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Connecticut Commission on Human Rights and Opportunities Issues Guidance on Sexual Harassment Training and Notice Requirements

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As we previously reported, Connecticut has enacted the Time's Up Act (the "Act"), which expanded existing sexual harassment training and notice requirements on employers. Under the new law, employers with three or more employees must provide two hours of interactive sexual harassment training to all existing employees by October 1, 2020, and to all new employees no later than six months after hire. Employers with fewer than three employees are required to provide such training only to supervisory employees by October 1, 2020; any new supervisory employees must be trained within six months of assuming supervisory duties. In addition, employers must also post a notice regarding "the illegality of sexual harassment and remedies available to victims of harassment" in a prominent and accessible place, and provide employees with a copy of this information by email within three months of hire.

To that end, the Connecticut Commission on Human Rights and Opportunities ("CHRO") has now published (in both English and Spanish) FAQs, a "Sexual Harassment is Illegal" poster and other written materials regarding sexual harassment. The CHRO has also made available on its website a free online training and education video, which may be used by employers to satisfy their obligations under the law.

Importantly, the FAQs make clear that the Act applies to any employer with at least one employee based in Connecticut, even if the employer is based out of state (provided it also employs at least three employees). For example, the FAQs state that if a Minnesota-based company has ten employees in Minnesota and one employee in Connecticut, that one employee in Connecticut is subject to the training requirements.

Covered employers are required to either utilize the CHRO's model training materials or establish their own training program that equals or exceeds the minimum standards set forth under the law, including the requirement that the training be interactive. According to the FAQs, training can be done via a recorded video or online (i.e., it need not be live); however, it must be in a format that allows participants to ask questions and receive answers.

The CHRO's online training and education video is broken up into six segments and incorporates several interactive quizzes. Employees will receive a certificate of completion within 24 hours of finishing the training, and while such certificates are not required to prove an employee has completed the training, employers may want to maintain them to internally track compliance with the law. Notably, the video is designed for all employees and does not contain a separate section for supervisors. Moreover, it directs complainants to report concerns to a supervisor or seek assistance from the CHRO directly, and does not provide a mechanism for employers to incorporate their own reporting and investigative process. The video also addresses public accommodations and housing discrimination, such that it may not be appropriate for all employers.

We will continue to report on any further developments with regard to this law.

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