



# Sexual Harassment Prevention *TRAINING* *REQUIREMENTS*

State And Local Laws

# Best practices approach

Sexual harassment prevention training is a best practices approach, even if not expressly required under state or local law. The importance of sexual harassment prevention training in the #MeToo era is highlighted by the increase in sexual harassment lawsuits since 2017.

## **Sexual harassment prevention training helps to:**

- Ensure employees understand the law of sexual harassment and that this conduct is not tolerated in the workplace.
- Avoid demoralization in the workplace.
- Avoid or minimize legal liability.
- Avoid negative public attention and monetary damages that may be awarded in litigation.
- Protect the potential availability of an affirmative defense against hostile work environment claims involving supervisors if certain criteria are met (for example the employer taking reasonable care to prevent and correct harassing behavior).

This chart outlines state and selected major local laws containing sexual harassment prevention training requirements for private employers and describes the coverage and specific requirements of each. It also identifies jurisdictions with laws that expressly encourage, but do not require, this training (for example, Colorado and Vermont).

**This chart does not cover proposed bills or laws that are not yet effective.**



# California

Cal. Govt. Code §§ 12950 and 12950.1 (amended by S.B. 778);  
Cal. Code Regs. tit. 2, § 11024 (regulations currently only  
address supervisor training for employers with 50 or more  
employees)

## TRAINING REQUIREMENTS

### Content. The training must include:

- **Information and practical guidance regarding federal and California laws that prohibit sexual harassment, including:**
  - *The definition of unlawful sexual harassment under the California Fair Employment and Housing Act (FEHA) and Title VII of the Civil Rights Act of 1964 (Title VII).*
  - *FEHA and Title VII statutory provisions and case law principles.*
  - *Types of conduct that constitute sexual harassment, including practical examples, such as factual scenarios from case law, news and media accounts, and hypotheticals based on workplace situations.*
  - *Remedies available for sexual harassment victims in civil actions as well as potential employer and individual exposure and liability.*
- **Practical examples of sexual harassment, discrimination, and retaliation.**
- **Strategies to prevent sexual harassment in the workplace.**
- **Supervisors' obligation to report sexual harassment, discrimination, and retaliation.**
- **Limitations on confidentiality during the complaint process.**
- **Resources for victims of unlawful sexual harassment, such as reporting mechanisms.**
- **Appropriate remedial measures to correct harassing behavior, including conducting an investigation.**
- **Steps to take if a supervisor is personally accused of harassment.**
- **The employer's antiharassment policy.**
- **A component about harassment based on gender identity, gender expression, and sexual orientation, including practical examples.**
- **The definition of abusive conduct under Cal. Govt. Code §12950.1(g)(2) and how to prevent it, including:**
  - *The elements and examples of abusive conduct.*
  - *Examples of abusive conduct.*
  - *The negative effects of abusive conduct on the victim, others in the workplace, and the employer.*
  - *Emphasis that a single act does not constitute abusive conduct, unless the act is especially severe or egregious.*
  - *Information on harassment based on gender identity, gender expression, and sexual orientation.*

### Under Cal. Govt. Code § 12950.2, an employer may also provide optional bystander intervention training that includes:

- **Information and practical guidance on:**
  - *Enabling bystanders to recognize potentially problematic behaviors.*
  - *Motivating bystanders to act when they observe problematic behaviors.*
- **Exercises to provide bystanders with:**
  - *Skills and confidence to intervene appropriately.*
  - *Resources that bystanders can use to support the intervention.*

## COVERAGE

### Employers:

- Employers with five or more employees, including temporary, seasonal, and contract employees.
- Employees do not have to work at the same location or all live in California.

### Employees:

- By January 1, 2021, employers must provide required training to all supervisory and nonsupervisory employees within six months of employment or assuming a supervisory position.

### Beginning January 1, 2020, employers must provide training for:

- Seasonal, temporary, or other employees that are hired to work for less than six months, within 30 calendar days of hire or within 100 hours worked, whichever occurs first (except for those employed by a temporary services employer that must provide the training).
- Migrant and seasonal agricultural workers.

# California

Cal. Govt. Code §§ 12950 and 12950.1 (amended by S.B. 778);  
Cal. Code Regs. tit. 2, § 11024 (regulations currently only  
address supervisor training for employers with 50 or more  
employees)

## TRAINING REQUIREMENTS

**Format. The training must be at least:**

- Two hours for supervisory employees.
- One hour for all nonsupervisory employees.

**The training must be in a classroom setting with an in-person trainer or use another method that is interactive and effective (for example, webinar or e-learning training). The employer may either:**

- Develop their own training module.
- Direct employees to view the online training course that is to be available on the California DFEH website. An employer may conduct this training:
  - In conjunction with other training.
  - Individually or as part of a group presentation.
  - In shorter segments if the training meets applicable hourly total requirements.

**Trainers. The training must be conducted by a trainer or educator with expertise in the prevention of harassment, discrimination, and retaliation.**

**California law requires that training provide contact information for a trainer who can answer questions about the material within two business days.**

**The training and education on gender identity, gender expression, and sexual orientation must be presented by trainers and educators in those areas.**

**California regulations (which currently address only training of supervisors) provide that trainers must be any of the following:**

- Attorneys admitted at least two years and practicing employment law under FEHA or Title VII.
- Human resources professionals or harassment prevention consultants with at least two years of relevant experience.
- Professors or instructors in law schools, colleges, or universities with at least 20 instruction hours or two years of relevant teaching experience.

**Frequency. After January 1, 2021, covered employers must provide training to each employee in California once every two years.**

**Recordkeeping. The regulations (which currently only address supervisor training) provide methods for employers to track compliance, including:**

- Individual tracking.
- Training - year tracking.

**Employers should maintain training documentation for at least two years.**

# California

**Cal. Govt. Code §§ 12950 and 12950.1** (amended by S.B. 778);  
**Cal. Code Regs. tit. 2, § 11024** (regulations currently only  
address supervisor training for employers with 50 or more  
employees)

## PROTECTED CHARACTERISTICS

### Actual or perceived:

- Race
  - Including traits historically associated with race, such as hair texture and hairstyles like braids, locs, and twists
- Religious creed
  - Including dress and grooming practices and encompassing all aspects of religious belief, observance and practice
  - These protections are extended to individuals serving in apprentice programs, unpaid internships and other programs to provide unpaid experience for a person in the workplace or industry, in addition to employees and applicants.
- Color
- National origin
  - Including discrimination on the basis of drivers' licenses provided to undocumented persons
  - An employer can require employee to hold or present a driver's license only if possession is required by federal or state law, or, possession of a driver's license is required by the employer or other covered entity and is otherwise permitted by law.
- Ancestry
- Physical disability (including HIV/AIDS)
- Mental disability
- Medical condition (genetic characteristics, cancer or a record or history of cancer)
- Genetic information
- Marital status (includes domestic partners)
- Sex
  - Including pregnancy, childbirth, breastfeeding, or related medical conditions, gender, gender identity and expression
  - Also includes discrimination due to perception by a third party of any of these characteristics
- Gender
- Gender identity
  - Defined as each person's internal understanding of their gender or the perception of a person's gender identity.
  - Including transgender, male, female, a combination of male and female, neither male nor female, different gender than at birth
- Gender expression
  - Defined as a person's gender-related appearance or behavior or perceptions of a person's gender-related appearance or behavior whether or not stereotypically associated with the person's sex assigned at birth

# California

Cal. Govt. Code §§ 12950 and 12950.1 (amended by S.B. 778);  
Cal. Code Regs. tit. 2, § 11024 (regulations currently only  
address supervisor training for employers with 50 or more  
employees)

## PROTECTED CHARACTERISTICS

- Age (40+)
- Sexual orientation
- Military and veteran status
- Employee transitioning
- Language, accent, or English proficiency
- Reproductive health decision making
- Crime or abuse victim status
- Taking leave to serve on an inquest or trial jury

In addition to these characteristics, California provides some protections for discrimination against someone based on criminal history.

**Note:** The Fair Employment and Housing Act also prohibits employment discrimination because of:

- Any **combination** of the above characteristics;
- A **perception** that the person has any particular characteristic(s) or any combination thereof;
- A **perception** that the person is associated with a person who has or is perceived to have any particular characteristic(s) or any combination thereof.

# Colorado

3 Colo. Code Regs. §708-1:20.6

## TRAINING REQUIREMENTS

Colorado regulations encourage employers covered under the Colorado Fair Employment Practices Act to "take all steps necessary to prevent discrimination, including harassment, from occurring," including training. **Although training is not legally required in Colorado, if a company is sued because harassment has occurred, they have no defense if they have not provided an anti-harassment course to their employees.**

In many other states, behavior must be persistent and severe in order to be classified as harassment. In Colorado, however, any offensive behavior based on a protected characteristic, like race or gender, can be harassment if a reasonable person with that same protected characteristic would also think it's harassment. Harassment becomes unlawful when it becomes a condition of employment or other workplace decisions, like promotion, or if it impacts work performance or creates a hostile work environment.

## COVERAGE

### Employers:

- Employers covered by the Colorado Fair Employment Practices Act (all employers except religious organizations or associations not supported by money raised from taxation or public borrowing) are encouraged but not required to conduct training.

### Employees:

- All employees.

# Colorado

3 Colo. Code Regs. §708-1:20.6

## PROTECTED CHARACTERISTICS

- Disability
- Race
  - Including hair texture, hair type, hair length, or hairstyles that are commonly or historically associated with race, such as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, and headwraps
- Creed
- Color
- Sex (Including discrimination against married women, but not married men; unmarried mothers)
- Sexual orientation
- Gender identity
  - Defined as an individual's innate sense of their own gender, which may or may not correspond to their assigned sex at birth
- Gender expression
  - Defined as an individual's way of reflecting and expressing their gender to the outside world, typically demonstrated through appearance, dress, and behavior
- Religion
- Age (40+)
- National origin
- Ancestry
- Pregnancy, childbirth and related conditions (and reasonable accommodations for such conditions)
  - These protections apply to both employees and applicants.
- Employees and/or applicants who are married to an employee, or plan to marry an employee.
  - These protections apply to employers with 26 or more employees.

These protections apply to any employer with **employees in Colorado**.



# Connecticut

Regs. Conn. Agencies §§ 46a-54-200 – 46a-54-207

## TRAINING REQUIREMENTS

### Content: The training must:

- Describe all federal and Connecticut statutory provisions prohibiting sexual harassment in the workplace, including, but not limited to, the Connecticut discriminatory employment practices statute.
- Define sexual harassment.
- Discuss the types of conduct that may constitute unlawful sexual harassment, including the fact that the harasser or the victim of harassment may be either a man or woman and can involve individuals of the same or opposite sex.
- Describe the remedies available in sexual harassment cases, including cease and desist orders, hiring, promotion, reinstatement, compensatory damages, and back pay.
- Advise employees that individuals that commit acts of sexual harassment may be subject to both civil and criminal penalties.
- Discuss strategies to prevent sexual harassment in the workplace.

### The law suggests other non-mandatory elements, such as:

- Informing employee that all complaints of sexual harassment must be taken seriously and that contents of complaints are personal and confidential, except regarding persons with a need to know.
- Conducting experiential exercises, such as role playing.
- Teaching the importance of interpersonal skills, such as listening and understanding what a person that is sexually harassed may be experiencing.
- Advising employees of the importance of preventive strategies to avoid the negative effects sexual harassment has on the victim and the overall productivity of the workplace.
- Explaining the benefits of learning about and eliminating sexual harassment, including a more positive work environment, greater productivity, and potentially lower exposure to liability.
- Explaining the employer's policy against sexual harassment.
- Discussing perceptual and communication differences among different individuals and the concepts of "reasonable woman" and "reasonable man" developed in federal sexual harassment cases in this context.

## COVERAGE

### Employers:

- **Employers of 3 or more employees must provide training to:**
  - All employees not later than July 20, 2021.
  - New employees within six months of the hire date.
- **Employers with 3 or fewer employees must provide training to:**
  - All supervisory employees no later than July 20, 2021.
  - New supervisory employees within six month of the hire date.

### Employees:

- All employees.

# Connecticut

Regs. Conn. Agencies §§ 46a-54-200 – 46a-54-207

## TRAINING REQUIREMENTS

### **Format. The training must:**

- Be at least two hours.
- Be conducted in a classroom-like setting.
- Use clear and understandable language.
- Be in a format that allows participants to ask questions and receive answers.

**The June 2019 amendments direct the Connecticut Commission on Human Rights and Opportunities (CHRO) to develop and make available at no cost to employers an online training and education video or other interactive method of training and education that fulfills the legal training requirements.**

### **Trainers**

The employer may use individuals employed by the employer or other individuals that agree to provide the required training, with or without compensation.

### **Frequency**

- Covered employers must provide periodic supplemental training to supervisory and non-supervisory employees at least every 10 years.
- Employers with 50 or more employees are encouraged but not required to provide an update of legal interpretations and related developments concerning sexual harassment to supervisory personnel once every 3 years.

### **Recordkeeping. The CHRO encourages employers to maintain training records for the later of either:**

- One year; or
- If a discriminatory practice complaint is filed involving an employee the employer trained, until the complaint is finally resolved.

## COVERAGE

*\* If the Connecticut Commission on Human Rights and Opportunities has developed and made available training and education materials. Employers are not required to provide training to an existing employee again if the employer provided training to the employee after October 1, 2018. "Employees" for purposes of the law includes those employed by their parent, spouse, or child.*

# Connecticut

Regs. Conn. Agencies §§ 46a-54-200 – 46a-54-207

## PROTECTED CHARACTERISTICS

- Race
  - Including ethnic traits historically associated with race, such as hair texture and hairstyles like wigs, headwraps and hairstyles such as individual braids, cornrows, locs, twists, bantu knots, afros, and afro puffs
- Color
- Religious creed
  - Including all aspects of religious observances and practice as well as belief, accomodation of which is subject to undue hardship to the employer's business
- Age
  - Employers are not allowed to ask about an applicant's age, date of birth, dates of attendance or graduation dates from an educational institution on an initial employment application, with some exceptions.
- Sex (including pregnancy, child-bearing capacity, sterilization, fertility or related medical conditions)
- Gender identity or expression
- Marital status
- National origin
- Ancestry
- Present or past history of mental disability, intellectual disability, learning disability or physical disability (includes blindness and perceived physical disability)
- Veteran status
- Status as a victim of family violence
- Sexual orientation
  - Defined as a person's identity in relation to the gender or genders to which they are romantically, emotionally or sexually attracted
    - This includes any identity that a person may have previously expressed or is perceived by another person to hold

**Note:** Unpaid interns are protected from discrimination and sexual harassment in the workplace.

# Delaware

Del Code Ann. tit. 19, § 711A(g)

## TRAINING REQUIREMENTS

### Content. The training must include:

- The illegality of sexual harassment.
- The definition of sexual harassment using examples.
- The legal remedies and complaint process available to the employee.
- Directions on how to contact the Delaware Department of Labor.
- The legal prohibition against retaliation. The training for supervisors must include:
  - *The specific responsibilities of a supervisor regarding preventing and correcting sexual harassment.*
  - *An explanation that retaliation is unlawful and prohibited.*

### Format

- The training must be interactive.

### Frequency

- Every two years.

## COVERAGE

### Employers:

**Employers with 50 or more employees in Delaware, including unpaid interns, joint employees, and apprentices (not including applicants or independent contractors).**

### Employees:

#### All employees:

- Within one year of beginning employment for new employees.
- Within one year of the law's effective date for existing employees.

#### Special training requirements for supervisors:

- Within one year of beginning employment as a supervisor for new supervisors.
- Within one year of the law's effective date for existing supervisors.

### Employers are not required to provide training to:

- Applicants.
- Independent contractors.
- Employees employed less than six months continuously.
- Employees employed by employment agencies (the employment agency is responsible for training their employees).

# Delaware

Del Code Ann. tit. 19, § 711A(g)

## PROTECTED CHARACTERISTICS

- Race
  - Including traits historically associated with race, including hair texture and hairstyles like braids, locs, and twists
- Marital status
- Genetic information
- Color
- Age (40+)
  - Employers are not allowed to ask about an applicant's age, date of birth, dates of attendance or graduation dates from an educational institution on an initial employment application, with some exceptions.
- Religion
- Sex (including pregnancy)
- Sexual orientation
- Gender identity
- National origin
- Disability (including perception of being disabled)
- Victim of domestic violence, sexual offense or stalking
- Wage disclosure or discussion
- Reproductive health decisions
- Family responsibilities
- Housing status

TRAINING REQUIREMENTS	COVERAGE
<p><b>Content. The training must include:</b></p> <ul style="list-style-type: none"> <li>• The definition of sexual harassment;</li> <li>• Examples of conduct that constitute unlawful sexual harassment;</li> <li>• A summary of responsibilities of employers in the prevention, investigation, and corrective measures of sexual harassment.</li> <li>• A summary of federal and state laws addressing sexual harassment, including available remedies for victims of harassment.</li> </ul> <p><b>Additional Requirements for Restaurants and Bars</b> The law requires all bars and restaurants to provide employees a written sexual harassment policy in English and Spanish within the first calendar week of employment, and supplemental training in English and Spanish. The policy must include:</p> <ul style="list-style-type: none"> <li>• A prohibition on sexual harassment;</li> <li>• The definition of sexual harassment;</li> <li>• Details on how an individual can report an allegation of sexual harassment internally, including options for making a confidential report to a manager, owner, corporate headquarters, human resources department, or other internal reporting mechanism that may be available;</li> <li>• An explanation of the internal complaint process available to employees;</li> <li>• How to contact and file a charge with the Illinois Department of Human Rights (IDHR) and the U.S. Equal Employment Opportunity Commission;</li> <li>• A prohibition on retaliation for reporting sexual harassment allegations; and</li> <li>• A requirement that all employees participate in sexual harassment prevention training.</li> </ul> <p><b>Format</b></p> <p>The IDHR will adopt a model sexual harassment prevention training program that provides guidance on employer responsibilities for preventing, investigating, and taking corrective measures on sexual harassment. Employers must use this program or may establish their own similar or more stringent training program.</p> <p><b>Frequency</b></p> <ul style="list-style-type: none"> <li>• All employers must provide training to all employees at least annually.</li> </ul> <p><b>Recordkeeping</b></p> <ul style="list-style-type: none"> <li>• Employers must keep a record of all trainings and make the records available to the Department of Human Rights for inspection upon request.</li> <li>• Beginning July 1, 2020, employers must report to the IDHR the number of adverse judgments or administrative rulings involving sexual harassment and unlawful discrimination on a yearly basis.</li> </ul>	<p><b>Employers:</b></p> <ul style="list-style-type: none"> <li>• All employers. In addition, all bars and restaurants must have sexual harassment policies and prevention training.</li> </ul> <p><b>Employees:</b></p> <ul style="list-style-type: none"> <li>• All employees.</li> <li>• Employers are not required to provide training to independent contractors but are strongly advised to do so for any contractors who work on-site or interact with the employer's staff.</li> </ul>

# Illinois

775 ILL. Comp. Stat. §§ 5/2-109 – 5/2-110  
(effective January 1, 2020).

## TRAINING REQUIREMENTS

### Additional Content Required

In addition to Illinois regulations, the City of Chicago has passed an amendment with additional training requirements that went into effect on July 1, 2022. This amendment includes:

- The definition of sexual harassment now explicitly includes sexual misconduct.
- As of July 1, all employers must provide the following training annually:
  - 1 hour of sexual harassment prevention for all employees (2 hours for supervisors/managers)
  - 1 hour of bystander intervention training for all employees

### Chicago Recordkeeping Requirements:

- Employers must keep records of their written policy prohibiting sexual harassment, employee trainings, and records necessary to demonstrate compliance with the written policy and training requirements.
- Records must be kept for at least five years or for the duration of a pending related claim, civil action, or investigation, whichever is longer.

## COVERAGE

### Chicago Employers:

- Employers with 1 or more employees working in Chicago, even if remote.

### Chicago Employees:

- All employees who work in Chicago, even if remote.
- Any supervisors or managers of employees who work in Chicago, even if the managers or supervisors work outside of Chicago.

## PROTECTED CHARACTERISTICS

### Actual or perceived:

- Race
  - Including traits associated with race, such as hair texture and hairstyles like braids, locks and twists
- Color
- Religion
  - An employer may not impose as a condition of employment any terms that would require a person to violate or forgo a sincerely held practice of his or her religion
  - Including but not limited to the wearing of any attire, clothing, or facial hair in accordance with religion unless it causes the employer undue hardship
- Sex
- National origin
- Ancestry
- Age (40+; 18-39 for training & apprenticeship programs)
- Order of protection status
- Marital status (married, single, separated, divorced, widowed)
- Physical or mental disability
  - Including perception as disabled or association with a person with a disability
- Military status
- Actual or perceived sexual orientation
- Gender identity
- Unfavorable discharge from military service
- Citizenship status
- Pregnancy, childbirth, or related medical conditions
  - Retaliation against an employee or applicant for requesting accommodations for any of these conditions is also prohibited.
- Arrest or criminal history record
- Language
  - An employer may not impose a restriction that has the effect of prohibiting an employee's native language from being spoken by an employee in communications unrelated to employee's duties. This does not apply to slang, jargon, profanity, or vulgarity.
- Work authorization status
- Reproductive health decisions
  - Defined as decisions regarding use of contraceptives, fertility or sterilization care, assisted reproductive technologies, miscarriage management care, healthcare related to continuation or termination of pregnancy, or prenatal, intranatal or postnatal care
- Family responsibilities

**Note:** The definition of unlawful discrimination includes discrimination based on the actual or perceived characteristics listed above.



## TRAINING REQUIREMENTS

### Content. The training for all employees must include:

- The illegality of sexual harassment.
- The definition of sexual harassment under the Maine Human Rights Law and federal law.
- A description of sexual harassment, using examples.
- The internal complaint process available to the employee.
- The legal recourse and complaint process available from the Maine Human Rights Commission.
- Directions on how to contact the commission.
- Information about retaliation protections.

### Additional training for supervisory and managerial employees must include:

- The specific responsibilities of supervisory and managerial employees.
- Actions that supervisory and managerial employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

### Recordkeeping. Employers must:

- Keep a record of the training, including employees receiving the training.
- Maintain training records for at least three years.

## COVERAGE

### Employers:

- Workplaces with 15 or more employees.

### Employees:

- All new employees within one year of beginning employment. Additional requirements for supervisory and managerial employees within one year of beginning employment that includes supervisory or managerial duties.

## PROTECTED CHARACTERISTICS

### Actual or perceived:

- Race
  - Including traits associated with race, such as hair texture, Afro hairstyles, and hairstyles like braids, locs and twists
- Color
- Sex (including pregnancy and related medical conditions)
- Sexual orientation
  - Defined as actual or perceived heterosexuality, bisexuality or homosexuality
- Physical or mental disability
- Religion
- Ancestry
- National origin
- Age
- Filing a claim or asserting a right under Worker's Compensation Act or Whistleblower's Act
- Domestic violence victim status
  - Applies to applicants or employees who have sought an order of protection
- Gender identity
  - Defined as gender-related identity, appearance, mannerisms or other gender related characteristics, regardless of the individual's sex at birth
- Familial status

Employees in Maine are also protected from discrimination based on a person's known relationship or association with a member of a protected class.

# New York

## N.Y. Lab. Law § 201-g

(effective October 9, 2018; however, New York Division of Human Rights (NYDHR) guidance providesthat employers must complete training by October 9, 2019)

### TRAINING REQUIREMENTS

#### Content. Employers must either:

- Use the model sexual harassment prevention training program provided by the NYDHR and New York Department of Labor (NYDOL). (Also see New York State Sexual Harassment Prevention Training).
- Establish a program that equals or exceeds the minimum standards of the model program. The training must include:
  - An explanation of sexual harassment consistent with guidance issued by the NYDOL and the NYDHR, including a declaration that sexual harassment is unlawful discrimination under local, state, and federal law.
  - Examples of unlawful sexual harassment.
  - Information concerning federal and New York statutes on sexual harassment and remedies available to victims of sexual harassment.
  - Information concerning employees' rights and all available forums for adjudicating complaints, including internal complaint processes available to employees through their employer and the complaint process available through the New York Human Rights Commission, the New York State Division of Human Rights, and the Equal Employment Opportunity Commission, including contact information.
  - Information addressing conduct by supervisors and any additional responsibilities for supervisors.

#### Format

The training must be interactive. It may be online if it is interactive. It may not consist only of watching a training video or reading a document with no feedback mechanism or interaction.

#### Examples of acceptable interactive training include:

- Web-based training that:
  - *Has questions at the end of a section and the employee must select the right answer; or*
  - *Gives employees the option to submit a question online and receive an immediate or timely answer.*
- In-person or live training where the presenter asks the employees questions or gives employees time throughout the presentation to ask questions.
- Web-based or in-person training that includes a feedback survey for employees to turn in after employees have completed the training.

### COVERAGE

#### Employers:

- All employers.

#### Employees:

- All employees working any portion of their time in New York. The NYDHR advises employers to train new employees "as soon as possible."

# New York

## **N.Y. Lab. Law § 201-g**

(effective October 9, 2018; however, New York Division of Human Rights (NYDHR) guidance provides that employers must complete training by October 9, 2019)

### TRAINING REQUIREMENTS

**Employers may choose to provide additional or separate training to supervisors and managers but are not required to do so.**

**Trainers.** The NYDHR recommends but does not require a live trainer. Trainers may appear in-person or by phone or video conference. There is no requirement that the trainer be certified, and New York does not currently certify or license training providers.

#### **Employers may deliver the training using:**

- A third-party vendor or organization.
- Existing employees or managers.

#### **Frequency**

- Annually, based on the calendar year, anniversary of each employee's start date or any other date the employer chooses.

#### **Recordkeeping**

- The NYDHR website states that employers are encouraged to keep a copy of training records, which the agency notes may be helpful in addressing any future complaints or lawsuits.

# New York

## **N.Y. Lab. Law § 201-g**

(effective October 9, 2018; however, New York Division of Human Rights (NYDHR) guidance provides that employers must complete training by October 9, 2019)

### PROTECTED CHARACTERISTICS

- Age (18+)
- Race
  - Including traits historically associated with race, such as hair texture and hairstyles like braids, locks, and twists
- Creed or religion
  - Employees may not be required to violate or forego a sincerely held practice of their religion
    - Including but not limited to the observance of any particular day or days or any portion thereof as a sabbath or other holy day in accordance with the requirements of the religion or the wearing of any attire, clothing, or facial hair in accordance with the requirements of the religion, with exceptions for undue hardship.
  - The employer must engage in a bona fide effort to reasonably accommodate an employee's or prospective employee's sincerely held religious observance or practice.
- Color
- National origin (including ancestry)
- Sexual orientation
  - Including heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived
- Military status
- Sex
  - Including gender identity and transgender status.
    - Gender identity and expression is a standalone category as well as a category that is included in sex as a protected class.
- Gender identity or expression (actual or perceived)
- Pregnancy
  - Including pregnancy-related conditions, pregnancy outcomes, and reproductive healthcare and autonomy
- Disability
  - Including being a certified medical marijuana patient
- Predisposing genetic characteristics
- Marital status

# New York

## **N.Y. Lab. Law § 201-g**

(effective October 9, 2018; however, New York Division of Human Rights (NYDHR) guidance provides that employers must complete training by October 9, 2019)

### PROTECTED CHARACTERISTICS

- Arrest or conviction
  - Employers are prohibited from making any inquiry regarding or discriminating against individuals based upon automatically sealed conviction records, with some exceptions.
- Genetic information/testing
- Domestic violence victim status
- Familial status
- Citizenship and immigration status
  - Employers are prohibited from threatening to contact United States Immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member to a federal, state or local agency.

**Note:** It is also unlawful for an employer to discriminate against an individual because of their known relationship or association with a member or members of any protected category above.

**Note:** The New York Human Rights Law prohibits discrimination against interns based on protected classifications above. These protections also include discrimination against interns based on gender identity or expression.

# New York City

NYC Admin. Code § 8-107(30) (effective as of April 1, 2019)

## TRAINING REQUIREMENTS

### Content. The training must include:

- An explanation of sexual harassment as a form of unlawful discrimination under New York City law.
- A statement that sexual harassment is also a form of unlawful discrimination under New York and federal law.
- A description of sexual harassment, with examples.
- Any internal complaint process available to employees to address sexual harassment claims.
- The complaint process available from the New York City Commission on Human Rights (NYCCHR), the NYDHR, and the U.S. Equal Employment Opportunity Commission, including contact information.
- A statement that retaliation is prohibited and examples of retaliation.
- Information regarding bystander intervention, including any resources explaining how to engage in bystander intervention.
- The specific responsibilities of supervisory and managerial employees in preventing sexual harassment and retaliation and actions that supervisors and managers may take to address sexual harassment complaints appropriately.

### Format.

#### The training must be interactive, which means participatory teaching that engages the trainee using:

- Trainer and trainee interaction.
- The use of audio and visual aids.
- A computer or online training program. Employers may:
  - Provide their own training.
  - Use the online training module developed by the NYCCHR and shared on the agency's website.

### Trainers

- The training is not required to be live or provided by an in-person instructor. Employers may conduct the training or hire an outside party. The NYCCHR does not certify trainings by third parties.

### Frequency

- Annually.

### Recordkeeping

- Employers must keep a record of all training, including a signed employee acknowledgment (which may be electronic) for at least three years.

## COVERAGE

### Employers:

- Employers with 15 or more employees in the previous calendar year. Independent contractors count toward this threshold.

### Employees:

- All employees, including interns, short-term employees, and part-time employees, within New York City working more than 80 hours in a calendar year and have worked for at least 90 days.
- Employers must also train independent contractors that:
  - *Have performed work in the furtherance of the business for more than 90 days and more than 80 hours in a calendar year; and*
  - *Have not already received the mandated annual training elsewhere.*

# Washington

Wash. Rev. Code § 49.60 (not yet codified)

## TRAINING REQUIREMENTS

**Content. The law requires covered employers to provide mandatory training to managers, supervisors, and employees to:**

- Prevent sexual assault and sexual harassment in the workplace;
- Prevent sexual discrimination in the workplace; and
- Educate the employer's workforce regarding protection for employees who report violations of a state or federal law, rule, or regulation.

*Important: Regulations providing guidance on the format and content of the training have not yet been adopted.*

**Recordkeeping Requirements:**

- Property services contractors are required to retain and submit certain information to the Department of Labor & Industries, including the number of managers, supervisors, and employees trained.

## COVERAGE

**Employers:**

- Effective as of July 28, 2019, all hotel, motel, retail, security guard entities, or property services contractors that employ at least one employee.

**Employees:**

- Hotels and motels with 60 or more rooms must provide the required training to all managers, supervisors, and employees by January 1, 2020.
- All other covered entities must provide the required training to all managers, supervisors, and employees by January 1, 2021.



# Washington

Wash. Rev. Code § 49.60 (not yet codified)

## PROTECTED CHARACTERISTICS

- Age (40+)
- Sex (including pregnancy)
- Marital status
- Race
  - Including traits historically associated or perceived to be associated with race, such as hair texture or hairstyles like afros, braids, locs and twists
- Creed
- Color
- National origin (including ancestry)
- Citizenship or immigration status
  - There is an exemption for any distinction or differential treatment based on citizenship or immigration status that is authorized by federal or state law, regulation, or government contract.
- Sensory, mental or physical disability
  - Including larger bodies and the use of a trained dog guide or service animal
- Actual or perceived sexual orientation
- Actual or perceived gender identity
- Military or honorably discharged veteran

### **Effective July 1, 2025:**

Washington has amended the Washington Equal Pay and Opportunities Act to extend its protections to any protected class, not just gender. The amendment also allows a person alleging a violation of the Act to assert a claim for discrimination based on membership in more than one protected class.

# | Other States

## TRAINING NOT REQUIRED

Alabama	Alaska	Arizona	Arkansas	Florida
Georgia	Hawaii	Idaho	Indiana	Iowa
Kansas	Kentucky	Louisiana	Maryland	Michigan
Minnesota	Mississippi	Missouri	Montana	Nebraska
Nevada	New Hampshire	New Jersey	New Mexico	North Carolina
North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania
South Carolina	South Dakota	Tennessee	Texas	Utah
Virginia	West Virginia	Wisconsin	Wyoming	



# **Sexual Harassment Prevention Training Requirements State And Local Laws**

[www.easylama.com](http://www.easylama.com)