

DEPARTMENT OF INDUSTRIAL RELATIONS  
Labor Commissioner's Office  
1515 Clay Street, Room 1902  
Oakland, CA 94612



**Patricia Huber, Assistant Chief**

*California Labor Commissioner's Office  
Division of Labor Standards Enforcement*

December 2023

**SENT VIA ELECTRONIC MAIL ONLY**

Dear Janitorial Employer:

Workplace sexual harassment in the janitorial industry is a profound and systemic problem impacting vulnerable workers. California legislators continue to pass and amend existing laws aimed at educating employers, supervisors, and nonsupervisory employees on how to prevent sexual harassment in the workplace and to identify resources for survivors of workplace sexual harassment.

The [Janitor Survivor Empowerment Act](#) (Assembly Bill "AB" 547), requires employers to provide in-person sexual violence and harassment prevention training at least once every two years for nonsupervisory covered workers and supervisors of nonsupervisory covered workers.

The COVID-19 public health emergency delayed the implementation of the AB 547 training requirements. Due to the easing of government-imposed COVID-19 restrictions, the Labor Commissioner is now implementing the "in-person" training requirements established by AB 547. Starting January 1, 2024, janitorial employers must begin compliance with the AB 547 training requirements.

The following is a summary of the AB 547 training requirements. Please review the law in its entirety, as there are aspects of the law not addressed in this letter. The applicable laws regarding the biennial in-person sexual violence and harassment prevention training (AB 547 Training) can be found at [Labor Code section 1429.5](#), *et seq.*, and the [California Code of Regulations \(C.C.R.\), Title 8, sections 13820 to 13822](#).

**The AB 547 Training Requirements**

Effective January 1, 2024, employers must provide the AB 547 Training to their employees. Further, employers must ensure their employees are trained using content developed by the Labor Occupational Health Program (LOHP). There are separate LOHP training materials for nonsupervisory covered workers and their supervisors. The LOHP complimentary training materials can be found at <https://www.dir.ca.gov/dlse/Janitorial-Training.html>.

Nonsupervisory employees and their supervisors must receive at least two hours of training once every two years. New nonsupervisory covered workers and their supervisors must be trained within six months of assuming their position. The training need not be completed in two consecutive hours, but the minimum duration of a training segment must be at least one hour. The training must be provided in the language and literacy level understood by nonsupervisory employees and their supervisors.

**AB 547 Trainers**

**Trainers for Nonsupervisory Employees**

The Labor Commissioner lists on her website qualified organizations employers must use to provide the AB 547 Training. A qualified organization will provide a qualified peer trainer in a particular county to provide the training

to nonsupervisory employees. Employers are required to pay the qualified organization sixty-five dollars (\$65) per participant, unless an alternative payment option is made under a collective bargaining agreement. The list of qualified organizations can be found at <https://www.dir.ca.gov/dlse/Qualified-Organization-Search.asp>.

### Trainers for Supervisory Employees

The regulations state that “trainers” for purposes of providing training to supervisors of nonsupervisory employees has the same meaning as individuals “qualified to provide training under Government Code section 12950.1 and regulations implementing section 12950.1.” (See 8 C.C.R. § 13820(e).) Please refer to Government Code section 12950.1 and California Code of Regulations, Title 2, section 11024(a)(10) if you have questions regarding training requirements for supervisors.

### **Documentation Retention Requirements of the AB 547 Training**

Employers must maintain a record of the AB 547 Training. The records an employer must maintain include, but are not limited, to:

- the names of the nonsupervisory employees and supervisors trained;
- the date of training;
- a sign-in sheet containing the printed written name as well as the signature of each participant both at the commencement and at the completion of the training;
- a copy of all certificates of attendance or completion issued;
- the type of training;
- a copy of all written or recorded materials that comprise the training;
- the name of the training provider; and
- a signed form (Sexual Violence and Harassment Prevention Training for Property Service Workers Employer Compliance Form DLSE 800, 11/19) certifying the training was provided and the qualified organization that provided a peer trainer to train nonsupervisory covered workers was paid in full for each participant.

Employers must maintain these records for at least three years and make them available to the Labor Commissioner upon request. Employers must also provide a copy of the training materials and a copy of any certificate of attendance or completion issued to a trainee upon a trainee’s request.

### **Consequences of Noncompliance with the AB 547 Training Requirements**

If an employer fails to provide the in-person training, consequences for non-compliance may include:

- denial of an employer’s application for registration (initial or renewal);
- suspension or revocation of an employer’s registration; or
- being subject to a civil penalty of \$10,000 for making a material misrepresentation on a renewal or initial application that the in-person training was provided.

Please note you can find additional information regarding the AB 547 Training requirements by visiting the Labor Commissioner’s Janitorial Frequently Asked Questions (FAQs) at [https://www.dir.ca.gov/DLSE/Janitorial\\_Registration\\_FAQs.html](https://www.dir.ca.gov/DLSE/Janitorial_Registration_FAQs.html). For your reference, several FAQs relating to the AB 547 Training requirements are included, below.

---

**FAQ No. 28: What shall an employer do if there are no qualified peer trainers available in a specific county?**

If there are no qualified peer trainers available in a specific county to provide the training because no qualified organization was included on the Labor Commissioner's [website](#), or none of the qualified trainers are available to meet an employer's training needs, the employer may use a trainer as prescribed by the Civil Rights Department to fulfill their obligations under Labor Code section 1429.5. (Labor Code § 1429.5(k)). The prescribed trainer must provide in-person training and use [the Labor Occupational Health Program \(LOHP\) training materials](#). (See Labor Code §§ 1429.5(a), (d); California Code of Regulations, title 8, §§ 13820, 13822).

**FAQ No. 29: When are employers required to comply with the in-person training established by AB 547?**

The [list](#) of qualified organizations is posted as of January 1, 2024. All new applications for registration and renewals of registration shall demonstrate completion of the in-person sexual violence and harassment prevention training requirements developed pursuant to Labor Code section 1429.5. Compliance shall be demonstrated by providing written attestation to the Labor Commissioner that the training has been provided as required under Labor Code section 1429(a)(10).

**FAQ No. 30: When will the Labor Commissioner's Office enforce the in-person training requirements established by AB 547 for renewal applicants?**

The Labor Commissioner's Office will enforce the in-person training requirements for renewal applicants twelve months from when the list of qualified organizations is posted on its internet website. The [list](#) of qualified organizations is posted as of January 1, 2024.

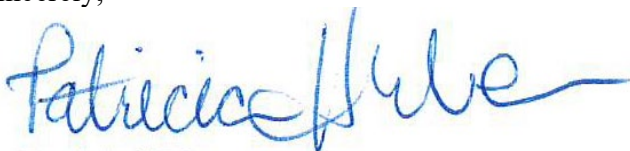
**FAQ No. 31: When will the Labor Commissioner's Office enforce the in-person training requirements established by AB 547 for new applicants?**

The Labor Commissioner's Office will enforce the in-person training requirements for new applicants when the list of qualified organizations is posted on its internet website. The [list](#) of qualified organizations is posted as of January 1, 2024.

If you have other questions regarding the AB 547 Training requirements, please visit our website at [https://www.dir.ca.gov/dlse/Registration\\_Services.html](https://www.dir.ca.gov/dlse/Registration_Services.html) or contact us by email us at [dlsejanitorialservice@dir.ca.gov](mailto:dlsejanitorialservice@dir.ca.gov).

Thank you for your commitment to complying with the law and educating yourself and your employees in sexual harassment prevention in this important and valued industry in California.

Sincerely,



Patricia Huber  
Assistant Chief