

Sexual Harassment Prevention California- Supervisors

Learning Objectives

- Recognize what constitutes sexual harassment, its negative impacts, and the importance of having a sexual harassment policy
- Define the terms gender identity, gender expression, sexual orientation, transgender, and gender stereotype
- Identify examples of physical, verbal, and displayed harassment, quid pro quo sexual harassment, electronic harassment, and abusive conduct
- Identify who is liable in harassment situations
- Recognize the actions an employee, a bystander and a supervisor should take when harassment is observed and/or reported
- Recognize proper conduct and procedures for working on a harassment investigation, as well as protections that should be implemented during an investigation
- Identify expected responses and consequences after an investigation
- Recognize examples of retaliation due to complaints of harassment and discrimination
- Describe actions employees can take to help prevent harassment in the workplace
- Describe steps employees and management can take to prevent sexual harassment in the workplace

This lesson informs management personnel (employers, managers, and supervisors) of the liabilities and consequences associated with sexual harassment and other types of harassment in the workplace. In addition to the content that all employees receive, the lesson covers topics such as the legal responsibility of supervisors to recognize all forms of sexual harassment and deal with issues quickly, how to respond to and report sexual harassment complaints, interviewing best practices as part of sexual or other

harassment investigations, and the supervisor's role in preventing sexual or other harassment.

On August 30, 2019, California Gov. Gavin Newsom signed a new bill extending the deadline for compliance with the new sexual harassment prevention training requirements (signed in to law in 2018) by one year. Under SB 778, employers with five or more employees now have until Jan. 1, 2021, to have their employees complete the mandatory one- or two-hour sexual harassment prevention training to be compliant.

In management, you have to have a plan for addressing sexual harassment in the workplace, and you should provide training on at least an annual basis, because sexual harassment is, first, a crime, but it is also an expensive one that threatens the viability of your operation.

Sexual harassment incidents trouble the work environment by establishing a negative setting that can ruin working relationships, lower productivity, result in costly administrative actions and even more expensive litigation. You need protect your employees from sexual harassment and educate them on the explicit policy, encouraging them to report violations freely.

Adherence to the sexual harassment company policy is essential. A 'zero tolerance' policy is the best option. This will help you avoid liability and disciplinary action by fulfilling your management responsibilities. It will also help reduce the number of sexual harassment incidents.

Employers are liable for unlawful harassment by supervisors. Supervisory authority is determined by a person's job function rather than job title.

An individual is qualified as a supervisor if the individual has authority to:

- Undertake or recommend tangible employment actions affecting the employee, or;
- Direct the employee's daily work activities.