7) resources for victims; 7) the employer’s obligation to conduct an effective workplace investigation; 8) training on what a supervisor should do if accused of harassment; and 9) the essential elements of an anti-harassment policy and how to use it.

***Please note that the above is not intended to constitute legal advice and should not be construed or relied upon as such.***