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AB-3175 Entertainment industry: age-eligible minors: training. (2019-2020)

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Assembly Bill No. 3175

CHAPTER 176

An act to amend Section 1700.52 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 2020. Filed with Secretary of State September 25, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3175, Levine. Entertainment industry: age-eligible minors: training.

Prior to the issuance of an entertainment work permit to a minor, existing law requires the parent or legal guardian of the minor and the age-eligible minors to receive and complete training in sexual harassment prevention, retaliation, and reporting resources. Existing law requires the training to be in a language understood by that person.

Existing law requires an employer having 5 or more employees to provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California, as specified. For purposes of this requirement, existing law directs the Department of Fair Employment and Housing to develop or obtain online training courses and to make those courses available on the department's internet website.

This bill would instead require that the parent or legal guardian ensure that sexual harassment training, as made available online by the department, be completed by the age-eligible minor, as defined, accompanied by their parent or legal guardian. The bill would require that the parent or legal guardian certify to the Labor Commissioner that the training has been completed, as specified.

The bill would instead require that the training provided under these provisions be provided in a language that can be understood by that person, whenever reasonably possible.

Because this bill would expand the crime of perjury, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 1700.52 of the Labor Code is amended to read:

1700.52. (a) Prior to the issuance of an entertainment work permit to a minor pursuant to Section 1308.5, the parent or legal guardian of a minor between 14 to 17 years of age, inclusive, hereafter "age-eligible minor," shall do all of the following:

(1) Ensure that the minor completes training in sexual harassment prevention, retaliation, and reporting resources using the online training course made available on the internet website of the Department of Fair Employment and Housing pursuant to Section 12950.1 of the Government Code. The minor shall be accompanied by a parent or legal guardian for the training.

(2) Certify to the Labor Commissioner that the training has been completed.

(b) Training for each age-eligible minor and their parent or legal guardian shall be in the language understood by that person, whenever reasonably possible.

(c) A licensee shall request and retain a copy of the minor's entertainment work permit prior to representing or sending a minor artist on an audition, meeting, or interview for engagement of the minor's services.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that minors in the entertainment industry and their parents or guardian receive appropriate training regarding sexual harassment in order to protect the safety of minors as soon as possible, it is necessary for this act to take effect immediately.