



Supplemental Information

California

The State of California has specific requirements all healthcare facilities must comply with for their sexual harassment training.

- Employers with 5 or more employees are required to train on sexual harassment. These employees would include part-time, temporary and/or independent contractors.
- Training must be completed every two years
- Training records must be kept for at least two years
- Employers must develop a written policy on discrimination and retaliation prevention that reflect current California law
- Non-management team must have a 1-hour training session
- Management team must have a training for 2 hours

California Government Codes for Sexual Harassment:

12940(j)(1):

Unlawful for an employer, labor organization, employment agency, apprenticeship training program or any training program leading to employment, or any other person, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract.

12940(j)(4)(A):

For purposes of this subdivision only, "employer" means any person regularly employing one or more persons or regularly receiving the services of one or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities.

12940(j)(4)(C):

For purposes of this subdivision, "harassment" because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions.

Sexually harassing conduct need not be motivated by sexual desire.

12940(k):

Unlawful for an employer, labor organization, employment agency, apprenticeship training program, or any training program leading to employment, to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

2 CCR 11203:

Harassment and Discrimination Prevention and Correction

Managers should be familiar with these government codes and all policies and procedures in the workplace as they will be a leader in sexual harassment prevention. If policies and documentation is not in place, supervisors should look at California law and create or update formal complaint forms, investigation, corrective action procedures and policies along with the employer.

For more information: <https://www.dfeh.ca.gov/>

Connecticut

The State of Connecticut has specific requirements all healthcare facilities must comply with for their sexual harassment training.

These provisions and requirements go into effect October 1, 2019. The language, which applies to employers which have three or more employees, includes:

- Employers will be required to provide to a new employee a copy of information regarding the illegality of sexual harassment and remedies available to victims.
- Employers must provide all existing employees with two hours of training by February 9, 2021.
- Employers must provide two hours of training and education to new employees hired on or after October 1, 2019 within six months of their start date.
- Employers with fewer than three employees must provide two hours of training and education to all existing supervisory employees by October 1, 2020 or within six months to new supervisory employees.
- Employers must provide periodic supplemental training not less than every ten years.

The Commission encourages an employer having Fifty (50) or more employees to provide an update of legal interpretations and related developments concerning sexual harassment to supervisory personnel once every three (3) years.

Connecticut Discrimination Employment Practices Act

(Section 46a-60(a)(8) of the Connecticut General Statutes)
AND TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
(Title 42 United States Code Section 2000e et seq.)

SEXUAL HARASSMENT MEANS “ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

(1) SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL’S EMPLOYMENT.

(2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY ANY INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR

(3) SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL’S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORKING ENVIRONMENT.”

For more information

<https://www.ct.gov/chro/cwp/view.asp?a=5019&Q=609536&chroNav=%7C>

Delaware

The State of Delaware has specific requirements all healthcare facilities must comply with for their sexual harassment training.

Employers with 50 or more employees must provide employees with interactive training and education on the prevention of sexual harassment.

Training must be conducted for new employees within one year of their date of hire. Existing employees must receive training within one year of the effective date of the new statute (January 1, 2019).

The training must cover:

- The illegality of sexual harassment
- Definition of sexual harassment with examples
- Legal remediation and compliant process
- Direct employees on how to contact the Delaware Department of Labor
- The legal prohibition against retaliation

New supervisors must receive additional interactive training within one year of their date of hire or commencement of supervisory role. Existing supervisors must take training by January 1, 2020.

This additional training must cover the specific responsibilities of a supervisors in the prevention and correction of sexual harassment as well as the legal prohibition of retaliation.

Training for employees and supervisors must be repeated every two years.

§ 711A Unlawful employment practices; sexual harassment.

The State of Delaware is committed to ensuring that all Delawareans experience a safe and respectful workplace free of sexual harassment. Complaints of sexual harassment will be taken seriously, and employers will be held accountable for sexual harassment in the workplace. It is the expectation of the Delaware General Assembly that all employers in the State of Delaware will work to create a workplace where employees are safe and treated with dignity and respect.

For more information: <https://dol.delaware.gov/>

Illinois

The State of Illinois has specific requirements all healthcare facilities must comply with for their sexual harassment training.

(a) Develop a written sexual harassment policy that includes at a minimum the following information:

(i) the illegality of sexual harassment;

(ii) the definition of sexual harassment under State law;

(iii) a description of sexual harassment, utilizing examples;

(iv) the agency's internal complaint process including penalties;

(v) the legal recourse, investigative and complaint process available through the Department and the Commission;

(vi) directions on how to contact the Department and Commission; and

(vii) protection against retaliation as provided by Section 6-101 of this Act. The policy shall be reviewed annually.

(b) Post in a prominent and accessible location and distribute in a manner to assure notice to all agency employees without exception the agency's sexual harassment policy. Such documents may meet, but shall not exceed, the 6th grade literacy level. Distribution shall be effectuated within 90 days of the effective date of this amendatory Act of 1992 and shall occur annually thereafter.

(c) Provide training on sexual harassment prevention and the agency's sexual harassment policy as a component of all ongoing or new employee training programs.

The Illinois Human Rights Act

The Illinois Human Rights Act is another law that prohibits sexual harassment in State employment, as well as many private employment settings.

It is a civil rights violation "[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment." 775 ILCS 5/2-102(D).

For more information: <https://www2.illinois.gov/DHR/Pages/default.aspx>

Maine

The State of Maine has specific requirements all healthcare facilities must comply with for their sexual harassment training.

This law requires that all employers with fifteen or more employees, both public and private, who are located in or doing business in the state of Maine train all employees, including supervisors, within one year of commencement of their employment.

The training must include:

The illegality of sexual harassment; the definition of sexual harassment under state and federal laws and federal regulations, including the Maine Human Rights Act and the Civil Rights Act of 1964, Title VII;

A description of sexual harassment, utilizing examples;

The internal complaint process available to the employee;

The legal recourse and complaint process available through the commission;

The protection against retaliation as provided under Title, section 4553, subsection 10, paragraph D.

Employers must conduct additional training for supervisory and managerial employees within one year of commencement of employment that includes, at a minimum, the specific responsibilities of supervisory and managerial employees and methods that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

For more information: <https://legislature.maine.gov/statutes/26/title26sec807.html>

New York

The State of Illinois has specific requirements all healthcare facilities must comply with for their sexual harassment training.

New York Minimum Standards for Sexual Harassment Prevention Policies

The New York State law, found at § 201-g of the New York Labor Law, requires employers to implement sexual harassment prevention policies and to conduct annual sexual harassment training annually for employees.

Every employer in the State of New York is required to adopt a sexual harassment prevention policy pursuant to Section 201-g of the Labor Law. An employer that does not adopt the model policy must ensure that the policy that they adopt meets or exceeds the following minimum standards. The policy must:

- i) Prohibit sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights
- ii) Provide examples of prohibited conduct that would constitute unlawful sexual harassment
- iii) Include information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws
- iv) Include a complaint form
- v) Include a procedure for the timely and confidential investigation of complaints that ensures due process for all parties
- vi) Inform employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially
- vii) Clearly state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue
- viii) Clearly state that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful. Employers must provide each employee with a copy of its policy in writing

Employers should provide employees with the policy in the language spoken by their employees.

For more information <https://www.ny.gov/programs/combating-sexual-harassment-workplace>