

# THE LAW OFFICES OF ALEX W. CRAIGIE

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## December 8, 2014 Employment Law Bulletin

### **New California Law Requires 'Abusive Conduct' Prevention Training**

Politicians in several states have been lobbying for years to make "bullying" in the workplace illegal. While Tennessee is the only state with such a law currently on its books, California took a step closer when Governor Brown signed **AB 2053**, which will require certain employers to provide "abusive conduct" training as a component of already mandatory sexual harassment prevention training for supervisory employees.

The existing requirement, found in Government Code section 12950.1, applies to employers with 50 or more employees and requires supervisory employees receive two hours of sexual harassment prevention training, within six (6) months following their assumption of a supervisory role. Follow up training is required every two years.

Here is what the amendment adds to Section 12950.1:

- Training must now include a component on the "prevention of abusive conduct." This need not necessarily extend the length of the training beyond two hours.
- "Abusive conduct" is "conduct 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 (e.g., 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.
- "Abusive conduct" need not be based on any otherwise protected classification, such as race, age, gender, disability or religion.
- A single act does not constitute "abusive conduct" for purposes of the training, unless it is especially severe or egregious.
- The amendment takes effect January 1, 2015.

**What Employers Should Do** – Employers with 50 or more employees should immediately consult with their regular employment attorneys to update training to comply with the new law.

**The Law Offices of Alex W. Craigie** helps California employers prevent, address and resolve employment disputes in a logical and cost-effective manner. Reach us at (323) 652-9451 or at [Alex@CraigieLawfirm.com](mailto:Alex@CraigieLawfirm.com).