National Guides



Littler on Employee Training

Scope of Discussion. This publication examines the legal foundation of employment law training programs in the workplace. Such training may be a defense to harassment claims under Title VII or a means to prevent the award of punitive damages. Some states have instituted mandatory training statutes, which may act to create a "national" standard for an employer covered under one of those statutes that also operates in multiple states. Additionally, various federal statutes may create specialized training requirements for employers.

The discussion also covers areas of risk for employers to consider when designing employment law training programs and provides recommendations for instituting an effective training program.

The focus of this publication is federal law. While some state law distinctions may be included, the coverage is not comprehensive.

1. OVERVIEW OF THE LAW OF TRAINING

- 1.1 Introduction: Claims & Potential Cost of Litigation
- 1.2 Faragher & Ellerth: The Affirmative Defense & its Impact on the Law of Training
- 1.3 The "Kolstad Defense" to Punitive Damages
- 1.4 Mandatory & Specialized Training

2. CONSIDERATIONS IN EMPLOYMENT RELATIONS TRAINING

- 2.1 Introduction
- 2.2 Nondiscrimination Concerns in Training
- 2.3 Adequacy of Training
- 2.4 Content of Training
- 2.5 Collection & Retention of Training-Related Material
- 2.6 Training Methods
- 2.7 Pay Obligations for On-the-Job Training

3. PRACTICAL GUIDELINES FOR EMPLOYERS

- 3.1 Guidelines for Implementing an Employment Relations Training Program
- 3.2 Employer Guidelines When Providing Discrimination & Harassment Prevention Training
- 3.3 Employer Guidelines: Assessing Employment Relations Training Programs
- 3.4 California's Mandatory Training Laws: Summary of Basic Requirements
- 3.5 Proactive Management of Workplace Bullying
- 3.6 FED-OSHA Training Requirements: Highlights

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