

Regulations for Sexual Harassment Posting & Training Requirements

Regulations of Connecticut State Agencies
Sections 46a-54-200 — 46a-54-207
Effective February 24, 1993



Connecticut Commission on
Human Rights & Opportunities

21 Grand Street, Hartford, CT 06106
860/ 541-3400

Section 46a-54-200. Definitions

For purposes of sections 46a-54-200 through 46a-54-207, inclusive:

(a) "Sexual Harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(b) "Employer" includes the state and all political subdivisions thereof, including the General Assembly, and means any person or employer with three or more persons in his employ.

(c) "Employer Having Fifty or More Employees" means the state and all political subdivisions thereof, including the General Assembly, and means any person or employer who has a total of fifty or more persons, including supervisory and managerial employees and partners, in his employ for a minimum of thirteen weeks during the previous training year.

(d) "Employee" means any person employed by an employer, but shall not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

(e) "Supervisory Employee" means any individual who has the authority, by using her or his independent judgment, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances or effectively to recommend such actions.

(f) "Commission" means the Commission on Human Rights and Opportunities created by section 46a-52 of the Connecticut General Statutes.

(g) "Training year" means the period of time from October first in any calendar year through September thirtieth in the following calendar year.

Section 46a-54-201. Posting Requirement For Employers Having Three Or More Employees

(a) Employers with three or more employees must post notices to employees concerning the illegality of sexual harassment and remedies available to victims of sexual harassment.

(b) Such information shall include, but is not limited to:

(1) The statutory definition of sexual harassment and examples of different types of sexual harassment;

(2) Notice that sexual harassment is prohibited by the State of Connecticut's Discriminatory Employment Practices Law, subdivision (8) of subsection (a) of section 46a-60 of the Connecticut General Statutes;

(3) Notice that sexual harassment is prohibited by Title VII of the 1964 Civil Rights Act, as amended, 42 United States Code section 2000e *et. seq.*; and

(4) The remedies available, including but not limited to:

(A) Cease and desist orders,

(B) Back pay,

(C) Compensatory damages, and

(D) Hiring, promotion or reinstatement;

(5) Language to the effect that persons who commit sexual harassment may be subject to civil or criminal penalties;

(6) The address and telephone number of the Connecticut Commission on Human Rights and Opportunities; and

(7) A statement that Connecticut law requires that a formal written complaint be filed with the Commission within one hundred and eighty days of the date when the alleged sexual harassment occurred; and

(8) Any and all notices so posted will have the heading, "SEXUAL HARASSMENT IS ILLEGAL," in large bold-faced type.

(c) The Commission strongly recommends, but does not require, that the poster include:

(1) A statement concerning the employer's policies and procedures regarding sexual harassment and a statement concerning the disciplinary action that may be taken if sexual harassment has been committed; and

(2) A contact person at the place of employment to whom one can report complaints of sexual harassment or direct questions or concerns regarding sexual harassment;

(d) A model poster is appended to these regulations, labeled Appendix A.

Section 46a-54-202. Where To Post

Employers must place, and keep posted, notices in prominent and accessible locations upon its premises where notices to employees are customarily posted. Notices must be posted at each employer facility in such a manner that all employees and applicants at that facility will have the opportunity to see the notices on a regular basis.

Section 46a-54-203. When To Post

(a) All employers with three or more employees shall post notices as soon as practicable after the effective date of these regulations, but no later than forty-five (45) days after the effective date of these regulations.

(b) An employer shall promptly replace notices that are removed, destroyed or defaced.

Section 46a-54-204. Posting And Training Requirements For Employers Having Fifty Or More Employees

(a) An employer having fifty (50) or more employees shall comply with the posting requirements set forth in sections 46a-54-200 through 46a-54-207, inclusive.

(b) An employer having fifty (50) or more employees must also provide two hours of training and education to all supervisory employees of employees in the State of Connecticut no later than October 1, 1993 and to all new supervisory employees of employees in the State of Connecticut within six months of their assumption of a supervisory position. Nothing in these regulations shall prohibit an employer from providing more than two hours of training and education.

(c) Such training and education shall be conducted in a classroom - like setting, using clear and understandable language and in a format that allows participants to ask questions and receive answers. Audio, video and other teaching aides may be utilized to increase comprehension or to otherwise enhance the training process.

(1) The content of the training shall include the following:

(A) Describing the federal and state statutory provisions prohibiting sexual harassment in the work place with which the employer is required to comply, including, but not limited to, the Connecticut discriminatory employment practices statute (section 46a-60 of the Connecticut General Statutes) and Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. section 2000e, and following sections);

(B) Defining sexual harassment as explicitly set forth in subdivision (8) of subsection (a) of section 46a-60 of the Connecticut General Statutes and as distinguished from other forms of illegal harassment prohibited by subsection (a) of section 46a-60 of the Connecticut General Statutes and section 3 of Public Act 91-58;

(C) Discussing the types of conduct that may constitute sexual harassment under the law, including the fact that the harasser or the victim of harassment may be either a man or a woman and that harassment can occur involving persons of the same or opposite sex;

(D) Describing the remedies available in sexual harassment cases, including, but not limited to, cease and desist orders; hiring, promotion or reinstatement; compensatory damages and back pay;

(E) Advising employees that individuals who commit acts of sexual harassment may be subject to both civil and criminal penalties; and

(F) Discussing strategies to prevent sexual harassment in the work place.

(2) While not exclusive, the training may also include, but is not limited to, the following elements:

(A) Informing training participants that all complaints of sexual harassment must be taken seriously, and that once a complaint is made, supervisory employees should report it immediately to officials designated by the employer, and that the contents of the complaint are personal and confidential and are not to be disclosed except to those persons with a need to know;

(B) Conducting experiential exercises such as role playing, coed group discussions and behavior modeling to facilitate understanding of what constitutes sexual harassment and how to prevent it;

(C) Teaching the importance of interpersonal skills such as listening and bringing participants to understand what a person who is sexually harassed may be experiencing;

(D) Advising employees of the importance of preventive strategies to avoid the negative effects sexual harassment has upon both the victim and the overall productivity of the work place due to interpersonal conflicts, poor performance, absenteeism, turnover and grievances;

(E) Explaining the benefits of learning about and eliminating sexual harassment, which include a more positive work environment with greater productivity and potentially lower exposure to liability, in that employers--and supervisors personally--have been held liable when it is shown that they knew or should have known of the harassment;

(F) Explaining the employer's policy against sexual harassment, including a description of the procedures available for reporting instances of sexual harassment and the types of disciplinary actions which can and will be taken against persons who have been found to have engaged in sexual harassment; and

(G) Discussing the perceptual and communication differences among all persons and, in this context, the concepts of "reasonable woman" and "reasonable man" developed in federal sexual harassment cases.

(d) While not required by these regulations, the Commission encourages an employer having fifty (50) or more employees to provide an update of legal interpretations and related developments concerning sexual harassment to supervisory personnel once every three (3) years.

Section 46a-54-205. Effect Of Prior Training

An employer is not required to train supervisory personnel who have received training after October 1, 1991 that:

- (1) substantially complies with the required content of the training set forth in subsection (c)(1) of section 46a-54-204; and
- (2) was provided in a classroom setting and lasted at least two hours.

Section 46a-54-206. Trainers

An employer required to provide training by these regulations may utilize individuals employed by the employer or other persons who agree to provide the required training, with or without reimbursement.

Section 46a-54-207. Recordkeeping

(a) The Commission encourages each employer required to conduct training pursuant to Public Act 92-85 to maintain records concerning all training provided.

(b) Such records may include, but are not limited to:

- (1) documents sufficient to show the content of the training given, such as the curriculum;
- (2) the names, addresses and qualifications of the personnel conducting the training;
- (3) the names and titles of the personnel trained and the date or dates that each individual was trained;

(c) The Commission encourages employers to maintain any such records for a minimum of one year, or if a discriminatory practice complaint is filed involving personnel trained, until such time as such complaint is finally resolved.

Sexual Harassment Is Illegal

And Is Prohibited By The Connecticut Discriminatory Employment Practices Act (Section 46a-60(A)(8) Of The Connecticut General Statutes) And Title VII Of The Civil Rights Act Of 1964 (42 United States Code Section 2000e Et. Sec.)

Sexual Harassment means "any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Examples of Sexual Harassment include: unwelcome sexual advances, suggestive or lewd remarks, unwanted hugs, touches, kisses; requests for sexual favors, retaliation for complaining about sexual harassment; derogatory or pornographic posters, cartoons or drawings.

Remedies for Sexual Harassment may include: cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement. Individuals who engage in acts of sexual harassment may also be subject to civil and criminal penalties.

If you feel that you have been discriminated against, contact:

The Connecticut Commission On Human Rights And Opportunities, 21 Grand Street, Hartford, Connecticut 06106. (Telephone Number 541-3400; TDD Number 541-3459).

Connecticut law requires that a formal written complaint be filed with the commission within 180 days of the date when the alleged harassment occurred.

OPTIONAL

(Include statement of employer's policy and procedures.)

Contact *(Employer's Representative)* if you have questions or concerns or believe that you or others are being sexually harassed.

Name _____ Telephone Number _____

Unit _____

If you need additional information contact:

The Permanent Commission On The Status Of Women, 18-20 Trinity Street, Hartford, Connecticut 06106. (Telephone & TDD Number 240-8300).