

# Harassment Prevention Toolkit

Put an End to Workplace Harassment



This material is provided for general information and is not legal advice.  
Consult your own attorney for advice concerning specific situations.



California  
Employers  
Association <sup>TM</sup>



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## Understanding Your Obligations

Both state and federal law prohibit harassment in the workplace. And, it's not just sexual harassment that's unlawful – although sexual harassment is what we often hear the most about. The federal Equal Employment Opportunity Act and the California Fair Employment and Housing Act (FEHA) both prohibit unlawful harassment based on any protected classification.

California has specific requirements that employers need to understand. In California, harassment against an individual on the basis of any of the below protected classes is unlawful:

- Age (40+)
- Ancestry
- Disability (Physical/Mental)
- Gender
- Gender Expression
- Gender Identity
- Genetics
- Marital Status
- Perceived Status
- Medical Condition
- National Origin
- Pregnancy
- Race
- Color
- Religion
- Sexual Orientation
- Military/Veteran Status
- Reproductive Health Decision-Making
- Association Based on Status
- Off-Duty and Off-Site Cannabis Use

The FEHA protects employees, applicants, unpaid interns, volunteers, and independent contractors from harassment. Employers are obligated to protect workers from harassment by anyone coming into the workplace – not just other employees, but also customers, vendors, investors, owners, and contractors.

**Employers have an affirmative obligation to take all reasonable steps to prevent and promptly correct discriminatory and harassing conduct in the workplace.**

## How to: Harassment Prevention Steps

Action	Steps	Resources
<b>Provide Mandatory Notices</b>	<p><b>Step 1:</b> Post state notice.</p> <p><b>Step 2:</b> Distribute pamphlets to all workers.</p>	<p>CEA Store – <a href="#">2025 California/Federal Employment Law Poster</a></p> <p>CEA Forms - <a href="#">CRD 185 - Sexual Harassment Pamphlet</a></p>
<b>Update and dis-burse Mandatory Policy</b>	<p><b>Step 1:</b> Distribute harassment prevention policy with acknowledgment.</p> <p><b>Step 2:</b> If 10 percent or more of the workers at a location speak a language other than English, translate policies into the other languages.</p>	<p>CEA <a href="#">Employee Handbook Service</a></p> <p><a href="#">CEA Sample Policy Against Discrimination, Harassment &amp; Retaliation</a></p> <p>CEA Forms - <a href="#">CRD Workplace Harassment Guide</a></p> <p>CEA Partners: <a href="#">Language Translation</a></p>
<b>Complete Training for Managers</b>	<p><b>Step 1:</b> Within six months of placement or hire into a supervisory role.</p> <p><b>Step 2:</b> Complete two hours of training <u>every two years</u> or less.</p> <p><b>Step 3:</b> Proof of training retained for two or more years.</p>	<p>CEA <a href="#">Harassment Prevention Training</a> services</p> <p>CEA Forms – <a href="#">Harassment Prevention Training Fact Sheet</a></p>
<b>Complete Training for Employees</b>	<p><b>Step 1:</b> As soon as possible, within the first six months of hire.</p> <p><b>Step 2:</b> Complete one hour of training <u>every two years</u> or less.</p> <p><b>Step 3:</b> Proof of training retained for two or more years.</p>	<p>CEA <a href="#">Harassment Prevention Training</a> Services</p> <p>CEA Forms - <a href="#">Harassment Prevention Training FAQs</a></p>
<b>Establish Harassment Incident Reporting</b>	<p><b>Step 1:</b> Document complaint processes in mandatory harassment prevention policy, including to whom and where employees can report concerns.</p> <p><b>Step 2:</b> Define the investigatory process.</p> <p><b>Step 3:</b> Identify managers or leadership who are responsible for investigations. Ensure they are qualified and unbiased.</p> <p><b>Step 4:</b> Ensure consistency and proper documentation of all claims.</p>	<p>CEA <a href="#">Employee Handbook Service</a></p> <p><a href="#">CEA Sample Policy Against Discrimination, Harassment &amp; Retaliation</a></p> <p>CEA Forms - <a href="#">CRD Workplace Harassment Guide</a></p>
<b>Investigate and Follow Up on Complaints</b>	<p><b>Step 1:</b> Take all complaints seriously.</p> <p><b>Step 2:</b> Investigate all facts; interview parties and any witnesses.</p> <p><b>Step 3:</b> Document allegations, interviews, findings, and results, including final actions/discipline</p>	<p>CEA <a href="#">Workplace Investigation Services</a></p> <p>CEA Forms – <a href="#">Performance, Discipline and Termination</a></p>

## Best Practices: Harassment Prevention Strategy

Harassment is a significant risk to organizations today. It is necessary to commit to prevention strategies that focus on improving the culture of the workplace and avoiding legal liability and negative public attention. The following are basic principles proven effective in preventing and addressing harassment.

Keep in mind that California employers have an affirmative duty to take all reasonable steps to prevent and promptly correct discriminatory and harassing conduct. The Fair Employment and Housing Act (FEHA) reinforces this duty.

Employers should focus organizational efforts on prohibiting all harassment in the workplace because employers are strictly liable for harassing acts committed by supervisors and can also be liable for harassing acts committed by employees.

A work culture that tolerates harassment not only incurs legal risks and costs but also creates other problems, including, but not limited to:

- An unpleasant environment;
- Decreased productivity;
- Morale issues;
- Attendance problems; and
- Negative publicity and damage to your organization's reputation and credibility.

You can assist your company in handling the risk by developing a plan of action to prevent sexual and other forms of harassment. This is equally true whether your company is a small business with the office manager fulfilling this role or a multi-state company with a large HR staff.


## Leadership and Accountability

The foundation of a successful harassment prevention strategy is consistent and demonstrated commitment of senior leaders to create and maintain a culture in which harassment is not tolerated.

An issue that often surfaces during sexual harassment investigations is workplace culture. What tone is being set at the office? Is the office culture one where sexual jokes and banter are okay? When harassment claims are reported, what happens? Are the claims taken seriously or brushed aside?

### Senior leaders should ensure that their organizations:

- Adopt a clear and comprehensive harassment policy that is regularly communicated to all employees.
- Establish an accessible harassment complaint system with multiple avenues for making a complaint.
- Do not mandate that employees put complaints in writing as this may discourage reporting.
- Regularly and effectively train all employees on the harassment policy and complaint system.
- Regularly and effectively train supervisors and managers about how to prevent, recognize, and respond to objectionable conduct that, if left unchecked, may rise to the level of prohibited harassment.
- Conduct prompt, thorough and fair investigations of complaints.
- Enforce prompt, consistent, and appropriate discipline when it has been determined that harassment has occurred and take actions to prevent it from occurring in the future.



Get buy in from the top. Management models, appropriate workplace behavior, understand the policies, walk the walk and talk the talk.

A written policy  
is required by  
California law!

## Comprehensive and Effective Policy

A comprehensive, easy to understand harassment policy that is regularly communicated to all employees is an essential element of an effective harassment prevention strategy. **CEA members can access a [sample policy](#) here or use our [employee handbook service](#).**

California law **requires** employers to develop a **ten-point** harassment, discrimination, and retaliation prevention policy that:

Is in writing	Lists all current protected categories
States that coworkers, supervisors, managers and third parties with whom the employee comes into contact are prohibited from engaging in harassment.	Instructs supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so the company can try to resolve the claim internally.
Provides a complaint mechanism that does not require an employee to complain directly to his or her immediate supervisor, including, but not limited to, the following: <ul style="list-style-type: none"> <li>• Direct communication, either orally or in writing, with a designated company representative, such as a human resources manager, EEO officer, or other supervisor; and/or</li> <li>• A complaint hotline; and/or</li> <li>• Access to an ombudsperson; and/or</li> <li>• Identification of the California Civil Rights Department and the federal Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints. Contact information for these agencies is required.</li> </ul>	Creates a complaint process to ensure that complaints receive: <ul style="list-style-type: none"> <li>• An employer's designation of confidentiality, to the extent possible;</li> <li>• A timely response;</li> <li>• Impartial and timely investigations by qualified personnel;</li> <li>• Documentation and tracking for reasonable progress;</li> <li>• Appropriate options for remedial actions and resolutions; and</li> <li>• Timely closures.</li> </ul>
Indicates that when an employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.	States that confidentiality will be kept by the employer to the extent possible, but not indicate that the investigation will be completely confidential.
Indicates that if at the end of the investigation misconduct is found, appropriate remedial measures shall be taken.	Makes clear that employees shall not be exposed to retaliation as a result of lodging a complaint or participating in any workplace investigation.

Of course, your effective written harassment policy **must be provided** to employees and employees must acknowledge receipt in writing.

### You can use any of the following distribution methods:

- Print and provide a copy to all employees with an acknowledgment form for the employee to sign and return;
- Send the policy via e-mail with an acknowledgment return form;

- Post current versions of the policies on a company intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies;
- Discuss policies upon hire and/or during a new hire orientation session; and/or
- Any other way that ensures employees receive and understand the policies.

**Reminder: Periodically review and update your handbook as needed.**

[Let CEA help!](#)

## Effective and Accessible Harassment Complaint System

An effective harassment complaint system welcomes questions, concerns, and complaints; encourages employees to immediately report potentially problematic conduct; operates promptly, thoroughly, and impartially; and imposes appropriate consequences for harassment or related misconduct.

For example, an effective harassment complaint system:

- Is fully resourced, allowing for a prompt, thorough and impartial response to complaints by qualified personnel.
- Provides multiple avenues for complaints, Provides prompt, thorough, and neutral investigations.
- Protects confidentiality to the extent possible, consistent with a thorough and impartial investigation and relevant federal and state laws.
- Documents and tracks complaints for reasonable progress.
- Ensures that retaliation does not occur against alleged victims, individuals who report harassment, and witnesses, and imposes appropriate discipline on individuals responsible for retaliation.
- Safeguards fairness to both sides with no premature conclusions either way. Includes appropriate options for remedial actions and resolutions; and
- Includes processes to timely close the complaint and convey the outcome where appropriate and consistent with relevant federal and state laws.



The harassment complaint process treats all parties involved with respect.

**If you use an outside investigator, California law requires that the investigator is either an attorney or a licensed private investigator – no exceptions.**

If you are conducting your investigation internally, CEA offers investigation services to lead you through the process.

Organizations should ensure that the employees responsible for receiving, investigating, and resolving complaints:

- Are well-trained, objective, and remain neutral.



- Have the authority, independence, and resources necessary to receive, investigate, and resolve complaints appropriately.
- Take all questions, concerns, and complaints seriously and respond promptly.
- Create and maintain an environment in which employees feel comfortable reporting harassment.
- Understand and maintain the confidentiality associated with the complaint process.

**Thoroughly document every complaint, from initial intake to investigation to resolution.**

For more information, CEA members can access our [Workplace Investigations Tool Kit](#).

## Effective Mandatory Harassment Prevention Training

California mandates [harassment prevention training](#) for all businesses with five or more workers (SB 1343).

- Non-managerial employees are required to have one (1) hour of training.
- Supervisors and managers are required to have two (2) hours of training.

For many years, training was only required if the employer had 50 or more employees and only supervisors had to be trained. Now, your business is required to provide harassment prevention training if you employ **five (5) or more persons**. And, the training is required for all employees – not just supervisors.

Part-time employees, temporary employees, unpaid interns, unpaid volunteers, and persons providing services pursuant to a contract are counted toward this minimum count for purposes of the training requirement.

An employer must provide this training if it “regularly employs” five (5) or more persons on “any part of the day on which the unlawful conduct allegedly occurred” or on a “regular basis.”

“Regular basis” refers to the nature of a business that is recurring, rather than constant. For example, in an industry that typically has a three-month season during a calendar year, an employer that employs five or more employees during that season “regularly employs” the requisite number of employees. An employer does not have to have five or more employees working every day throughout the year or at the time of alleged unlawful conduct; if five employees are regularly on the payroll then training must be provided.



California Employers Association provides compliant harassment prevention training to meet your prevention requirements!



Effective  
Harassment  
Prevention  
Training requires  
leadership!

The law defines what information must be included in a training, the requirement that the training be interactive,” and the credentials of a “qualified trainer” who can facilitate and lead this mandatory training. CEA has qualified trainers on hand to help you!

It’s not just that it’s required by law: Regular, interactive, comprehensive training of all employees is key to implementing any successful harassment prevention strategy by ensuring the workforce understands the associated policies, procedures, and expectations, as well as the consequences of misconduct.

When developing training, the daily experiences and unique characteristics of the work, workforce, and workplace are important considerations.

**Harassment prevention training is most effective when it is:**

- Advocated by senior leaders.
- Regularly repeated and reinforced.
- Provided to employees at every level and location of the organization.
- Provided in a clear, easy to understand style and format.
- Tailored to the specific workplace and workforce.
- Designed to actively engage participants.
- Routinely evaluated by participants and revised as necessary.

## Employers with 5 or More Employees Must Train All Supervisors and Employees

The following is a **timetable** for most employers:

Trained In	HPT Due:
2024	2026
<b>2023</b>	<b>2025</b>
<b>2022</b>	<b>2024 (Past Due!)</b>

If you have already done your training for the two-year cycle, but hire someone new or promote someone to a supervisory position, the following rules apply:

- New hires must be trained within six (6) months of hire.
- Supervisors must receive the two (2) hour training within six (6) months of assumption of the position. Special rules apply to temporary and seasonal workers.

What about **seasonal or temporary** employees? Seasonal and temporary employees, or any employee that is hired to work for less than six (6) months must be trained within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first. Employers are not required to train employees who work fewer than 30 calendar days and fewer than 100 hours.

Temporary workers employed by a temporary agency must be trained by the temporary agency, not the client.