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## Time's Up for Connecticut Companies: Employers Must Comply with Significantly Expanded Sexual Harassment Prevention Requirements

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Over the past two years, in response to the #MeToo and #TimesUp movements, lawmakers across the United States have been evaluating laws related to sexual harassment prevention and passing legislation expanding such laws. Effective October 1, 2019, Connecticut joins this growing list of states. Since 1992, Connecticut law has required employers with 50 or more employees to provide sexual harassment prevention training to supervisory employees; the new law greatly expands these training requirements, as follows:

- *Employee training* - By October 1, 2020, all Connecticut employers with three (3) or more employees must provide sexual harassment prevention training to all existing employees. Employees hired on or after October 1, 2019, must be trained within six (6) months of hire. Employees who received this training after October 1, 2018, do not need to be trained a second time.
- *Supervisory training* – By October 1, 2020, all employers, regardless of size, must provide sexual harassment prevention training to supervisors. Employees hired on or after October 1, 2019, must be trained within six months of assuming a supervisory role. Employees who have received this training after October 1, 2018, do not need to be trained a second time.

Training for both supervisory and non-supervisory employees must be at least two (2) hours in length and must generally be “interactive,” meaning attendees can ask questions and receive responses in a “reasonably prompt manner.” Further, all employees must receive updated training every ten (10) years. If employers do not provide the required training, this will be deemed a “discriminatory practice” and subject employers to fines.

The new law also includes a number of other significant changes, including: 1) requiring employers with three (3) or more employees to email all employees within three (3) months of an employee's start date with the relevant posting regarding sexual harassment; 2) requiring that employees consent in writing before an employer takes immediate corrective action in response to a complaint of sexual harassment in the workplace, such as relocating the employee's office/cubicle/work location, changing his/her schedule, or making any other modification to the terms and conditions of employment; 3) extending the time period within which individuals may file complaints with the Connecticut Commission on Human Rights and Opportunities (CHRO) from 180 days to 300 days (effective October 1, 2019); 4) expanding the damages that can be awarded by the CHRO to include reasonable attorneys' fees for prevailing parties; and 5) expanding the damages that a court can award to include punitive damages to prevailing plaintiffs, among other changes.

While these changes are significant, there are a number of steps that employers may want to consider to best prepare for these changes, in consultation with competent employment counsel, including:

- Designating a person(s) who will be responsible for sexual harassment prevention training program at the organization.
- Reviewing training materials for compliance with the new law (e.g., length of time, remedies available, content, etc.).
- Drafting a training schedule for supervisory and non-supervisory employees.
- Creating a process for maintaining training records such as a log of each employee's name and date of training, attendance sheets, and/or training certificates.
- Updating other human resource/personnel documents and procedures to reflect the changes in the law, including orientation materials, employee handbooks, workplace postings, and other materials.
- Training human resource personnel, managers, and supervisors as it relates to the requirements of the new law and the importance of compliance.
- For employers operating in multiple states with sexual harassment prevention training requirements, determining how training will be provided in compliance with various state laws in a manner that is cost-effective and efficient.

Additionally, there are a number of outstanding questions that employers will likely have, such as whether training must be provided in a one-time block of two consecutive hours, whether employees promoted to supervisory positions must be retrained, and whether to utilize the CHRO's education and training materials that have been issued and are available on the CHRO's website.

## FOR MORE INFORMATION

For more information or if you have questions about how the issues raised in this legal update affect your policies, practices, or other compliance efforts, please contact one of the following lawyers in the firm's [Labor, Employment, Benefits + Immigration Group](#).

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