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Connecticut's 'Time's Up Act' Expands Employer's Obligations to Prevent Sexual Harassment

On June 18, Governor Ned Lamont signed Public Act 19-16, commonly known as the "Time's Up Act," expanding Connecticut's laws against sexual harassment. The Time's Up Act adds Connecticut to the growing list of states that have recently enacted legislation in response to the #MeToo movement, aimed at preventing sexual harassment in the workplace and protecting victims. The key aspects of the new law are effective October 1, 2019.

New Training Requirements

Effective October 1, 2019, virtually all Connecticut employers will be required to provide sexual harassment prevention training. The requirements vary, however, based on the size of the employer. Previously, employers with 50 or more employees were required to provide sexual harassment training only to supervisors.

Under the new law, employers with three or more employees are required to provide two hours of sexual harassment training to *all* employees within one year of October 1, 2019. All employees hired on or after October 1, 2019, must be trained within six months of hire. Employers with fewer than three employees, including family businesses where an individual is employed by a spouse, parent or child, are required to provide two hours of sexual harassment training to supervisors within one year of October 1, 2019, or within six months of the employee assuming a supervisory role.

The Connecticut Commission on Human Rights and Opportunities (CHRO) has been assigned the task of creating training materials that employers may use to satisfy the training requirements. Employers that already had provided the requisite training to supervisory employees on or after October 1, 2018, do not need to repeat such training for the same supervisors, but are required to provide the training to other employees by October 1, 2020. Employers must provide periodic supplemental training at least every 10 years.

Expanded Notice and Posting Requirements

The new law also imposes additional notice and posting requirements. Employers in Connecticut with at least three employees already are required to post information about the illegality of sexual harassment and the remedies available to victims of sexual harassment, which continues to be required under the new law. In addition to the posting requirement, within three months of an employee's start date, employers must provide this information to each employee by email with a subject line that includes the words "Sexual Harassment Policy" (or words of similar import). Employers may provide this information to employees using an employer-provided email account or the employee's personal email address if he or she has provided it to the employer.

If email is not an option and the employer maintains an internet website, the employer must post the information on that site. Employers may also comply with this notice requirement by providing employees (either by email, text or in writing) with a link to the CHRO's website concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment.

Extended Time to File Discrimination Complaints and Increased Damages

The new law also expands the statute of limitations for employees seeking to file claims with the CHRO. Effective October 1, 2019, the deadline for filing a charge of discrimination with the CHRO will be extended from 180 days to 300 days. Notably, this expanded deadline applies to any claim of discrimination or harassment, not just sexual harassment.

The new law also provides the CHRO with the authority to award reasonable attorney fees to complainants who prevail on their discrimination claims. In addition to the expanded damages available to complainants at the CHRO, the new law allows plaintiffs who prevail on their discrimination claims in court to recover punitive damages, which is a significant change from prior Connecticut law, which did not authorize such damages in employment discrimination or harassment cases.

Conclusion

The Time's Up Act is reflective of the recent increase in societal attention to the problem of sexual harassment in the workplace. Employers of all sizes must be aware of their need to take this issue seriously and to make sure that they are in full compliance with the law. The notice and training requirements under the Time's Up Act provide an important starting point in preventing sexual harassment. Employers also should offer employees meaningful avenues to voice their concerns so that there is an opportunity to address issues before they fester into CHRO charges and/or lawsuits.

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