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SB-970 Employment: human trafficking awareness. (2017-2018)

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Senate Bill No. 970

CHAPTER 842

An act to add Section 12950.3 to the Government Code, relating to employment.

[Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 970, Atkins. Employment: human trafficking awareness.

Existing law requires specified businesses and other establishments to post a notice, as developed by the Department of Justice, that contains information relating to slavery and human trafficking, including information regarding specified nonprofit organizations that a person can call for services or support in the elimination of slavery and human trafficking.

The California Fair Employment and Housing Act (FEHA) makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. FEHA requires employers with 50 or more employees to provide at least 2 hours of prescribed training and education regarding sexual harassment to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified.

This bill would amend FEHA to require specified employers to provide at least 20 minutes of prescribed training and education regarding human trafficking awareness to employees who are likely to interact or come into contact with victims of human trafficking, as defined. The bill would establish a schedule for compliance commencing January 1, 2020. The bill would authorize the Department of Fair Employment and Housing, in the case of an employer violation of the bill's requirements, to seek an order requiring compliance.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12950.3 is added to the Government Code, to read:

12950.3. (a) For purposes of this section, "employer" means a hotel or motel. "Employer" does not mean a bed and breakfast inn, as that term is defined in subdivision (b) of Section 24045.12 of the Business and Professions Code.

(b) (1) By January 1, 2020, an employer shall provide at least 20 minutes of classroom or other effective interactive training and education regarding human trafficking awareness to each employee who is likely to interact or come into contact with victims of human trafficking and who is employed as of July 1, 2019, and, within six months of his or her employment in that role, to each new employee who is likely to interact or come into contact with victims of human trafficking. An employer who has provided this

training and education to an employee on or before January 1, 2019, shall not be required to provide additional training to that employee to meet the requirements of this subparagraph.

(2) After January 1, 2020, an employer shall, once every two years, provide human trafficking awareness training and education to each employee who is likely to interact or come into contact with victims of human trafficking and, within six months of his or her employment in that role, to each new employee who is likely to interact or come into contact with victims of human trafficking.

(3) As used in this subdivision, "an employee who is likely to interact or come into contact with victims of human trafficking" includes, but is not limited to, an employee who has reoccurring interactions with the public, including, but not limited to, an employee who works in a reception area, performs housekeeping duties, helps customers in moving their possessions, or drives customers.

(c) The human trafficking awareness training and education required by subdivision (b) shall include, but is not limited to, the following:

(1) The definition of human trafficking and commercial exploitation of children.

(2) Guidance on how to identify individuals who are most at risk for human trafficking.

(3) The difference between labor and sex trafficking specific to the hotel sector.

(4) Guidance on the role of hospitality employees in reporting and responding to this issue.

(5) The contact information of appropriate agencies, including, but not limited to, the National Human Trafficking Hotline toll-free telephone number, 1-888-373-7888, and text line, 233733, and the telephone numbers of the appropriate local law enforcement agencies.

(d) The human trafficking awareness training and education required by subdivision (b) may also include, but is not limited to, materials and information provided by the Department of Justice, the Blue Campaign of the federal Department of Homeland Security, and private nonprofit organizations that represent the interests of victims of human trafficking.

(e) The lack of reporting of a human trafficking case that occurs in a hotel, motel, or bed and breakfast inn by an employee of that establishment, shall not, by itself, result in the liability of any employer or employee of that establishment to the human trafficking victim or victims in the case in question or to any other legal party.

(f) It is the intent of the Legislature in enacting this section to establish a minimum threshold for human trafficking awareness training and education. This section shall not be construed to discourage or relieve an employer from providing for longer, more frequent, or more elaborate training and education regarding human trafficking awareness. It is further the intent of the Legislature to encourage employers to take all reasonable steps necessary to lead to the rescue of human trafficking victims and prevent any kind of human trafficking in their establishments.

(g) If an employer violates this section, the department may seek an order requiring the employer to comply with these requirements.