

## **California Sexual Harassment**

Sexual harassment is a form of discrimination based on sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. Under California law, all California employers must prevent sexual harassment and take all steps necessary to prevent its occurrence. The following chart generally explains the law and its requirements in detail.

### **What is Sexual Harassment?**

Unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. Among other things, violations include offering employment benefits in exchange for sexual favors and making or threatening reprisals after a negative response to sexual advances.

### **What Are the Types of Sexual Harassment?**

Hostile work environment: Unwelcome comments or conduct based on sex that unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive work environment.

Quid pro quo: Explicit or implicit conditioning of a job or promotion on an applicant or employee's submission to sexual advances or other conduct based on sex.

### **When Are Employers Liable for Sexual Harassment?**

When it is perpetrated by a supervisor.

When it is perpetrated by an employee other than a supervisor, if the employer or its supervisor(s) knows or should have known of the harassment and fails to take immediate and appropriate corrective action.

When it is perpetrated by a non-employee against an employee, if the employer or its supervisor(s) knows or should have known of the harassment and fails to take immediate and appropriate corrective action.

### **Must Employers Adopt Policies or Provide Notice to Employees?**

Yes. First, employers must:

Conspicuously post a notice regarding workplace discrimination and harassment;

Post a notice regarding transgender rights in a prominent and accessible location in the workplace; and distribute a sexual harassment brochure or fact sheet from the state.

[Click here](#) to download these materials.

In addition, employers must develop a sexual harassment prevention policy that meets [specific requirements](#). [Click here](#) to view a sample policy.

### **Must Employers Provide Sexual Harassment Training?**

**Yes.** Between January 1, 2019 and January 1, 2020, employers with 5 or more employees must provide:

At least 2 hours of sexual harassment prevention training to all supervisory employees within 6 months of their assumption of a supervisory position.

At least 1 hour of sexual harassment prevention training to all nonsupervisory employees within 6 months of their assumption of a nonsupervisory position.

After January 1, 2020, employees must be retrained once every 2 years. That means that all employees statewide must be retrained by January 1, 2022.

[Click here](#) for additional information on these requirements.

**Additional requirements and exceptions may apply.** Please contact the [California Department of Fair Employment and Housing](#) at 1-800-884-1684 for more information.