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LAW ALERT

NEW LAW REQUIRES EMPLOYERS TO PROVIDE WORKFORCE BULLYING TRAINING

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Under a new law signed by Governor Brown last month, employers with 50 or more employees will have to provide workforce bullying training to their supervisory employees starting on January 1, 2015. Under AB 2053, employers must include "prevention of abusive conduct" as part of the sexual harassment training and education already required by California law.

Government Code Section 12950.1, which was amended by AB 2053, defines "abusive conduct" as conduct that a reasonable person would find "hostile, offensive, and unrelated to an employer's legitimate business interests." Such conduct must occur "with malice." Examples of this include repeated verbal abuse such as insults or derogatory remarks or conduct that a reasonable person would find threatening or humiliating. It could also include the "gratuitous sabotage or undermining of a person's work

performance." Under AB 2053, a single act will not constitute abusive conduct unless the act is especially severe and egregious.

Although many employers' harassment prevention trainings already include training addressing broad types of inappropriate conduct, employers must now be sure to include the specific type of bullying described by AB 2053. Section 12950.1 currently provides that sexual harassment trainings should last two hours and occur once every two years. There are no guidelines yet setting forth what portion of the training should be committed to the AB 2053's bullying training.

For more information about AB 2053 or how you can integrate its requirements into your employee training, contact James T. Diamond Jr. or Caroline Nasella at Goldfarb & Lipman.

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