


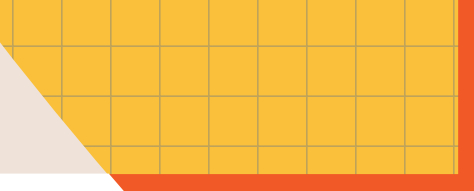
Mineral™

Quick Guide to Harassment Compliance



**Protect your people –
and your business.**





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



CONTENTS

Training Requirements & Recommendations	3
Recordkeeping & Reporting.....	4
Policy Requirements	5
Policy Recommendations.....	5
Deadlines.....	6
Frequently Asked Questions	6
How Mineral Can Help.....	7

Training Requirements & Recommendations



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

Each state has specific requirements on training content, recordkeeping, mode of delivery, and timing.



Harassment training allows employers to communicate their expectations to employees, supervisors to understand their legal duty to handle matters related to harassment, and employees to engage in proper conduct.

States That Require

STATE	EMPLOYEE THRESHOLD	EMPLOYEE TYPES	FREQUENCY	UNIQUE REQUIREMENTS
CALIFORNIA	5 employees or more	All employees	Within 6 months of hire, and every two years	Training must address abusive conduct and harassment based on sexual orientation, gender identity, and gender expression
CONNECTICUT	1 employees or more	All employees	Every two years, new supervisors within 6 months of hire, new employees within 1 year of hire, then every 2 years	Employers with less than three employees must provide training to supervisors only
DELAWARE	50 employees or more	All employees	Within 1 year of hire, and every two years	Employees promoted to supervisor must receive training within one year of promotion
ILLINOIS	1 employees or more	All employees	Every year	Must train employees outside of Illinois who regularly work with Illinois-based employees
MAINE	15 employees or more	All employees	Within 1 year of hire	Must train if employer is located or doing business within Maine
NEW YORK	1 employees or more	All employees	Every year	Employers may be liable for the actions of employees immediately upon hire if no training
NEW YORK CITY	1 employees or more	All employees	Every year	Training must include bystander intervention topical content
WASHINGTON	1 employees or more	All employees	Within 1 year of hire, and every two years	Hotels, motels, retail organizations, security guard entities and property services contractors only
WASHINGTON D.C.	1 employees or more	All employees	Managers within 90 days of hire, and every two years	Employers with tipped staff only

Training Requirements & Recommendations (cont'd)

States That Recommend

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 of which they have knowledge or information – even before such harassment reaches a legally-actionable level.

- U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Recordkeeping & Reporting

Recordkeeping

Several states and localities require you to keep records of your training efforts, such as employee name, role, and course completion:

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

Reporting

States are increasingly requiring employees be trained on how they can report instances of harassment and discrimination, and they are:

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



Policy Requirements

Policies form the backbone of an organization's anti-harassment and discrimination efforts. While having one is best practice in every state, more than a dozen states require or recommend employers 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	No content requirement
ILLINOIS	1 employee or more	Bars, restaurants, hotels, and casinos only
MAINE	6 or more employees	Policy and content requirement
MASSACHUSETTS	1 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	Hotel, motel, retail, security, and property services only

Recommended

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



Some states offer some liability protection 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 below, 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 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 also in a mandate state, such as California, and they are eligible, they would also need to be trained per that state's requirement.

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 (short-term, 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

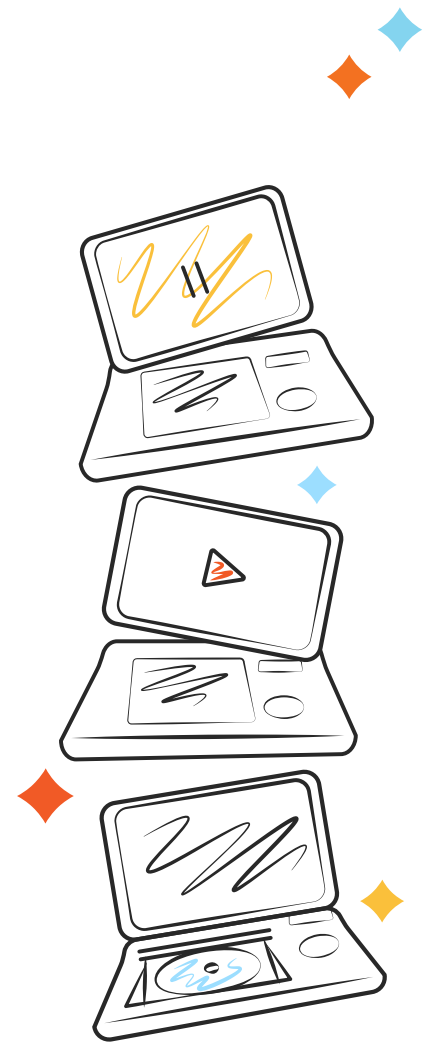
Conclusion

Workplace Harassment Prevention efforts 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.

How Mineral™ Can Help

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.