

# State Laws and Sexual Harassment Prevention Training Requirements

By BHS Insurance

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Since 2017, sexual harassment claims in the workplace have increased by double digits. Sexual harassment is a form of discrimination that violates the Federal Law; Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments.

Given the rise in claims many states have enacted legislation to provide guidance to employers and also require or strongly recommend sexual harassment awareness training for staff. The states that have current or newly enacted laws requiring training effective January 01, 2020 are: California, Illinois, New York, Connecticut, Maine and Delaware. Be aware that in some cases training is required/suggested for employees, volunteers and independent contractors. It is expected that there will be further legislation expanding training requirements and it is considered a best practice to provide the suggested training as it promotes awareness in terms of appropriate conduct and further minimizes your liability.

## Types of Sexual Harassment

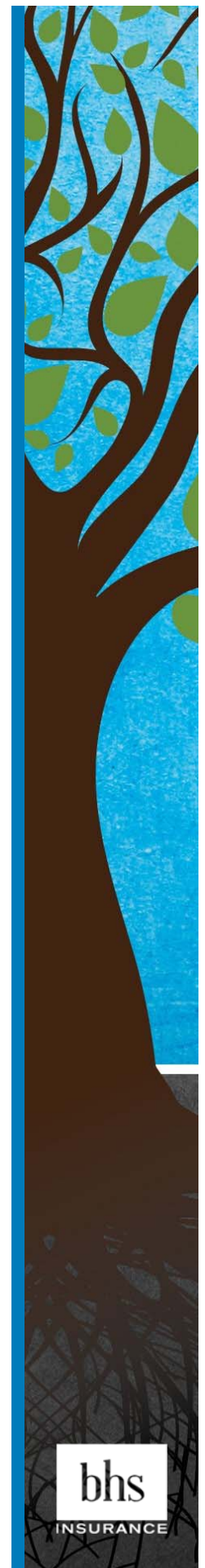
Sexual harassment can occur in a variety of circumstances:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim. The victim should directly inform the harasser that the conduct is unwelcome and must stop. The victim should also use any employer complaint system available.

When investigating allegations of sexual harassment, the Equal Employment Opportunity Commission (EEOC) looks at the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

As noted above, prevention is the best tool to eliminate sexual harassment in the workplace. Written policies and clear communication coupled with effective training will help reduce your liability. Establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains is critical to the process.



It is unlawful to retaliate against an individual for filing a discrimination charge, testifying or participating in any way in an investigation, proceeding or litigation under Title VII. It is also unlawful to retaliate against someone for opposing employment practices that discriminate based on sex.

While Public gardens are welcoming institutions, supporting diversity, inclusion and a positive work environment it is important to understand how the new laws will impact your institution. At BHS Insurance we support your mission and your risk management efforts. We can provide the State specific sexual harassment training via our Online training platform. We are also able to provide sample policies and procedures to update your staff and volunteer handbooks. For more information, please contact us at 1-800-350-7676.

