



Commission on the Status of Women

CONSENT CALENDAR  
May 6, 2025

To: Honorable Mayor and Members of the City Council

From: Commission on the Status of Women

Submitted By: Carole Marasovic, Chairperson, Commission on the Status of Women

Subject: Notice, tracking and enforcement of California SB 1343 sexual harassment prevention training for Berkeley private, public and non-profit employers and employees.

RECOMMENDATION

That Council refer to the City Manager to develop a procedure for all employers and employees doing business in Berkeley, whether public, private or nonprofit, to take the sexual harassment prevention online training as posted on the California Civil Rights Department website, conducted by a qualified trainer, as required by California SB 1343, on City premises and to provide certification of completion of training to be filed with the City.

That all employers doing business in Berkeley with 5 or more employees be provided with notice of the SB 1343 requirement to take sexual harassment prevention training every 2 years; the availability of free online training on the California Civil Rights Department website (formerly known as the California Department of Fair Employment and Housing) and the availability of the City of Berkeley online trainings if the employee is otherwise unable to access the online trainings.

That the City of Berkeley notice also advise each employer of the SB 1343 requirement to post a poster, in a prominent and accessible location, on discrimination in employment which includes the illegality of sexual harassment. That the notice advise employers that they can secure posters through the California Civil Rights Department or through the City of Berkeley.

That the City of Berkeley notice advise each employer that SB 1343 also requires that a poster on transgender rights, available through the California Civil Rights Department, also be posted in a prominent and accessible location in the workplace.

That the City of Berkeley secure sufficient copies of the California Civil Rights Department posters on sexual harassment and transgender rights and make them available upon request to employers requesting them.

That the City of Berkeley notice advise employers that the City of Berkeley requires them to produce documentation to the City of having otherwise taken and provided the training to employees by submitting written certification that they have taken the training as well as providing written certification from each employee who has taken the training as required by SB 1343.

That written certification provided by employers and employees who have otherwise taken the training must include the date the employer and employee took the training as required by SB 1343; the location where the training was otherwise taken; the mode of the training (live or video); and the name, address, phone number and e-mail address of the qualified trainer, under SB 1343, who provided the training. Each certification must be signed.

That the City of Berkeley maintain an online database of employer and employee compliance with SB 1343 with all the data as stated above recorded on the data base.

That the City of Berkeley send out notices to employers and employees if they are out of compliance with the SB 1343 requirement of taking initial sexual harassment trainings or periodic trainings after they have completed the initial training.

That the SB 1343 online training, provided by the City of Berkeley, be available in all the languages that the California Civil Rights Department free online training provides, that being Chinese, English, Korean, Spanish, Tagalog and Vietnamese.

That the City Manager refer to the City Attorney to develop a procedure as to how employer non-compliance should be addressed.

That the City Manager report back to Council with a progress report of the implementation of this notice and enforcement procedure, under SB 1343, no later than the first Council meeting to be held in January, 2025 and continue to provide reports to Council until this procedure is fully implemented.

#### FISCAL IMPACTS OF RECOMMENDATION

There are costs associated with the cost of sending out notices to all Berkeley employers with 5 employees or more. There are also costs associated with using premises and staffing. Staff are best informed as to advise of these costs.

#### CURRENT SITUATION AND ITS EFFECTS

On January 1, 2019, California SB 1343 went into effect. SB 1343 requires that all California employers with 5 or more employees provide sexual harassment prevention training to their employees every 2 years. Both supervisors and non-supervisors receive training with supervisors receiving 2 hours of training and non-supervisors receiving 1 hour of training. Each employee must be retrained every 2 years. Employees who must be trained include full-time, part-time, and temporary employees. Migrant and seasonal agricultural workers must be trained. Temporary workers supplied through a temp agency must be trained by that agency.

Employees must receive sexual harassment prevention training within 6 months of the hire. Seasonal employees, temporary employees not hired through a temp agency, and employees who work for less than 6 months must be trained within 30 days of hire, or within 100 hours worked, whichever comes first.

The California Civil Rights Department (formerly the California Department of Fair Employment and Housing) has oversight over SB 1343. However, enforcement only transpires if complaint triggered, frequently when a major sexual harassment violation has occurred. In consultation with administration at the California Civil Rights Department, the Commission Chair was advised that the agency was aware of that gap and that a local jurisdiction could choose to establish an enforcement procedure to insure compliance with SB 1343.

The California Civil Rights Department posts free online training. However, smaller employers may not have a location for employees to watch the online training on their premises. Some employees, particularly lower wage workers, may not have access to a computer at home to watch the online training.

#### BACKGROUND

On April 17, 2024, the Commission on the Status of Women voted as follows:  
The Commission on the Status of Women moves to submit the recommendation for City of Berkeley enforcement of sexual harassment training, under SB 1343, as incorporated in this report.

M/S/C: Marasovic, Ortiz-Cedeno

Ayes: Goodwin, Marasovic, Oliver, Ortiz-Cedeno, Posey, Seshagiri

Noes: None

Abstain:

Absent: Arora

Leave of Absence: Boyd, Plese

#### ENVIRONMENTAL SUSTAINABILITY

There are no known identifiable environmental effects.

#### RATIONALE FOR RECOMMENDATION

The intent of SB 1343 is to avoid workplace sexual harassment before it happens. Risk management through prevention is always preferable for employers and employees. When enforcement exclusively transpires based on the triggering of a complaint, a serious violation is likely to have already occurred.

A local jurisdiction can enact procedures that comply with state law. Advising employers of their obligations under state law and providing the required training protects the employer as well as the employee.

Requiring employers and employees to take the sexual harassment prevention training on City premises and certifying that they have taken it insures that the training transpired. The City frequently uses premises such as offices on Center Street, the Berkeley Adult School, and Senior Centers for exams, meetings and events. These settings can as easily be used for training videos.

Although there are a large number of employers with 5 employees or more in Berkeley, those employers who have already provided the training and who they and their employees can certify that they have taken the training and opt out of the training provided on City premises. This will serve to greatly reduce the number of employers and employees who must take the training on City premises.

Larger employers will generally only be impacted by the written certification process, necessary to show that SB 1343 has been honored in Berkeley.

Smaller employers, where sexual harassment violations frequently take place and are less likely to have provided the training, will benefit from the free online training on City premises. These smaller employers may not have accessibility to a computer for their employees and may have employees who do not have online access at home.

Written certification with specified information works to guarantee compliance. A City online database insures transparency.

Sexual harassment prevention is an important issue in workplace rights. Laws unenforced are laws that are meaningless. Berkeley can be the leader in insuring that SB 1343 is fully enforced in its community. That can only be done by monitoring that the online training has been taken.

Within SB1343 is also the legally required posting of a poster regarding transgender rights. The online training provided by the California Civil Rights Department includes training based on gender identity, gender expression and sexual orientation. The monitoring for compliance extends to these basic rights.

#### ALTERNATIVE ACTIONS CONSIDERED

The alternative would be only to provide the written certification process.

However, that would lead to less employers and employees, particularly smaller employers and lower wage workers, not taking the required sexual harassment training and a higher likelihood of sexual harassment in Berkeley workplaces.

These laws could be left to the State which only acts upon a complaint triggered and a violation investigated. Prevention is better for employers and employees in Berkeley.

California SB 1343 Training

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CITY MANAGER

See companion report.

CONTACT PERSON

Carole Marasovic, Chair, Commission on the Status of Women

Okeya Vance-Dozier, Commission Secretary, City Manager's Office, (510) 981-7239

Attachments:

1. SB 1343
2. California Civil Rights Department, Sexual Harassment Prevention Training for Employees



## Bill Text: CA SB1343 | 2017-2018 | Regular Session | Chaptered California Senate Bill 1343 (**Prior Session Legislation**)

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**Bill Title:** Employers: sexual harassment training: requirements.

**Spectrum:** Partisan Bill (Democrat 3-0)

**Status:** (*Passed*) 2018-09-30 - Chaptered by Secretary of State. Chapter 956, Statutes of 2018. [SB1343 Detail]

**Download:** California-2017-SB1343-Chaptered.html

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Senate Bill No. 1343

CHAPTER 956

An act to amend Sections 12950 and 12950.1 of the Government Code, relating to employment.

[ Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018. ]

### LEGISLATIVE COUNSEL'S DIGEST

SB 1343, Mitchell. Employers: sexual harassment training: requirements.

The California Fair Employment and Housing Act makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. The act requires employers with 50 or more employees to provide at least 2 hours of prescribed training and education regarding sexual harassment, abusive conduct, and harassment based upon gender, as specified, to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified.

This bill would instead require an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every 2 years thereafter, as specified. The bill would require the Department of Fair Employment and Housing to develop or obtain 1-hour and 2-hour online training courses on the prevention of sexual harassment in the workplace, as specified, and to post the courses on the department's Internet Web site. The bill would also require the department to make existing informational posters and fact sheets, as well as the online training courses regarding sexual harassment prevention, available to employers and to members of the public in specified alternate languages on the department's Internet Web site.

### Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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### Bill Text

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 12950 of the Government Code is amended to read:

**12950.** In addition to employer responsibilities set forth in subdivisions (j) and (k) of Section 12940 and in rules adopted by the department and the council, every employer shall act to ensure a workplace free of sexual harassment by implementing the following minimum requirements:

(a) (1) The department's poster on discrimination in employment shall include information relating to the illegality of sexual harassment. One copy of the poster shall be provided by the department to an employer or a member of the public upon request. The

poster shall be available at each office of the department, and shall be mailed if the request includes a self-addressed envelope with postage affixed. Each employer shall post the poster in a prominent and accessible location in the workplace.

(2) Post a poster developed by the department regarding transgender rights in a prominent and accessible location in the workplace.

(3) Provide sexual harassment training as required by Section 12950.1.

(b) Each employer shall obtain from the department its information sheet on sexual harassment, which the department shall make available to employers for reproduction and distribution to employees. One copy of the information sheet shall be provided by the department to an employer or a member of the public upon request. The information sheets shall be available at each office of the department, and shall be mailed if the request includes a self-addressed envelope with postage affixed. Each employer shall distribute this information sheet to its employees, unless the employer provides equivalent information to its employees that contains, at a minimum, components on the following:

(1) The illegality of sexual harassment.

(2) The definition of sexual harassment under applicable state and federal law.

(3) A description of sexual harassment, utilizing examples.

(4) The internal complaint process of the employer available to the employee.

(5) The legal remedies and complaint process available through the department.

(6) Directions on how to contact the department.

(7) The protection against retaliation provided by Title 2 of the California Code of Regulations for opposing the practices prohibited by this article or for filing a complaint with, or otherwise participating in an investigation, proceeding, or hearing conducted by, the department or the council.

(8) A link to, or the Internet Web site address for, the sexual harassment online training courses developed pursuant to Section 12950.1 and located on the Internet Web site of the Department of Fair Employment and Housing.

(c) The information sheet or information required to be distributed to employees pursuant to subdivision (b) shall be delivered in a manner that ensures distribution to each employee, such as including the information sheet or information with an employee's pay.

(d) The Department of Fair Employment and Housing shall make the poster, fact sheet, and online training courses available in English, Spanish, Simplified Chinese, Tagalog, Vietnamese, Korean, and any other language that is spoken by a "substantial number of non-English-speaking people," as that phrase is defined in Section 7296.2. The department shall make versions of the online training courses with subtitles in each language and shall orally dub the online training courses into each language other than English. Simplified Chinese shall be sufficient for subtitling purposes.

(e) The department shall make the poster, fact sheet, and online training courses required by this section, and the corresponding translations, available to employers and to the public through its Internet Web site in formats that may be streamed or downloaded.

(f) Notwithstanding subdivisions (j) and (k) of Section 12940, a claim that the information sheet or information required to be distributed pursuant to this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment. Conversely, an employer's compliance with this section does not insulate the employer from liability for sexual harassment of any current or former employee or applicant.

(g) If an employer violates the requirements of this section, the department may seek an order requiring the employer to comply with these requirements.

**SEC. 2.** Section 12950.1 of the Government Code is amended to read:

**12950.1.** (a) By January 1, 2020, an employer having five or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within six months of their assumption of a position. An employer may provide this training in conjunction with other training provided to the employees. The training may be completed by employees individually or as part of a group presentation, and may be completed in shorter segments, as long as the applicable hourly total requirement is met. An employer who has provided this training and education to an employee after January 1, 2019, is not required to provide training and education by the January 1, 2020, deadline. After January 1, 2020, each employer covered by this section shall provide sexual harassment training and education to each employee in California once every two years. The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. The department shall provide a method for employees who have completed the training to save electronically and print a certificate of completion.

(b) An employer shall also include prevention of abusive conduct as a component of the training and education specified in subdivision (a).

(c) An employer shall also provide training inclusive of harassment based on gender identity, gender expression, and sexual orientation as a component of the training and education specified in subdivision (a). The training and education shall include practical examples inclusive of harassment based on gender identity, gender expression, and sexual orientation, and shall be presented by trainers or educators with knowledge and expertise in those areas.

(d) The state shall incorporate the training required by subdivisions (a) to (c), inclusive, into the 80 hours of training provided to all new employees pursuant to subdivision (b) of Section 19995.4, using existing resources.

(e) Notwithstanding subdivisions (j) and (k) of Section 12940, a claim that the training and education required by this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment. Conversely, an employer's compliance with this section does not insulate the employer from liability for sexual harassment of any current or former employee or applicant.

(f) If an employer violates this section, the department may seek an order requiring the employer to comply with these requirements.

(g) The training and education required by this section is intended to establish a minimum threshold and should not discourage or relieve any employer from providing for longer, more frequent, or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination in order to meet its obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination. This section shall not be construed to override or supersede statutes, including, but not limited to, Section 1684 of the Labor Code, that meet or exceed the training for nonsupervisory employees required under this section.

(h) (1) Beginning January 1, 2020, for seasonal and temporary employees, or any employee that is hired to work for less than six months, an employer shall provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first. In the case of a temporary employee employed by a temporary services employer, as defined in Section 201.3 of the Labor Code, to perform services for clients, the training shall be provided by the temporary services employer, not the client.

(2) Beginning January 1, 2020, sexual harassment prevention training for migrant and seasonal agricultural workers, as defined in the federal Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801, et seq.), shall be consistent with training for nonsupervisory employees pursuant to paragraph (8) of subdivision (a) of Section 1684 of the Labor Code.

(i) (1) For purposes of this section only, "employer" means any person regularly employing five or more persons or regularly receiving the services of five or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities.

(2) For purposes of this section, "abusive conduct" means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

(j) For purposes of providing training to employees as required by this section, an employer may develop his or her own training module or may direct employees to view the online training course referenced in subdivision (k) and this shall be deemed to have complied with and satisfied the employers' obligations as set forth in this section and Section 12950.

(k) The Department of Fair Employment and Housing shall develop or obtain two online training courses on the prevention of sexual harassment in the workplace in accordance with the provisions of this section. The course for nonsupervisory employees shall be one hour in length and the course for supervisory employees shall be two hours in length.

(l) The department shall make the online training courses available on its Internet Web site. The online training courses shall contain an interactive feature that requires the viewer to respond to a question periodically in order for the online training courses to continue to play. Any questions resulting from the online training course described in this subdivision shall be directed to the trainee's employer's Human Resources Department or equally qualified professional rather than the department.

# Sexual Harassment Prevention Training – Landing page

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## Before You Start: Technology

- The training can be taken on a computer or mobile device.
- The training should be taken on the most up-to-date version of your operating system and browser. CRD cannot guarantee that the training will run successfully on operating systems or browsers that are not up to date and cannot offer technical support if the training is taken on out-of-date systems/browsers.
- The training is compatible with the newest version of the following systems:
  - Windows 10 or 11: Microsoft Edge, Google Chrome
  - Mac OS 14.X: Safari, Google Chrome
  - Mobile: Safari in Apple iOS/iPadOS, Google Chrome in Apple iOS/iPadOS, Google Chrome in Android OS 6 or later

## Before You Start: How to Successfully Complete the Training

- Some slides may take longer than others to load. If the training appears stuck on a slide or will not advance, it may be a temporary delay. You may also try refreshing or reloading the page.
- Obtaining your certificate of completion
  - At the end of the training, you will be prompted to enter information to generate a certificate of completion. Using computer/mobile device functions, you can choose to save, print, take a screenshot, or take a photo of the certificate. Before you begin the training, please consult your employer for direction on if/how they prefer to receive the certificate. CRD cannot email you a replacement certificate.
- Please report technical issues to [SHPT@calcivilrights.ca.gov](mailto:SHPT@calcivilrights.ca.gov).

## Limitations on Use

- CRD's trainings may not be duplicated, reproduced, distributed, or ingested into a third-party system such as employers' e-learning platforms. The trainings contain materials licensed only to CRD. CRD anticipates updating these trainings from time to time to account for legal and policy developments.

## Accessibility

- The trainings are available in English, Spanish, Korean, Chinese, Vietnamese, and Tagalog.
- You may choose to turn closed captioning on or off in any version.
- There is alt-text for the images and the icons.

## Additional Information

- For more information about the requirements of the law, please see Government Code section 12950.1.
- CRD has created Frequently Asked Questions for both employees and employers about their responsibilities under the law. Please visit the following pages to learn more:
  - Employee FAQ
  - Employer FAQ

