



Preventing Harassment Illegal Discrimination and Retaliation

For California Employees (SB1343)

DIY (Do It Yourself) Employee Training Kit Preview

Thank you for considering Employers Group's DIY kit to provide employees with SB1343-compliant training. You may purchase the kit online at employersgroup.com. If you are NOT currently an Employers Group or EverythingHR.com member, one kit may be requested and will be provided complimentary for Gold or Platinum members. The kit is available in Spanish and English.

In this preview, please find a sampling of documents contained in the kit, including:

- Introductory Letter
- Slide Deck Sample
- Trainee Materials Sample
- Compliance Alert (information on SB1343 and AB1825 compliance)

More Information on SB1343 and AB1825 compliance

For the lowest cost, purchase any of our instructor-led solutions on our website at www.EmployersGroup.com. Employers Group also offers compliant e-learning modules. Please visit the following websites for details and pricing:

- eTrainingPortal.com
- myEGLearn.com

If you have any questions about our solutions, contact:

Employers Group Training

800.748.8484 x3962 or x3941

training@employersgroup.com



EverythingHR



Introduction to the Employee-Level Harassment Prevention Training Kit

Thank you for trusting your employee-level harassment prevention training to an Employers Group training solution. To introduce you to the training kit, please read this document in its entirety.

This kit was designed as an easy, turn-key solution enabling your company to train all your employees on compliant content Employers Group has been developing and delivering for nearly 60 years! Depending on your comfort level, you may choose two delivery formats:

- Deliver yourself using the PowerPoint presentation, which includes trainer notes. You may wish to customize the presentation according to your taste, company policy or other variables; however, please know that the content was instructionally-designed to be delivered in the order it's been organized here, include required components per SB 1343 (2019), and last a minimum of one hour, including requisite trainee participation. The course can easily exceed one hour if you choose to have more interaction with attendees, incorporate a completion quiz/evaluation, or supplement the course with added material.
- Utilize a recorded webinar, featuring two of Employers Group's training specialists (Susan Peahl and Carol Hastings) who will review all the content and additional trainer insights. At several points in the presentation there are interactive opportunities to gauge learner engagement and comprehension. These interactions are noted in RED with corresponding answers in the trainer notes section of the PowerPoint presentation. You will need to pause the presentation at these "stop signs," ask questions, encourage dialogue, respond appropriately, and restart the presentation. It is suggested that at each "stop sign" you spend no more than three to five minutes. For situations, we recommend spending more time. Spending more time may necessitate adding more time onto the class. Note: be sure you have appropriate sound/speakers so that all trainees can hear the presentation. The runtime of the webinar is 35 minutes, which means there are 25 minutes for trainee interaction!

Webinar Access is Limited to Authorized Users. Webex Log-In Link
URL Link Provided to Purchasers of the Kit
Username: Purchaser's Email Address
Password: When you first log-in you must set / reset your password.

Regardless of the delivery approach you wish you take, you must feel comfortable talking about harassment, illegal discrimination, your company's handling of complaints, and the seriousness of the topic. We also highly recommend that you review the webinar file a few times prior to delivery, print the slide deck (regular and notes view), and supplement with your own notes.

In preparing for delivery, please be sure to:

- Print several attendance rosters (available in our kit) so that trainees can print and sign their name documenting attendance, which is required for SB 1343 compliance. Retain these rosters for a minimum of two years (until the training is once again conducted for the entire company).
- Determine whether you would like to include the optional evaluation/quiz (available in our kit) near the end of the session. There are no facilitation slides on this optional activity. If utilizing the quiz, it is suggested to review the answers with the class after they have taken it. Collect and retain the quiz/evaluation as additional documentation.
- Determine whether you want trainees to complete a certificate of attendance (available in our kit). While the roster meets the documentation requirement, you may or may not want trainees to print their own certificate which should be handed in and retained by the company. If you wish trainees to have a copy as well, be sure to print two.
- Print the DFEH Brochure on Sexual Harassment (available in the kit). It is required each trainee receive this.
- Print and distribute your harassment prevention policy to attendees.
- Print and distribute the Employee-Level Job Aid that corresponds to the PowerPoint. This brief document will serve as an easy reminder of the course content.

Harassment prevention training is evolving, to say the least. The same might also be said of the tone facilitators take delivering it. With the advent of movements like #MeToo and Black Lives Matter, as well as the increased visibility of LGBT employees coming out to coworkers, facilitators are finding it increasingly beneficial, if not necessary, to incorporate the vocabulary and foundational assumptions of those movements to ensure participants who identify with them are made to feel welcome. At the same time, however, others may hear terms they've only previously encountered on cable news programs—cast only in negative contexts—and assume their political or religious beliefs are under attack. Like all non-discrimination provisions, these protections address conduct in the workplace, not personal beliefs. Thus, these protections do not require any employee to change beliefs. Rather, they seek to ensure appropriate workplace treatment so that all employees may perform their jobs free from discrimination.

California's definition of sexual harassment extends beyond sexual advances, requests for sexual favors, and quid pro quo to include harassment based on gender, gender identity, gender expression, sexual orientation, and pregnancy. With the requirements in SB 1343 and AB 1825 that harassment training include an understanding of bias against these protected groups, this training is a great opportunity to get coworkers up to speed on inclusive language and respectful conduct.

The varied perspectives of multigenerational participants can also yield increasingly divergent expectations for tone. Millennials generally come to the table with expansive vocabularies that champion inclusive speech, while older workers may be inclined to resist new terminology as trend, fad, or hypersensitivity, harkening back to previous trainings that placed similar emphasis on vocabulary now deemed antiquated or even inappropriate. Moreover, well-intentioned employees of any age can get tripped up by language unfamiliar to them and come across as insensitive when they intended only to identify as an ally.

It is the intent of this introduction to get you, as the facilitator, to start thinking about the tone you wish to set in your classroom should participants introduce potentially divisive issues. While no training is very effective if it invokes finger waving or preaching from a soapbox, we do feel it is necessary, in this day and age, to honor these movements which represent the culmination of civil rights struggles borne from the most horrific of histories and which have left us with a legacy of lingering bias in the workplace.

The first and perhaps easiest way to show respect is to adopt the language essential to those causes, and to recognize and respect when a coworker has set a boundary and adjust our behavior accordingly. Yes, the terminology may be new to some and the subject of debate within the communities themselves, and, yes, this will likely continue to evolve. But when you only agree to recognize individuals on your own terms and not theirs, you're telling them they're not worth the consideration—which only harkens back to the legacy of discrimination they're trying to overcome. Agreeing to change a pronoun and commit it to memory takes very little effort, but the benefits to the recipients—being seen as they see themselves—is nothing short of lifesaving for some.

Mistakes happen. But again, tone and intent are significant. It may take a few stumbles to change behaviors. But if it's clear to the recipient that the individual respects them enough to honor how they wish to identify, there's room for a few mistakes. Before you facilitate your first time, have a game plan and be prepared to stick to it if you're challenged about why the participants should have to change their behaviors for others. Role play with a colleague. Craft answers that promote the culture by which you want your organization defined. And be prepared to champion diversity and inclusivity.

Finally, with your purchases you are eligible for any updates that are made in 2019. Should Employers Group update the materials, recorded webinar, or have updates, we will contact you and provide the update.

The Department of Fair Employment and Housing (DFEH) has updated, and continues to update, its brochures. You may wish to also incorporate these brochures into your training. Below is a partial list of brochures (included in our kit—filename beginning with DFEH) that you may wish to print and have available or distribute to each attendee:

- California Law Prohibits Workplace Discrimination and Harassment (required to be posted in every workplace).
- Transgender Right in the Workplace (required to be posted in most workplaces).
- Sexual Harassment Brochure (this is a required component to include).

We hope that this kit provides a cost-effective and compliant solution to fulfill your 2019 employee-level training obligations. Our team of compliance experts and training specialists have dedicated their careers to helping our clients comply and their employees flourish. We hope that this training helps you exceed SB 1343 requirements and – more importantly -- makes your workplace more civil and respectful, which is the true meaning and spirit of these compliance requirements.

Please contact training@employersgroup.com with any questions you may have.

Much Success!



Jeffrey Hull
Sr. Director of Talent Development Solutions
Employers Group / EverythingHR

Employee-Level Harassment Prevention Training Kit Contents

1. Employee HPT SB1343 PPT
2. DFEH Sexual Harassment Handout
3. DFEH Workplace Discrimination Poster / Handout
4. DFEH Transgender Poster / Handout
5. Harassment Prevention Training Roster, Quiz and Certificate
6. Harassment Prevention Training Quiz Answer Key
7. DFEH Sample EEO Policy
8. SB1343 Legislative Text
9. Harassment Prevention Training Job Aid (attendee handout)





Preventing Harassment, Illegal Discrimination, and Retaliation
For California Employees (2019)




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Course Overview

- Understand the importance of **respect**
- Identify the **types** of harassment
- Recognize your **rights** and **responsibilities**
- Address questionable **behavior**
- Demonstrate an understanding of the **actions to take**
- Discuss how to protect yourself, others and your employer in **complying**



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Respect




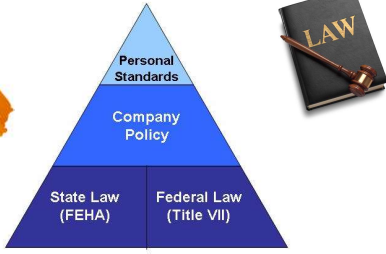
- We all deserve to be treated with respect at work
- Respect is a two-way street
- Sexually harassing another is not only disrespectful, it is against the law




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Laws, Policies, Standards

























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California & Federal Protected Characteristics

 Race	 Sex	 Disability	 Request for Disability Leave
 Color	 Genetic Information	 Military/Veteran Status	 Medical condition
 Religion <small>Religious dress</small>	 Gender	 Sexual Orientation	 Request for Family Medical Leave
 National Origin	 Ancestry	 Marital Status	 Victims of domestic violence sexual assault
 Age			

Illegal Discrimination

You can not be discriminated against in these terms of employment based on protected characteristics:








Preventing Harassment Illegal Discrimination and Retaliation

For California Employees (SB1343)

2019 Course Objectives

- Identify the types of harassment and illegal discrimination
- Understand the importance of mutual respect
- Recognize your rights and responsibilities
- Address questionable behavior **before** it becomes a legal risk for you and the company
- Demonstrate an understanding of the actions to take in the event of inappropriate or illegal behavior
- Discuss how to protect yourself and your employer by complying with all requirements

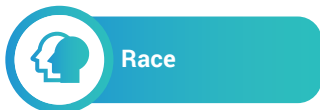
PREVIEW COPY ONLY
ILLEGAL TO USE FOR TRAINING

California & Federal Protected Characteristics

Enabling Legislation & Enforcement Agencies

Civil Right Act of 1964 Title VII – U.S. Equal Employment Opportunity Commission (EEOC)

Fair Employment & Housing Act (1959) – California Department of Fair Employment & Housing (DFEH)



Race



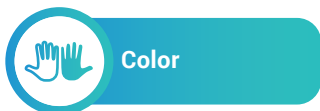
Sex
(Includes pregnancy,
childbirth breast feeding
& related conditions)



Disability



Request for Pregnancy
Disability Leave



Color



Genetic
Information



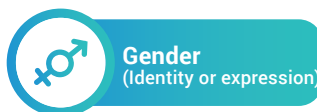
Military /
Veteran Status



Medical
Condition



Religion
(Includes Religious
Dress & Grooming)



Gender
(Identity or expression)



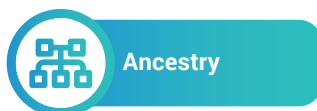
Sexual
Orientation



Request for
Family leave



National Origin



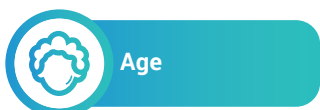
Ancestry



Marital Status



Victim of Domestic
Violence
(Including sexual
assault or stalking)



Age

Compliance Alert

(Yes, you must provide harassment training this year.)

Late last year, Governor Brown signed a new law (SB 1343), which requires all California employers with five or more employees to provide compliant harassment prevention training in 2019. While AB 1825 went into effect in 2005, this new law resets the harassment training clock for those employers who were conducting training every two years.

So, whether you provided or did not provide training in 2018, the legislation specifically mandates that in 2019 ALL employees and supervisors must be trained a minimum of:

- One hour of harassment prevention training for employees
- Two hours of harassment prevention training for supervisors

Individuals then need to be trained at least once every two years thereafter. In addition, all new employees must be trained within six months of hire and anyone that assumes a supervisory position must receive the two-hour training within six months of assuming their position. Seasonal or temporary workers who will work less than six months, must be trained within 30 calendar days or within the first 100 hours worked.

Trainer Requirement: Unlike AB 1825, which requires specific trainer qualifications, SB 1343 stipulates that the trainer only have “knowledge and expertise in the prevention of harassment, discrimination, and retaliation.” This means that most HR professionals can deliver the training if they have the knowledge and experience referenced.

California HR professionals must also be aware of one more law (SB 1300) as it likely relates to your harassment policy. California has rejected the use of **severe and pervasive** as a triable issue. Instead, if **the harassing conduct merely interfered with the plaintiff’s work performance or created an intimidating, hostile, or offensive environment** it is a triable issue. In other words, it is not necessary for the plaintiff to prove the more difficult standard of severe and pervasive (which may be listed in your policy). Along with this and other provisions, the bill authorizes employers to provide bystander training. Employers Group recommends, as a best practice, that your 2019 training programs include these two SB 1300 components.

How can you easily comply with this ownership obligation? We have several solutions:

1. **Instructor-Led Supervisory Training** (recommended). Utilize Employers Group to train your Supervisory Staff with AB 1825 training. Available in English and Spanish. Plus, receive a no-cost kit so that you can train employees yourself. Purchase online at employersgroup.com for the lowest price.

2. **Instructor-Led Training for All Staff.** Employers Group will scope your project and train all supervisory employees with two hours of AB 1825 training and all employees with one hour of SB 1343 training. Available in English and Spanish. Plus, receive a no-cost kit so that you can train employees (new hires) yourself. Purchase online at employersgroup.com for the lowest price or contact training@employersgroup.com for an order form or to discuss your specific needs.
3. **DIY Employee-Level Training Only.** If you only need to train employees because you have another solution for supervisors, utilize Employers Group's 2019 DIY Kit, which includes a PowerPoint, attendee materials, a recorded webinar, and customizable documentation. Training requirements for 2019 are covered, including all definitions, scenarios, abusive conduct and bystander training. The kit may only be purchased on our website at www.employersgroup.com.
4. **Online Learning.** Implement one of our eLearning Solutions:
 - www.eTrainingPortal.com includes a turnkey Learning Management System (LMS), which includes nine total harassment courses, plus 20 additional courses. There is no need to "buy as you need." Easily assign our new 2019 courses to supervisors, employees, new hires, etc. Courses are available in English and Spanish with a California employee-level version and supervisory (AB 1825) version. There are also non-California versions, along with a New York state version. Silver-level access can be purchased for \$1950 for up to 100 users (\$500 for each additional group of 100); Gold with 50 and Platinum with 70 courses are also available. Contact training@employersgroup.com for an order form.
 - www.myEGLearn.com offers "buy as you go" training. This option may be more cost effective if fewer than 60 individuals need to be trained and only harassment prevention training is wanted. Purchase directly online at www.myeglearn.com

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