



How to Meet Harassment Prevention Mandates in 2023

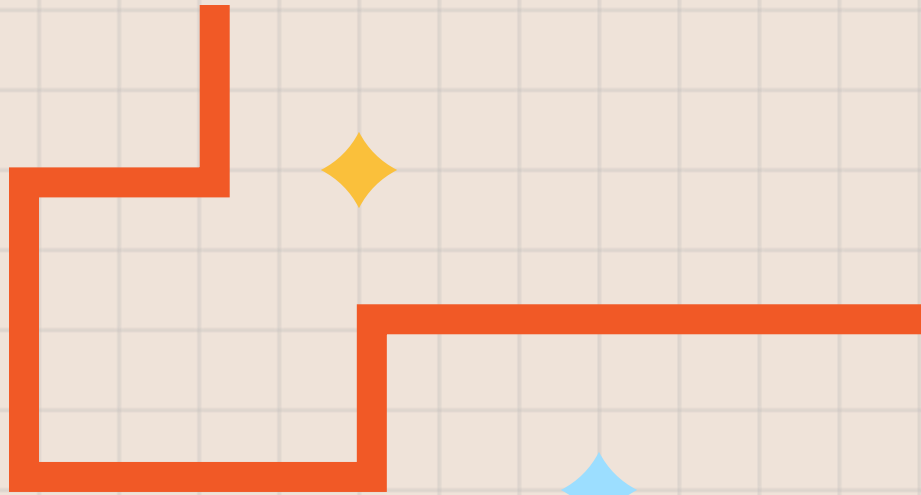
Presented by Kara Govro, JD, SPHR
Senior Legal Analyst, Mineral

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Welcome to the Webinar!



- A. We'll send the recording and slides post-webinar
- B. Keep an eye out for polls!
- C. Please complete our survey at the end of the webinar



Our Speaker



Kara Govro, JD, SPHR
Senior Legal Analyst at Mineral

Agenda

- A. State Training Mandates and Recommendations
- B. Policy Mandates and Recommendations
- C. Beyond Basic Compliance: A Recipe for Harassment Prevention

Poll Question

Are you offering harassment prevention training in your workplace right now?

State Training Mandates and Recommendations



California

Senate Bill No. 1343, enacted September 30, 2018

- Employers with **5+ employees**, including temporary and seasonal workers, independent contractors, unpaid interns, and volunteers
- **All employees** need to be trained, including part-time, seasonal, and migrant workers
- **One hour** for regular employees, **two hours** for supervisors
- Employees must be trained **every two years**
- New employees and the new supervisors must be trained **within 6 months** of hire or promotion
- Seasonal and temporary employees must be trained **within 30 days or 100 hours worked**, whichever comes first

Connecticut

Time's Up Act, enacted on June 18, 2019

- Employers with **3+ employees** must provide training to **all employees**; if fewer than 3, managers only
- **Two-hour** training
- New employees must be trained **within 6 months**
- Employees must receive supplemental training not less than every **10 years**
- Commission on Human Rights and Opportunities recommends employers with 50+ employees re-train **every three years**



Delaware

Senate Bill 360, enacted August 29, 2018

- Employers with **50 or more** employees **within the state**
- **All employees** must be trained
- Employees employed less than six months continuously do not need to be trained
- Employees must be trained **every two years**
- New employees must be trained within **1 year** of hire or assumption of supervisory position
- **Additional training for supervisors** is required



Illinois

Workplace Transparency Act, enacted on August 9, 2019

- Annual training
- All employers (*additional* training requirements for restaurants and bars)
- All employees, including those who **regularly interact** with employees in Illinois (!)
- Independent contractors **not required**, but strongly advised if they work on-site or interact with employees
- New hires must be trained “**as soon as possible**”
- Additional requirements in **Chicago**

Maine

Originally enacted October 1991, updated April 2018



- Employers with **15 or more** employees in the workplace
- **All employees** must be trained
- Supervisors must receive **additional training**
- **Only required once**
- Employees must be trained within **one year** of hire or assumption of supervisory position

New York State

Section 201-G(2) of the New York Labor Law, effective October 9, 2018

- All employers
- All employees (even those who only visit NY occasionally)
- Annual training required
- New employees should be trained **as soon as possible**
- Training must be provided in the language **spoken at work**
- Additional requirements in **NYC**

Washington State

Senate Bill 5258, enacted in May 2019

- Applies to employers in **retail, hotel, motel, security, and property services industries**
- **Managers, supervisors, and "employees" must be trained**
- **Employees are defined as:** individuals employed as janitors, security guards, hotel or motel housekeepers, or room service attendants who also either:
 - Spend a majority of their working hours alone, or
 - Have a primary work responsibility that involves working without another coworker present.
- **Only required once**

Washington D.C.

Tipped Wage Worker Fairness Amendment Act, enacted October 2018

- Deadline: December 31, 2022
- Employers with tipped employees must provide training
- All employees, including operators and owners must be trained
- Training must be completed every two years for managers, owners, and operators
- Managers must be trained in-person
- New employees must be trained within 90 days



13 States Have Training Recommendations

- **Colorado, Massachusetts, Rhode Island (50+), Vermont:** encourage employers to conduct sexual harassment training for new employees and supervisors (generally within a year) of hiring or promotion and suggest minimum requirements
- **Iowa, Oregon, Texas, and Wisconsin:** recommend employers provide some form of harassment training
- **Hawaii, Ohio, Oklahoma, Pennsylvania and West Virginia:** similar to EEOC guidelines, they recommend that employers develop appropriate sanctions, inform employees of the *right* to raise complaints and *how* to raise them, and develop methods to sensitize all concerned



Policy Mandates and Recommendations



Harassment Prevention Policy Requirements

Policy Required

- California
- Connecticut
- District of Columbia (tipped employees)
- Illinois (bar and restaurant industry)
- Maine
- Massachusetts (6+ employees)
- New York State
- Oregon
- Rhode Island (50+ employees)
- Vermont
- Washington

Policy Recommended

By the EEOC for all US employers

By state agencies for:

- Colorado
- Iowa
- New Jersey
- South Dakota
- Tennessee
- Texas
- Wisconsin

Beyond Simple Compliance: A Recipe for Prevention



Promising Practices for Preventing Harassment: an EEOC Technical Assistance Document

The EEOC created a Select Task Force on the Study of Harassment in the Workplace. In 2016, they provided a report that identified **five core principles** that have generally proven effective in preventing and addressing harassment:

- Committed and engaged **leadership**
- Consistent and demonstrated **accountability**
- Strong and comprehensive harassment **policies**
- Trusted and accessible **complaint procedures**
- Regular, interactive **training** tailored to the audience and the organization

Leadership and Accountability

Leaders can demonstrate this commitment by:

- Allocating sufficient **resources** and staff time for effective harassment prevention strategies
- Providing **authority** to individuals responsible for creating, implementing, and managing harassment prevention
- Assessing harassment risk factors and taking steps to **minimize or eliminate risks**
- **Engaging leadership** in harassment prevention and correction efforts
- **Training supervisors** and managers about how to prevent, recognize, and respond to objectionable conduct that, if left unchecked, *may rise to the level of prohibited harassment*
- **Acknowledging** employees and managers who create and maintaining a culture where harassment is not tolerated

Don't set it and forget it!

Comprehensive and Effective Harassment Policy: What it Says

A comprehensive harassment policy includes, for example:

- A statement that the policy applies to all employees, as well as applicants, clients, customers, vendors, etc.
- Examples of prohibited conduct (harassment is not just quid pro quo or physical assault)
- A description of the organization's harassment complaint system and where and how to access it
- A statement that the employer will provide a prompt, impartial, and thorough investigation
- A statement that people and information will be kept confidential to the extent possible
- An assurance that the organization will take immediate and proportionate corrective action
- An unequivocal statement that retaliation is prohibited

Comprehensive and Effective Harassment Policy: Best Practices

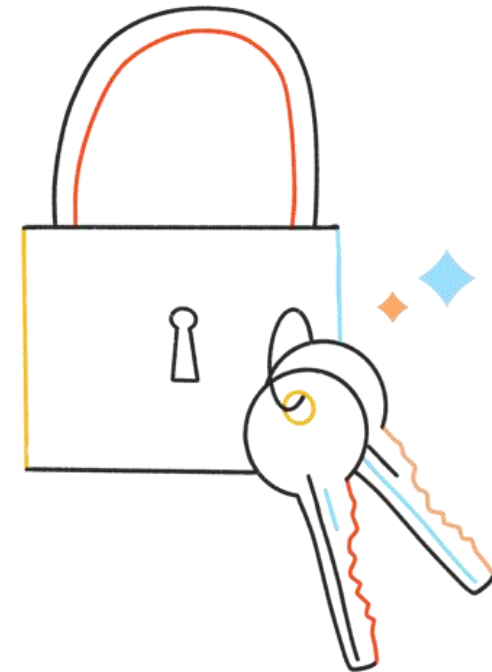


- Written and communicated in a clear, easy to understand style and format
- Translated into all languages commonly used by employees
- Provided to employees upon hire and during harassment trainings
- Posted centrally, e.g., on the company's internal website, in the company handbook, and in communal spaces
- Periodically reviewed and updated, re-disseminated to staff, and re-posted in central locations

Effective and Accessible Harassment Complaint System: What it Does and Says

An effective harassment complaint system should:

- Be fully **resourced**
- Protect the **privacy** of those involved to the greatest extent possible
- Include processes to identify and **sanction retaliation**
- Provide **due process** to the alleged harasser (hear them out)
- Convey the **resolution** of the complaint to the complainant and the alleged harasser (level of detail will vary)



Effective and Accessible Harassment Complaint System: The People Accepting Complaints

The employees responsible should, among other things:

- Be well-trained, objective, and neutral
- Have the authority, independence, and resources to receive, investigate, and resolve complaints appropriately
- Take all questions, concerns, and complaints seriously, and respond promptly and appropriately
- Create and maintain an environment in which employees feel comfortable reporting harassment to management
- Understand and maintain confidentiality associated with the complaint process
- Document every step of the complaint, investigation, and resolution



Training: Best Practices

Harassment training is better when it's:

- Championed by senior leaders
- Repeated and reinforced regularly
- Provided to employees at every level and location of the organization
- Provided in a clear, easy to understand style and format
- Tailored to your workplace and workforce

How Mineral Can Help





Workplace Harassment Prevention Package

Upgrade Your Learn Course Catalog

- Comprehensive, Interactive Harassment Prevention Courses
- Diversity, Equity, and Inclusion Courses
- Custom Course Uploader



Workplace Harassment Prevention Catalog

Workplace Harassment Prevention for Employees, State of California (SB 1343)

Duration: 75 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Managers (Restaurant/Bar), State of Illinois

Duration: 60 minutes
Languages: English / Spanish
Target Audience: Employees

Preventing Harassment in the Global Workplace – Employee Edition

Duration: 30 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Employees, State of Delaware

Duration: 40 minutes
Languages: English
Target Audience: Employees

Workplace Harassment Prevention for Employees (Restaurant/Bar), State of Illinois

Duration: 60 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Managers, State of New York and NYC

Duration: 80 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Managers, State of Connecticut

Duration: 140 minutes
Languages: English / Spanish
Target Audience: Managers

Workplace Harassment Prevention for Employees, State of Maine

Duration: 48 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Employees, State of New York and NYC

Duration: 55 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Employees, State of Connecticut

Duration: 140 minutes
Languages: English / Spanish
Target Audience: Employees

Workplace Harassment Prevention for Managers, State of Illinois

Duration: 90 minutes
Languages: English
Target Audience: Employees

Workplace Harassment Prevention for Managers, State of Delaware

Duration: 80 minutes
Languages: English / Spanish
Target Audience: Managers

Workplace Harassment Prevention for Managers, State California (AB1825/2053/SB1343)

Duration: 120 minutes
Languages: English / Spanish
Target Audience: Managers

Workplace Harassment Prevention for Employees, State of Illinois

Duration: 55 minutes
Languages: English / Spanish
Target Audience: Employees

Preventing Harassment in the Global Workplace – Manager Edition

Duration: 30 minutes
Languages: English
Target Audience: Managers

Workplace Harassment Prevention for Managers, State of Maine

Duration: 80 minutes
Languages: English / Spanish
Target Audience: Managers

Diversity, Equity & Inclusion Courses

Overcoming Your Own Unconscious Bias

Duration: 24 minutes
Languages: English
Target Audience: All Employees

Understanding Unconscious Bias

Duration: 24 minutes
Languages: English / Spanish
Target Audience: All Employees

Unconscious Bias

Duration: 5 minutes
Languages: English
Target Audience: All Employees

Your Role in Workplace Diversity

Duration: 30 minutes
Languages: English
Target Audience: All Employees



Anonymous Reporting

Create a space for employees to report any issues and give yourself more control over what's really happening in the workplace.

- Streamline workplace reporting and empower your employees
- Incorporate a healthy culture of communication & trust
- Guidance from our HR Expert Team
- Two-way masked communication between you and the reporter



Poll Question

Interested in **Workplace Harassment Prevention** or **Anonymous Reporting**?

Sign in to your Account

Username

Password



Sign in

[Forgot Username or Password?](#)

By signing in, you agree to the Mineral [Terms of Service](#) and [Privacy Policy](#)



Login at: apps.trustmineral.com/login

Having trouble logging in?

Fill out the form on [Forgot Username or Password](#) and a member of our support staff will reach out to help answer any questions.