

SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

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CALIFORNIA

SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

OVERVIEW

California Senate Bill 1343, effective January 1, 2019, requires employers with five (5) or more employees to provide sexual harassment training to all employees.

HOW OFTEN MUST EMPLOYEES BE TRAINED?

By January 1, 2020: two (2) hours for supervisory employees, one (1) hour for non-supervisory employees.

Every two years after January 1, 2020: two (2) hours for supervisory employees, one (1) hour for non-supervisory employees.

Employers who provide the required trainings after January 1, 2019, are not required to comply with the January 1, 2020, deadline.

WHO MUST BE TRAINED – GENERAL

All employees, including supervisory or managerial employees, in workplaces with five (5) or more employees (or independent contractors) must be trained. The training must occur within six (6) months of the individual's hire or placement into their position, and then once every two (2) years thereafter.

WHO MUST BE TRAINED – SEASONAL/TEMPORARY EMPLOYEES

Beginning January 1, 2020, seasonal and temporary employees, or any employee hired to work for less than six months, must receive training within 30 days of hire or within 100 hours worked, whichever occurs first.

- Training for temporary employees must be provided by the temporary services employer, not the client.
- Migrant and seasonal agricultural workers must receive training consistent with existing requirements for training nonsupervisory employees of farm labor contractors.

WHAT ARE THE TECHNICAL REQUIREMENTS?

The law requires classroom training or other effective interactive training. Training may be completed in shorter segments, and individually or in groups, so long as the total hourly requirement is met.

WHAT TOPICS MUST BE COVERED?

The training must include:

- A component of the prevention of abusive conduct in the workplace
- Information on harassment based on gender identity, gender expression, and sexual orientation

HUR740: Preventing Sexual Harassment (CA Edition) – 2 Hour Supervisors Training
1 HOUR NON-SUPERVISORY TRAINING COMING IN 2019

CONNECTICUT SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

OVERVIEW

Connecticut state law (Section 46a-54-200) requires all employers with 50 or more employees to provide sexual harassment training to all supervisors.

HOW OFTEN MUST SUPERVISORS BE TRAINED?

Employers must provide a minimum of two (2) hours of sexual harassment training to supervisors who assumed the role for at least six (6) months.

Re-training is not required. The Connecticut Commission on Human Rights & Opportunities (“CCHRO”), however, encourages employers “to provide an update of legal interpretations and related development concerning sexual harassment to supervisory personnel once every three (3) years.”

WHO MUST BE TRAINED?

All supervisors employed by employers with 50 or more employees. A “supervisor” is defined broadly: one is considered a supervisor if they have the ability to direct other employees in their work (i.e., a team leader would be considered a supervisor).

WHAT ARE THE TECHNICAL REQUIREMENTS?

The format of the training should be conducted in a classroom-like setting, using clear and understandable language and in a format that allows participants to ask questions and receive answers.

According to an opinion by CCHRO, online training can comply with the state’s law as long as the training meets the format and content requirements discussed above and below.

WHAT TOPICS MUST BE COVERED?

The training must include a discussion of six discrete topics:

- A description of the federal and state statutory provisions prohibiting sexual harassment in the workplace
- The definition of sexual harassment
- Types of conduct that may constitute sexual harassment
- Description of remedies available
- Notice to employees that individuals who commit acts of sexual harassment may be subject to both civil and criminal penalties
- Strategies to prevent sexual harassment in the workplace

NOTE: Connecticut state law [Section 46a-54-204](#) provides further detail on the above-mentioned topics, as well as additional suggested content that the training.

DELAWARE

SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

OVERVIEW

House Bill 360, effective January 1, 2019, requires employers of 50 or more employees (independent contractors not included) to provide sexual harassment training to all covered employees.

WHO MUST BE TRAINED AND HOW OFTEN?

- New Staff Employees: within one (1) year of hire and then every two (2) years thereafter; not required until employed for six (6) months continuously.
- Existing Staff Employees: within one (1) year of January 1, 2019, and then every two (2) years thereafter
- New Supervisors: within one (1) year of hire as a supervisor and then every two (2) years thereafter
- Existing Supervisors: within one (1) year of January 1, 2019, and then every two (2) years thereafter

Employees who provide the required trainings after January 1, 2019, are not required to comply with the January 1, 2020, deadline.

WHAT ARE THE TECHNICAL REQUIREMENTS?

The training must be “interactive.”

WHAT TOPICS MUST BE COVERED?

For employees, the training must include:

- The illegality of sexual harassment
- The definition of sexual harassment using examples
- The legal remedies and complaint process available to the employee
- Directions on how to contact the Department of Labor
- The legal prohibition against retaliation

For supervisory or managerial employees, the training must include:

- The specific responsibilities of supervisory and managerial employees regarding the prevention and correction of sexual harassment
- The legal prohibition against retaliation

COMING IN 2019

MAINE

SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

OVERVIEW

Title 26 M.R.S.A. § 807 requires employers of 15 or more employees to provide sexual harassment training to all covered employees (described below).

HOW OFTEN MUST EMPLOYEES BE TRAINED?

The training must occur within one (1) year of the individual's hire or placement into their position. No re-training is required.

WHO MUST BE TRAINED?

All newly-hired employees, including newly-hired or newly-promoted supervisory or managerial employees, in workplaces with 15 or more employees must be trained.

WHAT ARE THE TECHNICAL REQUIREMENTS?

The law does not delineate specific requirements as to format, length etc.

WHAT TOPICS MUST BE COVERED?

For newly-hired employees, the training must include:

- A written notice of the illegality of sexual harassment
- The definition of sexual harassment under state law
- A description of sexual harassment, utilizing examples
- The internal complaint process available to the employees
- The legal recourse and complaint process via the Maine Human Rights Commission
- Directions on how to contact the Commission
- The protection against retaliation pursuant to Title 5, section 4553, subsection 10, paragraph D

For newly-hired supervisory or managerial employees, the training must include:

- The specific responsibilities of supervisory and managerial employees
- Methods that supervisory and managerial employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints

All trainings must contain information in this [Training Checklist](#) from the Maine Department of Labor (MDOL).

RECORD-KEEPING

Employers must keep and maintain records of the sexual harassment training for at least three (3) years, including, at a minimum, the names of participants, dates/times provided, and written materials received as part of the training. The records must be made available upon request from the MDOL.

HUR718: Preventing Sexual Harassment (ME Edition — Supervisors)

HUR719: Preventing Sexual Harassment (ME Edition — Employees)

NEW YORK

SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

OVERVIEW

The 2018-2019 New York State Budget (Part KK of S7507-C), effective October 9, 2018, requires all employers to provide sexual harassment training to all its employees.

HOW OFTEN MUST EMPLOYEES BE TRAINED?

The training must be provided to all employees on an annual basis.

WHO MUST BE TRAINED?

All employees must be trained.

WHAT ARE THE TECHNICAL REQUIREMENTS?

The law mandates that employers either use the [model sexual harassment training](#) drafted by the New York State Department of Labor (“NYSDOL”) and the New York State Division of Human Rights (“NYSDHR”) or develop their own training. If the latter, it must be equal to or exceed the standards contained in the model training.

The training must be “interactive.”

WHAT TOPICS MUST BE COVERED?

The training must include:

- An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights
- Examples of conduct that would constitute unlawful sexual harassment
- Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment
- Information concerning employees’ right of redress and all available forums for adjudicating complaints
- Information addressing conduct by supervisor and any additional responsibilities for such supervisors

NEW YORK CITY

SEXUAL HARASSMENT PREVENTION TRAINING FACT SHEET

OVERVIEW

The Stop Sexual Harassment in NYC Act (Int. No. 632-A), effective April 1, 2019, requires that employers with 15 or more employees provide sexual harassment training to all employees.

HOW OFTEN MUST EMPLOYEES BE TRAINED?

All employers with 15 or more employees must provide training on an annual basis.

WHO MUST BE TRAINED?

All employees, including supervisory or managerial employees, must be trained within 90 days of their initial hire. A person is considered an “employee” if they work in NYC +80 hours per calendar year, whether full-time or part-time. Interns are “employees.”

An employee who received anti-sexual harassment training at one employer within the required training cycle does not have to receive training at another employer until the next cycle. Also, an employee who is subject to training requirements in multiple jurisdictions can provide proof of compliance so long as the “topics covered” below are fulfilled in the particular training, and the training is annual.

WHAT ARE THE TECHNICAL REQUIREMENTS?

The training must be “interactive,” which is defined as, “participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program,” or other methods determined by the New York City Commission on Human Rights (“NYCCHR”). It does not have to be live or facilitated by an in-person instructor.

WHAT TOPICS MUST BE COVERED?

The training must include:

- An explanation of sexual harassment as a form of unlawful discrimination under local law
- A statement that sexual harassment is also a form of unlawful discrimination under state and federal law
- A description of what sexual harassment is, including examples
- An internal complaint process available to employees through their employer to address sexual harassment claims
- The complaint process available through NYCCHR, the New York State Division of Human Rights, and the Equal Employment Opportunity Commission (and contact information)
- The retaliation prohibition under 8-107(7) of the N.Y.C. Admin. Code, with examples
- Information regarding bystander intervention and resources on how to engage in bystander intervention
- The specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures they may take to appropriately address those complaints