

Sexual Harassment Training Requirements effective January 2019

State/Locality	Coverage	Training Requirements
<p>California</p> <p>(Cal. Gov. Code §§ 12950 and 12950.1 (amended by S.B. 1343); Cal. Code Regs. tit. 2, § 11024 (regulations currently only address supervisor training for employers with 50 or more employees))</p> <p>Source: Sexual Harassment Prevention Training State and Local Laws Chart: Overview by Practical Law Labor & Employment</p>	<p>Employer Coverage</p> <p>Effective January 1, 2019, employers with five or more employees, including temporary or seasonal employees. (Before California's law was amended on September 30, 2018, it applied only to employers with 50 or more employees.)</p> <p>Employee Coverage</p> <p>By January 1, 2020, employers must provide required training to all supervisory and nonsupervisory employees within six months of employment or assuming a supervisory position. (Before California's law was amended on September 30, 2018, it required training of supervisors only.)</p> <p>Beginning January 1, 2020, employers must provide training for:</p> <ul style="list-style-type: none"> • Seasonal and temporary employees or any employee hired to work for less than six months, within 30 calendar days of hire or within 100 hours worked, whichever occurs first (except for those employed by a 	<p>Content</p> <p>The training must include:</p> <ul style="list-style-type: none"> • Information and practical guidance regarding federal and California laws that prohibit sexual harassment, including: <ul style="list-style-type: none"> ○ The definition of unlawful sexual harassment under the California Fair Employment and Housing Act (FEHA) and Title VII of the Civil Rights Act of 1964 (Title VII); ○ FEHA and Title VII statutory provisions and case law principles; ○ Types of conduct that constitutes sexual harassment, including practical examples, such as factual scenarios from case law, news and media accounts, and hypotheticals based on workplace situations; and ○ Potential employer and individual exposure and liability. • Strategies to prevent sexual harassment in the workplace, including practical examples to instruct supervisors on preventing harassment, discrimination, and retaliation. • Supervisors' obligation to report sexual harassment, discrimination, and retaliation. • Limitations on confidentiality during the complaint process.

	<p>temporary services employer that must provide the training).</p> <ul style="list-style-type: none"> • Migrant and seasonal agricultural workers 	<ul style="list-style-type: none"> • Resources for victims of unlawful sexual harassment, such as reporting mechanisms. • Appropriate remedial measures to correct harassing behavior, including conducting an investigation. • Steps to take if a supervisor is personally accused of harassment. • The employer's anti-harassment policy. • The definition of abusive conduct under California Government Code Section 12950.1(g)(2) and how to prevent it, including: <ul style="list-style-type: none"> ○ The elements and examples of abusive conduct; ○ The negative effects of abusive conduct on the victim, others in the workplace, and the employer; and ○ Emphasis that a single act does not constitute abusive conduct, unless the act is especially severe or egregious. • Information on harassment based on gender identity, gender expression, and sexual orientation. <p>Under newly added California Government Code Section 12950.2 (effective January 1, 2019), an employer may also provide optional bystander intervention training that includes:</p> <ul style="list-style-type: none"> • Information and practical guidance on: <ul style="list-style-type: none"> ○ enabling bystanders to recognize potentially problematic behaviors; and
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<p>Delaware</p> <p>(19 Del C. § 711A(g)) (effective Jan. 1, 2019)</p> <p>Source: Sexual Harassment Prevention Training State and Local Laws Chart: Overview by Practical Law Labor & Employment</p>	<p>Employer Coverage</p> <p>Employers with 50 or more employees in Delaware (not including applicants or independent contractors).</p> <p>Employee Coverage</p> <p>All employees:</p> <ul style="list-style-type: none"> • Within one year of beginning employment for new employees. • Within one year of the law's effective date for existing employees. <p>Special training requirements for supervisors:</p>	<p>Content</p> <p>The training must include:</p> <ul style="list-style-type: none"> • 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 Delaware Department of Labor. • The legal prohibition against retaliation. <p>The training for supervisors must include:</p>

	<ul style="list-style-type: none"> • Within one year of beginning employment as a supervisor for new supervisors. • Within one year of the law's effective date for existing supervisors. <p>Employers are not required to provide training to:</p> <ul style="list-style-type: none"> • Applicants. • Independent contractors. • Employees employed less than six months continuously. • Employees employed by employment agencies (the employment agency is responsible for training their employees). 	<ul style="list-style-type: none"> • The specific responsibilities of a supervisor regarding preventing and correcting sexual harassment. • An explanation that retaliation is unlawful and prohibited. <p>Format</p> <p>The training must be interactive.</p> <p>Frequency</p> <p>Every two years.</p>
<p>District of Columbia</p> <p>D.C. Law 22-196</p>	<p>Employer Coverage</p> <p>Employers of tipped employees</p> <p>Employee Coverage</p> <p>All employees working for covered employers, including owners, operators and managers.</p>	<p>Content</p> <ul style="list-style-type: none"> • The training shall include how to respond to, intervene in, and prevent sexual harassment by co-workers, management, and patrons. <p>Frequency</p> <ul style="list-style-type: none"> • Each business owner or operator must attend a sexual harassment training in-person or online on a yearly basis. • Managers must attend an in-person training on a yearly basis.

		<ul style="list-style-type: none"> • Each employer must provide its employees with an opportunity to attend a training in person or complete an online training. <p>§ 32–1306.01</p> <ul style="list-style-type: none"> • Every employer of tipped workers must provide a certification to the Department of Employment Services that the respective training and other requirements under the statute have been fulfilled.
<p>New York</p> <p>(N.Y. Lab. Law § 201-g) (effective Oct. 9, 2018; however, New York Division of Human Rights (NYDHR) guidance provides that employers must complete training by Oct. 9, 2019) (See NYDHR: Combatting Sexual Harassment: FAQs for Employers: Training Q1)</p> <p>Source: Sexual Harassment Prevention Training State and Local Laws Chart: Overview by Practical Law Labor & Employment and the New York Division of Human Rights</p>	<p>Employer Coverage</p> <p>All employers.</p> <p>Employee Coverage</p> <p>All employees working any portion of their time in New York (See NYDHR: Combatting Sexual Harassment: FAQs for Employers: Training Q4). The NYDHR advises employers to train new employees “as soon as possible” (See NYDHR: Combatting Sexual Harassment: FAQs for Employers: Training Q3).</p>	<p>Cover</p> <p>Employers must either:</p> <ul style="list-style-type: none"> • Use the model sexual harassment prevention training program provided by the New York Division of Human Rights (NYDHR) and New York Department of Labor (NYDOL) (See Model Sexual Harassment Prevention Training and New York State Sexual Harassment Prevention Training). • Establish a program that equals or exceeds the minimum standards of the model program. <p>The training must include:</p> <ul style="list-style-type: none"> • An explanation of sexual harassment consistent with guidance issued by the NYDOL and the NYDHR. • Examples of unlawful sexual harassment. • Information concerning federal and New York statutes on sexual harassment and remedies available to victims of sexual harassment.

		<ul style="list-style-type: none"> • Information concerning employees' rights and all available forums for adjudicating complaints. <p>Format</p> <p>The training must be interactive. It may be online if it is interactive. It may not consist only of watching a training video or reading a document with no feedback mechanism or interaction.</p> <p>Examples of acceptable interactive training include:</p> <ul style="list-style-type: none"> • Web-based training that: <ul style="list-style-type: none"> ○ Has questions at the end of a section and the employee must select the right answer; or ○ Gives employees the option to submit a question online and receive an immediate or timely answer. • In-person or live training where the presenter asks the employees questions or gives employees time throughout the presentation to ask questions. <ul style="list-style-type: none"> • Web-based or in-person training that includes a feedback survey for employees to turn in after employees have completed the training. (NYDHR: Combatting Sexual Harassment: FAQs for Employers: Training Q9.) <p>Employers may choose to provide additional or separate training to supervisors and managers but are not required to do so (NYDHR: Combatting Sexual Harassment: FAQs for Employers: Training Q11).</p>
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<p>New York City</p> <p>(NYC Admin. Code § 8-102(30) (effective April 1, 2019))</p> <p>Source: Sexual Harassment Prevention Training State</p>	<p>Employer Coverage</p> <p>Employers with 15 or more employees in the previous calendar year. Independent contractors count toward this threshold (See NYCCHR: Stop Sexual Harassment</p>	<p>Content</p> <p>The training must include:</p> <ul style="list-style-type: none"> • An explanation of sexual harassment as a form of unlawful discrimination under New York City law.

<p>and Local Laws Chart: Overview by Practical Law Labor & Employment</p>	<p>in NYC Act: Frequently Asked Questions).</p> <p>Employee Coverage</p> <p>All employees, including interns, within New York City working more than 80 hours in a calendar year and have worked for at least 90 days.</p> <p>Employers must also train independent contractors that:</p> <ul style="list-style-type: none"> • Have performed work in the furtherance of the business for more than 90 days and more than 80 hours in a calendar year. • Have not already received the mandated annual training elsewhere. <p>(See NYCCHR: Stop Sexual Harassment in NYC Act: Frequently Asked Questions.)</p>	<ul style="list-style-type: none"> • A statement that sexual harassment is also a form of unlawful discrimination under New York and federal law. • A description of sexual harassment, with examples. • Any internal complaint process available to employees to address sexual harassment claims. • The complaint process available from the New York City Commission on Human Rights (NYCCHR), the NYDHR, and the US Equal Employment Opportunity Commission, including contact information. • A statement that retaliation is prohibited and examples of retaliation. • Information regarding bystander intervention, including any resources explaining how to engage in bystander intervention. • The specific responsibilities of supervisory and managerial employees in preventing sexual harassment and retaliation and actions that supervisors and managers may take to address sexual harassment complaints appropriately. <p>Format</p> <p>The training must be interactive, which means participatory teaching that engages the trainee using:</p> <ul style="list-style-type: none"> • Trainer and trainee interaction. • The use of audio and visual aids.
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- A computer or online training program.

Employers may:

- Provide their own a training.
- Use the online training module that is to be developed by the NYCCHR and shared on the agency's website on or before April 1, 2019.

Trainers

The training is not required to be live or provided by an in person instructor.

Employers may conduct the training or hire an outside party. The NYCCHR does not certify trainings by third parties. (See NYCCHR: Stop Sexual Harassment in NYC Act: Frequently Asked Questions.)

Frequency

Annually.

Recordkeeping

Employers must keep a record of all training, including a signed employee acknowledgement (which may be electronic), for at least three years.