

## **Male Sexual Harassment Claims on the Rise: A 10-Point Checklist for Prevention Training**

**Carolyn Rashby**  
**Miller Law Group**

Carolyn Rashby is an attorney with Miller Law Group in San Francisco, which specializes in California employment law for business. She is also the managing director of [EKO \(employment knowledge online\)](#), providing online workplace training solutions. Carolyn can be reached at [cr@millerlawgroup.com](mailto:cr@millerlawgroup.com) or 415-464-4300.

The U.S. Equal Employment Opportunity Commission (EEOC) recently announced that the Cheesecake Factory will pay \$345,000 to settle a lawsuit alleging that six male employees were sexually harassed by male kitchen workers at one of the chain's restaurants in Phoenix. Managers allegedly witnessed the harassment – which included groping, sexual comments, and forced simulations of rape – but did nothing to stop it. And last year, the Regal Entertainment Group, a national movie theater chain, paid \$175,000 to settle a lawsuit contending that a male employee was subject to harassment by a female co-worker, and that he was retaliated against for complaining.

While we tend to think of sexual harassment as a “women’s issue,” these cases – and many more like them – highlight the growing problem of male sexual harassment in the workplace. Sexual harassment charges filed by men have doubled over the past two decades, and in 2009 accounted for 16.4 percent of all sexual harassment charges filed with the EEOC. While some complaints involve women bosses and co-workers making unwanted sexual advances toward men, the majority of complaints involve same-sex harassment.

### **Training Is Key to Prevention**

The rise in male sexual harassment claims underscores the need for employers to focus on harassment prevention in the workplace for all employees. A key first step is educating the workforce, and particularly supervisors, through an effective anti-harassment training program. The EEOC strongly encourages supervisor training as part of a harassment prevention program, and California law – A.B. 1825 – requires this training.

## **A.B. 1825 Basics**

Under A.B. 1825, employers with 50 or more employees (anywhere) must provide two hours of anti-harassment training for supervisors, every two years. While the law requires training only for supervisors who are actually located in California, the best practice is to train supervisors, wherever located, if they have supervisory authority over any California employees.

A.B. 1825-compliant training comes in a variety of forms, including live training, webinars, or e-learning (online) courses, which have become increasingly popular with many employers. In any format, the training, to be effective, must be interactive; challenge the supervisor with questions that assess learning; provide skill-building activities that assess the supervisor's application and understanding of content learned; and provide numerous hypothetical scenarios about harassment, each with discussion questions so that supervisors remain engaged in the training.

Topics that must be covered during A.B. 1825 training include: the definition of sexual harassment under the California and federal law; California and federal principles concerning the prohibition against and the prevention of unlawful sexual harassment, discrimination and retaliation in employment; types of conduct that amount to illegal harassment; remedies; prevention strategies; limited confidentiality of the complaint process; resources for victims, including complaint procedures; the obligation to conduct an effective investigation of a harassment complaint; and what to do if the supervisor is personally accused of harassment; and the essential elements of an anti-harassment policy. In addition, either the employer's policy or a sample policy must be provided to the supervisors. And, the training should cover other forms of harassment (race, age, disability, etc.).

## **10-Point Training Checklist**

If it's time to train your supervisors, here's a quick checklist of what to look for when selecting a compliant and effective training program for your organization:

1. Will the training take two hours, excluding breaks?
2. What protections are built in to prevent the trainees from leaving early, diminishing the screen (for a webinar), or "clicking-through" for e-learning?
3. Does the course outline cover the required content under A.B. 1825?
4. Will the training also include training about your company's anti-harassment policy or will someone in your company, such as one of your HR professionals, provide that additional training?
5. Is the program designed by employment law experts?
6. Are you engaged when you take the training, and do you think that your supervisors will be also?
7. Does the training give examples to illustrate legal principles?
8. Is the training interactive?
9. Does the training include relevant role plays for your workforce?
10. Does the training give your employees the skills they will need?