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Mansfield Rule Certified 2022-2023

KD Alert: KD OFFERS CALIFORNIA EEO-COMPLIANT HARASSMENT TRAINING

By Pamela E. Woodside
(January 30, 2014)

The start of a new year is an excellent time for employers to assess their compliance with California Government Code §12950.1's training requirements and to evaluate whether their employee handbook are current.There are a number of new and important employment regulations that were passed in 2013, which become effective in 2014. Employers are required to ensure their handbooks and harassment training are both EEO compliant.
Statistics illustrate this point:

- *Approximately 7,571 sexual harassment cases were filed with the Equal Employment Opportunity Commission ("EEOC") in 2012 (the EEOC has not released 2013 statistics)*
- *17.8% of the cases filed were filed by* ***men*** ***– an increase of 6.2% over the last 15 years***
- ***These claims cost companies approximately $43 million in damage/settlement awards***

Pursuant to Cal. Gov't Code § 12950.1, employers are required to provide two hours of interactive training to their supervisory employees every two years regarding prevention of unlawful harassment, discrimination and retaliation. California's Fair Employment and Housing Act also requires that employers take "all reasonable steps to prevent harassment, discrimination or retaliation from occurring." Even where there is no finding of any underlying discrimination, harassment or retaliation, the Department of Fair Employment & Housing ("DFEH") may still prosecute a stand-alone cause of action against an employer where it is determined that the employer failed to appropriately prevent and correct harassment, discrimination or retaliation. *Fair Empl. & Hous. v. Lydden Law Group, (Oct. 10, 2010) No. 10-04-P, FEHC Precedential Decs. 2010.*

And, in a recent decision, EEOC v. Management Hospitality of Racine, Inc. (7th Cir. 2010), a federal court awarded a $105,000 verdict to two teenage girls that worked for an IHOP restaurant and alleged they were sexual harassment by their assistant manager. In ruling against IHOP, the court stated, "Although management was required to take [computer-based] sexual harassment training the training was inadequate." The court also found that IHOP did not engage in good faith efforts to educate its employees about sexual harassment.

As the above statistics and case examples illustrate, properly educating all employees on harassment and discrimination prevention, which could lead to costly litigation, is vital. There are numerous benefits of live-training which cannot be overemphasized. Specifically, live training by a qualified employment attorney:

- **Provides a more interactive element to the course: a live trainer can better gauge employee understanding of material or engage in further discussion to provide broader understanding of behaviors that could lead to a harassment or discrimination complaint**
- **Allows for questions and ANSWERS: questions can be answered in real-time. A live trainer can reinforce the company's policy and provide answers about management's role in reducing legal exposure**
- **Provides current and applicable material with information as up-to-date as the day of the training**
- **Can be customized to areas that may be of specific concern within your company**
- **May help reduce the liability associated with failing to properly train employees**

Please contact Pamela E. Woodside of KD's LA office to schedule your training and employee handbook review today.

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