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Connecticut Expands Sexual Harassment Training and Notice Requirements

Law and the Workplace on **July 2, 2019**

Connecticut Governor Ned Lamont recently signed into law the Time's Up Act (the "Act"), which amends existing state law to impose greater sexual harassment training and notice requirements on employers.

Training Requirements

Currently, Connecticut law requires employers with 50 or more employees to provide two hours of sexual harassment training to all supervisory employees. While not required, the Commission on Human Rights and Opportunities (CHRO) encourages employers to provide an update of legal interpretations and related developments concerning sexual harassment to supervisory employees once every three years. Effective October 1, 2019, the Act expands this requirement such that employers with *three or more employees* must provide sexual harassment training to *all* employees by October 1, 2020. Employers with fewer than three employees will be required to provide such training only to supervisory employees.

Although there is still no annual training requirement, employers are required to provide periodic supplemental training that updates all supervisory and nonsupervisory employees on the content of such training and education not less than every ten years. Such training must include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment. The CHRO will develop an online training video or other interactive training material that employers may use to comply with the Act's requirements.

While existing employees need not receive training until October 1, 2020, new employees hired on October 1, 2019, or later must receive training within six months of hire. Also, employers who have already provided two hours of sexual harassment training to their employees since October 1, 2018 need not retrain such employees before the October 1, 2020 deadline. Failure to provide the required trainings will be considered a "discriminatory practice" and employers may be subject to fines up to $1,000.

Notice Requirements

The Act also imposes new notice requirements. Currently, employers with at least three employees must post a notice regarding "the illegality of sexual harassment and remedies available to victims of harassment" in a prominent and accessible place. The new law will require employers to also provide new employees a copy of this information by email within three months of hire; the email's subject line must be "Sexual Harassment Policy," or something similar. Employers are only required to email this information, however, if (i) the employer has given the employee an email account, or (2) the employee has provided the employer with a personal email. Employers who do not provide employees an email account will be required to post the information on their website, if they have one. Employers may also comply with the law by providing a link to the CHRO in writing.

The Act empowers the CHRO to inspect an employer's premises during work hours to ensure compliance with required trainings and notices. While CHRO representatives will be permitted to examine an employer's records, policies, procedures, postings and sexual harassment training materials, the inspection cannot "unduly disrupt" the employer's business operations.

Connecticut employers should review their existing policies and training materials to ensure compliance with all of the new requirements.

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