



Human Resources

Don't Forget Anti-Harassment Training for Your Staff



IF YOU have not yet started on your efforts to provide anti-sexual harassment training to your California employees, you need to get working on it now.

Law passed last year puts the onus on most employers in the state to provide anti-sexual harassment training to their staff every two years.

Starting this year, employers with five or more workers must provide:

- At least two hours of sexual harassment prevention training to all supervisory employees, and
- At least one hour of sexual harassment prevention training to all non-supervisory staff.

To be compliant by Jan. 1, 2020, as per the law, these trainings need to take place in 2019. They must then be provided every two years thereafter.

This new law builds on legislation that has been in place since 2005 requiring employers with 50 or more employees to provide two hours of training to managers and supervisors every two years.

Timing of training

All employees – Under the new law, ushered in by SB 1343, most California employees must undergo anti-harassment training this year and every two years thereafter.

Supervisory employees – Supervisors and managers who are already covered by the aforementioned training requirements must continue to receive at least two hours of anti-harassment training within six months of becoming a supervisor, and at least every two years thereafter.

New employees – New employees must receive at least one hour of anti-harassment training within six months of being hired, and at least every two years thereafter.

Seasonal and temporary workers – This includes any employee that is hired to work for less than six months.

These workers are required to receive training within 30 calendar days after the date they were hired, or within 100 hours worked, whichever comes first.

Temp workers provided by an outside employment agency must receive anti-harassment training by the temp agency.

Training guidelines

Guidelines for what training should cover for employees have yet to be released.

The Department of Fair Employment and Housing is required to make available to employers on its website interactive training courses that satisfy the two-hour supervisory and one-hour non-supervisory employee training requirements. Those materials are not scheduled to be available until “late 2019,” according to the department’s website.

The agency has on its website some materials to help employers, including a sample training kit, which you can find here.

Trainers

Under the regulations for supervisory training, the training must be conducted by either:

- An employment law attorney, or
- A human resources or harassment prevention consultant with a minimum of two years of practical experience in sexual harassment prevention training, or
- A professor or instructor in a law school, college or university, and who teaches about employment law.

See ‘Guidance’ on page 2

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If you have any questions regarding any of these articles or about coverage, please call us at:

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Commercial Auto

Controlling the Risks of Business Vehicles

AS THE cost of commercial auto insurance continues climbing at unprecedented rates, any business with vehicles has to make sure that it has procedures and policies in place to reduce the chances of its drivers causing accidents.

When a business entrusts a vehicle to an employee, it is literally putting its assets on the line. That's why you should set these no-exception rules for drivers:

- Always wear seat belts.
- No driving while under the influence of alcohol or drugs.
- No mobile phone use while driving.

You should also set guidelines for employees to follow when they use company vehicles, such as:

Limit their non-business use of vehicles – If employees take company cars home with them, you should set reasonable limits on personal use.

Allow plenty of time between meetings and assignments – This will make it less necessary for employees to speed.

Park vehicles wisely – Instruct workers to park vehicles in well-lit areas.

POST-ACCIDENT PROCEDURES

- Remain at the scene.
- Call the police if there are injuries.
- Gather information from the other driver (name, address, insurance information, license plate number) and any witnesses.
- Report the accident to a designated person within the company.

Also, keep copies of the procedures handy in vehicle glove boxes. If one of your employees is involved in an accident, report the accident to us or your insurance company as soon as possible.

Follow the conditions listed in the insurance policy. Check with us if you do not know what they are.

Follow the insurer's instructions for getting repair estimates and communicating with physicians.

Auto accidents disrupt lives and business operations, and they can be costly. Your insurance company may be able to help. Many insurers offer loss-prevention guidance for their customers.

Businesses can reduce their risks and control their costs by working with their insurers and following these simple steps. ❖

WEEDING OUT TROUBLE

- Check prospective employees' driving records before hiring them.
- Don't let staff with poor records drive.
- Annually check driving employees' records.
- Require employees to report accidents they have when they are off the job.
- Be on the lookout for employees with short tempers, as they may be prone to road rage.
- Provide occasional driver training for employees who drive, especially drivers of large commercial vehicles.

Even with all the preventive measures in the world, an accident will occasionally happen.

Employers should prepare their drivers for that event.

Develop procedures for what employees should do after an accident (see box at top of next column).



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Training Requirements Expansive, but Guidance Is Lacking

What training must cover

The training requirements for one hour of training have yet to be released. But you should use as a guide the following, which are in the California Code of Regulations:

- Definition of unlawful sexual harassment under the law.
- The types of conduct that constitute sexual harassment.
- Remedies available for sexual harassment victims in civil actions; potential employer/individual exposure/liability.
- Strategies to prevent sexual harassment in the workplace.
- Supervisors' obligation to report sexual harassment, discrimi-

nation and retaliation of which they become aware.

- Examples that illustrate harassment and discrimination.
- Confidentiality of the complaint process.
- How to report harassment to management.
- The employer's obligation to conduct an effective workplace investigation of a harassment complaint, and to take remedial action.
- Training on what to do if the supervisor is accused of harassment.
- The essential elements of an anti-harassment policy, and how to utilize it if a harassment complaint is filed. ❖

Commercial Liability

Rates Climb as Lawsuits against Businesses Grow

COMMERCIAL GENERAL liability insurance rates are starting to edge higher after years of flat or declining rates, depending on your market.

A new survey by MarketScout found that general liability, umbrella/excess and professional liability lines increased by 2% in the first quarter of 2019.

Another report by insurance exchange Ivans Insurance Solutions found that rates for business owner's policies had increased by 4.2% in the first quarter from the same period of 2018.

And while it noted that general liability pricing had increased 1.7% in the quarter, rates for commercial umbrella policies (which are excess liability policies) had inched higher by 2.5% from the first three months of 2018.

Companies are often sued for a variety of reasons, depending on their business.

It may be a customer who injured themselves on your premises, or one who was damaged in some way by using your product. Or perhaps a client sues your firm for breach of contract, accusing you of failing to abide by your responsibilities.

Limiting your business risks

Liability insurance alone isn't enough to protect your business. You must limit your business risks. What would you do if someone slipped, fell and sued your company? Nobody wants to think about this situation, but lawsuits happen.

It comes down to this: a person can't win a lawsuit unless they can prove to and convince a judge and jury that your business was at fault.

One of the best ways to reduce your organization's liability risks is to act in a lawful manner and be able to demonstrate your responsibility for the welfare of others, including:

- Your clients
- Your customers
- Your competitors
- The general public

If you don't cover your bases, you are setting up your business for failure.

But, if you can provide evidence that you took your responsibility seriously and made reasonable efforts to prevent harm to others, you are much less likely to be found liable. You could still be sued, but you have a better chance of winning your case.

Some examples of liability risks that you could be faced with are:

- Bodily injuries to customers, vendors or other third parties on your commercial premises.
- Damage one of your employees or one of your products or services caused to a third party's property.
- Advertising injuries (e.g., slander, libel, misappropriation, and copyright infringement).

PROTECTING YOUR FIRM

- Have training and safety protocols for your driving employees.
- Have safety protocols for all areas of your business that third parties may enter. For example, you should:
 - » Require your staff to immediately clean up any spills.
 - » Make sure that entrances and exits are not blocked.
 - » Have quality control procedures in place to reduce the chances of making a product that may malfunction and injure a third party or damage their property.
- Ensure that your advertising does not infringe on another firm's copyright or misappropriate intellectual property.
- Maintain copies of communications with your clients or employees about risk and safety.
- Maintain records of your efforts to verify that someone you hired was not a risk to others.
- Maintain records that you provided warning signs or other warning signals regarding a hazardous condition on your property.
- Maintain records that your equipment is regularly serviced by knowledgeable technicians.

The backstop: A general liability policy

CGL coverage is one of the most important insurance products, due to the negative impact that a lawsuit can have on a business and because lawsuits happen so frequently. It pays for your legal expenses (lawyers' fees, court costs) and any settlements or judgments, up to the limits of your policy.

The standard CGL policy includes:

- Bodily injury and property damage liability.
- Personal and advertising injury.
- Medical payments for injuries sustained by a third party caused by an accident that takes place on the insured's premises or when exposed to the insured's business operations. ❖



Workplace Safety

Top Industrial Injuries, and How to Reduce Them

OVEREXERTION and falls on the same level are the most common types of workplace injuries in the United States, according to a new study.

Liberty Mutual Insurance Co.'s "2019 Workplace Safety Index" reports on the causes and costs of the most common injuries across eight major industries. The list can be a good guide for employers, helping them understand the kinds of injuries which are most likely to occur on their worksites.

With the information in hand, you can review your current workplace safety programs to make sure you are focusing your efforts in the right area.

Also, try to determine whether fatigue is a factor by talking to your workers about their daily duties and how often they take breaks. Short, more frequent breaks prevent fatigue better than longer, less frequent ones.

COSTLIEST WORKPLACE INJURIES

1. Overexertion involving outside sources (\$13.1 billion)
2. Falls on same level (\$10.4 billion)
3. Struck by object or equipment (\$5.2 billion)
4. Falls to lower level (\$4.9 billion)
5. Other exertions or bodily reactions (\$3.7 billion)
6. Roadway incidents involving a motorized vehicle (\$2.7 billion)
7. Slip or trip without falling (\$2.2 billion)
8. Caught in or compressed by equipment or objects (\$1.9 billion)
9. Repetitive motions involving micro-tasks (\$1.6 billion)
10. Struck against object or equipment (\$1.2 billion)

Source: Liberty Mutual (total nationwide claims costs)



To ensure you keep your workplace as safe as possible, make sure you have safety protocols for the most likely injury types. Training and management buy-in is the key to a better safety environment. We look at how to prevent the top three injuries, as follows:

1. Overexertion



An overexertion injury happens when a worker becomes fatigued or performs a job where the body's capacity to complete the task was not sufficiently considered.

Both can cause a mismatch between the physical capacity of workers and the physical demands of their jobs. These types of injuries are difficult to

address since everyone has different physical strengths and stamina.

First determine what types of strains and sprains are occurring among your workforce. Are there jobs that demand high levels of strength, such as those requiring lifting? If so, consider using engineering controls such as mechanical lift assists, overhead hoists and other controls to improve the positioning of products.

Another step would be to reduce the amount of weight lifted.

2. Falls on same level

To reduce the chances of your workers injuring themselves from trips and falls, you should focus on:

- Good housekeeping: A clean workplace is a safer workplace.
- If you have a spill, rope it off, clean it up and workers should alert co-workers and supervisors of the spill.
- Workers should always use cable covers or tape to prevent co-workers from tripping over cords.
- Train your workers not to rush, and to be aware of their surroundings. They should not be distracted by their smartphones while walking, and not carry too much at once.
- Train your workers not to work in dimly lit areas.
- Your workers should wear shoes that are in good condition and tightly tied every shift.



3. Struck by object injuries

To avoid struck-by injuries, require your workers to:

- Wear hard hats to avoid injury from falling objects.
- Stack materials properly to prevent sliding, falling or collapse.
- Always wear proper PPE (hard hats, safety glasses, goggles and face shields).
- Never walk around while using a mobile phone while working.
- Don't carry something in a way that will obstruct their view.
- Close drawers and cabinets when not in use.
- Open one drawer at a time to prevent a tip-over. ❖

