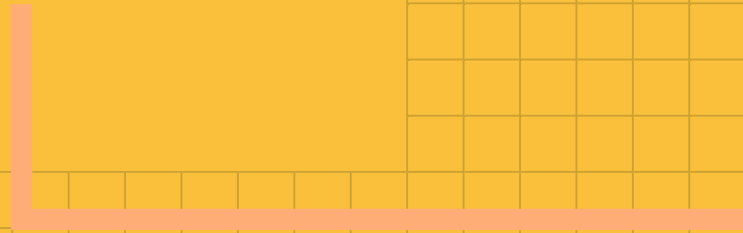


Mineral™



Quick Guide to Anti-Harassment Compliance





The tide has changed from training being an optional effort to one that is practically necessary.

This guide provides a snapshot of anti-harassment compliance, focusing on state training mandates, state recommendations for training, compliance requirements for recordkeeping, policies and reporting obligations, deadlines, and FAQs.

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Training Requirements & Recommendations

To prevent harassment and discrimination, all employers should employ prevention training within their organizations. Nearly half of all U.S. states either require or recommend that employers provide harassment and discrimination prevention training.

Each of those states has specific requirements on the training content, recordkeeping, mode of delivery, and timing.

Harassment training helps you:

- Communicate your expectations to all employees
- Guide supervisors to understand their legal duties
- Teach employees what is considered proper conduct

States That Require Training

STATE	EMPLOYEE THRESHOLD	EMPLOYEE TYPES	DEADLINES & FREQUENCY	UNIQUE REQUIREMENTS
CALIFORNIA	5 employees or more	All employees	Within 6 months of hire, and every 2 years	Training must address abusive conduct and harassment based on sexual orientation, gender identity, and gender expression
CONNECTICUT	1 employee or more	All employees	Within 1 year of hire or 6 months of promotion, then every 2 years	Employers with fewer than three employees are only required to train supervisors
DELAWARE	50 employees or more in the state	All employees	Within 1 year of hire, and every 2 years	Employees promoted to supervisor must receive training within 1 year of promotion
ILLINOIS	1 employee or more	All employees	As soon as possible, then every year	Must train employees outside of Illinois who regularly work with Illinois-based employees
MAINE	15 employees or more in the workplace	All employees	Within 1 year of hire	Must train if employer is located or doing business within Maine
NEW YORK	1 employee or more	All employees	As soon as possible, then every year	Even employees who only work in NY very occasionally must be trained
NEW YORK CITY	15 employees or more	All employees	Every year	Training must include bystander intervention content
WASHINGTON	1 employee or more	All employees	One-time training	Retail, Hotel, Motel, Security, and Property Services industries
WASHINGTON D.C.	1 employee or more	All employees	Within 90 days of hire (for everyone), then every 2 years	Applies only to employers with tipped staff. Managers must be trained in-person

States That Recommend Training

Colorado, Florida, Hawaii, Iowa, Massachusetts, Michigan, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, West Virginia, and Wisconsin encourage employers to provide some form of sexual harassment training for employees.



“Employers should dedicate sufficient resources to train middle-management and first-line supervisors on how to respond effectively to harassment that they observe, that is reported to them, or that they have knowledge about – even before such harassment reaches a legally-actionable level.”

**- U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

Recordkeeping & Reporting

Recordkeeping

A number of states and D.C. require you to keep records of your training efforts, such as employee name, role, and course completion. Those states are:

- California
- Connecticut
- District of Columbia
- Illinois
- Maine
- Maryland
- New York
- Rhode Island
- Vermont
- Washington

Reporting

States are increasingly requiring that employees be trained on how to report instances of harassment and discrimination. Those states are:

- California
- Connecticut
- Delaware
- Illinois
- Maine
- New York
- Washington
- District of Columbia

Policy Requirements

Policies form the backbone of an organization’s anti-harassment and discrimination efforts. While having one is a best practice in every state, more than a dozen states require or recommend employers to have a specific policy.

STATE	EMPLOYEE THRESHOLD	UNIQUE REQUIREMENTS
CALIFORNIA	1 employee or more	Policy and content requirement
CONNECTICUT	1 employee or more	Policy and content requirement
DISTRICT OF COLUMBIA	1 employee or more	Policy and content requirement
ILLINOIS	1 employee or more	Policy and content requirement (certain industries)
MAINE	1 employee or more	Policy and content requirement
MASSACHUSETTS	6 employee or more	Policy and content requirement
NEW YORK	1 employee or more	Policy and content requirement
OREGON	1 employee or more	Policy and content requirement
RHODE ISLAND	50 employees or more	Policy and content requirement
VERMONT	1 employee or more	Policy and content requirement
WASHINGTON	1 employee or more	Policy and content requirement (certain industries)

Recommended

Iowa, New Jersey, South Dakota, Tennessee, Texas, and Wisconsin recommend that employers have an anti-harassment policy.

Some states offer some protection from liability if an employer has a well-written, well-executed, and well-distributed policy.

Deadlines

All mandate states (except for Maine and Washington) require employers to train on an ongoing basis after the initial deadline.

Frequently Asked Questions

Do you use the number of employees within the state or the total number of employees across all states to determine whether compliance with a particular mandate is required?

Typically, the employee threshold used to determine whether a business must comply with a specific mandate is based on the total number of employees company-wide, irrespective of their location.

How often do we need to train our employees?

As illustrated in the table above, frequency varies by state. For multi-state employers, a best practice is to train all employees annually. Mineral has more information on how to best meet the mandates in the [platform](#).

Do non-traditional workers need to be trained?

The laws in each state specify which types of workers should be trained and how they are defined. But as you can see from the below chart, states intend these requirements to cover most types of employees.

If I have one employee in State X, but we're based in State Y, do we need to follow both states' requirements?

Generally, yes. However, you need to look at each state's eligibility rules. For example, Delaware requires training employees located in the state, whereas Illinois requires training for any employee who works with Illinois-based employees. If any of those non-Illinois employees are in a state that requires its own training, then they would also need to meet those training requirements.

STATE	CLASSIFICATIONS INCLUDED IN TRAINING MANDATE
CALIFORNIA	Independent contractors, unpaid interns, unpaid volunteers, temporary and seasonal workers
DELAWARE	State employees, unpaid interns, joint employees, and apprentices
ILLINOIS	All employees regardless of status (temporary, part-time, or intern) and any employees who work, or will work, in Illinois or with Illinois employees
NEW YORK	Seasonal and temporary workers
NEW YORK CITY	Interns, independent contractors, seasonal and temporary workers
WASHINGTON	Joint employees, seasonal and temporary workers, and independent contractors
WASHINGTON, D.C.	Tipped workers, managers, and owner/operators



Conclusion

Anti-harassment efforts in the workplace take expert knowledge of the law, planning, implementation, and resources. Using a credible training provider can be hugely beneficial, even in states with no anti-harassment training mandates.

Mineral's Workplace Harassment Prevention catalog provides interactive training in state mandated anti-harassment topics as well as courses in diversity, equity, and inclusion.



Learn more

About

Mineral is the HR and compliance leader for growing businesses. Through a combination of data, technology and human expertise, our proactive solutions take the guesswork out of HR and compliance, giving clients peace of mind. To learn more, visit trustmineral.com.

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