

Time's Up: Connecticut Employers to Prepare for New Sexual Harassment Training and Protections

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Kelly M. Cardin

Stamford
New York City

Author



Marc L. Zaken

Stamford

Author

On June 18, 2019, Governor Ned Lamont signed into law Connecticut's new sexual harassment prevention legislation, known as the [Time's Up Act](#). The law significantly broadens sexual harassment training requirements, extending them to all employers in the state, and toughens penalties for noncompliance. The law also enhances protections for employees who complain about sexual harassment in the workplace. Most of the new requirements will go into effect on October 1, 2019.

Training Requirements

The new sexual harassment training requirements apply to all employers in the state, but the requirements vary based on employer size. Employers with three or more employees must provide two hours of sexual harassment training to all employees—both supervisory and nonsupervisory. For current employees, the training must be completed by October 1, 2020, unless the employer previously provided such training after October 1, 2018, in which case the employer does not have to repeat the training. Employees hired after on or after October 1, 2019, must receive the training within the first six months of their employment.

Employers with fewer than three employees must provide two hours of sexual harassment training to supervisory employees by October 1, 2020, unless the employer previously provided such training after October 1, 2018. Employees hired or promoted into supervisory positions on or after October 1, 2019, must receive the training within six months of hire or promotion.

The law also clarifies that these requirements apply to family-owned or operated businesses, expanding the definition of "employee" to include individuals employed by a family member, such as a parent, spouse, or child.

Another important feature of the law is that it requires employers to provide additional sexual harassment training periodically. Specifically, covered employers are now required to provide supplemental training at least once every 10 years.

The law also requires the Connecticut Commission on Human Rights and Opportunities (CHRO) to develop an online training video or module concerning sexual harassment. Employers will be able to use the CHRO's materials (at no cost) to fulfill their training obligations.

Notice Requirements

In addition to the existing posting requirements, the new law requires employers with three or more employees to provide a copy of the sexual harassment policy to all employees within three months of their start date.

Employers may provide the notice electronically, subject to certain requirements, if the employer has provided an email account to the employee or the employee has given an email address to the employer. The subject line of the email must include the phrase "Sexual Harassment Policy" or similar words, and the information the employer sends must detail the illegality of sexual harassment and the remedies available to victims. Employers can comply with this requirement by sending employees a link to the CHRO's website concerning sexual harassment. If the employee has not provided the employer with an email address or vice versa, the employer must post the information on its website, if it maintains one.

Corrective Action

Employers must also comply with the law's requirements concerning any "corrective action" related to employees who complain about sexual harassment. If an employee complains about sexual harassment and an employer takes corrective action in response to such a claim, the employer's corrective action cannot modify the complaining employee's conditions of employment unless the employee agrees, in writing, to such modifications, that is, an employer may not relocate, reassign, or make any other substantive changes to the employee's work conditions without the employee's approval in writing.

Filing Protections and Penalties

The law also extends an employee's time to file a complaint of discrimination or harassment under Connecticut law with the CHRO to 300 days. It further permits a representative of the CHRO to enter an employer's place of business to determine whether the employer is complying with the posting requirements and to examine training records and policies.

If an employer is found to have violated the posting, notice, and training requirements it can be fined up to \$1,000 for violations (up from \$250). The law also expands the damages a complainant can collect at the CHRO to include attorneys' fees, and it provides for the recovery of punitive damages in litigation.

Key Takeaways

The legislature has sent Connecticut employers the message that sexual harassment in the workplace is not going to be tolerated. In light of the specific and technical requirements of the Time's Up Act, employers may want to review their posting, notice, and training policies to ensure they are in compliance. They may also want to maintain records concerning sexual harassment training in a form the CHRO can easily review. Compliance with the new rules is particularly important in light of the heightened penalties that employers face for noncompliance.