

HR Clinic

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State Mandated, Employer-Provided Sexual Harassment Training

Not Going Anywhere

Sexual Harassment has become a hot-button issue across the United States. From the #metoo movement to numerous other cases capturing the Nation's attention, state-legislated mandatory employee trainings (semi-, bi-, and annually) are becoming the norm (California, Maine, New York, Delaware, Nevada, Pennsylvania, Texas, Washington and Utah - with New Mexico requiring such for school personnel).

What's more, while not every state has implemented a *mandatory* requirement quite yet, there are many others (Colorado, Florida, Maryland, Massachusetts, Michigan, New Jersey, Ohio, Oklahoma, Rhode Island, Tennessee, Utah, Wisconsin and Vermont) *that do have laws in place that "encourage"* employers to provide such harassment training. And it is not a lip-service encouragement either. Rather, employers who actively provide training are far more unlikely to be held liable (or if they are implicated, than typically to a far-lesser degree) in situations where sexual harassment occurred in their places of business.

Benefits of Doing it Right

Examples of such legal favor given to employers who have actively provided harassment training to their employees has been documented regularly at the State Court level (*NJ- Gaines v. Bellino*), the Equal Employment Opportunity Commission (EEOC) and even at the Federal Level (*Kolstad v. American Dental Association*). All of which show far greater leniency and, in many cases, complete absolution from responsibility/damages when companies have shown they have delivered harassment training in good faith. Considering the potential for costly lawsuits, every employer should consider an anti-harassment program to keep their employees protected and their company out of the courtroom.

Solution

Moving forward, state-mandated sexual harassment trainings will be as unavoidable as they are expensive, so it is best for employers to put a well-informed action plan in place – particularly as more and more states move toward mandatory directives. Should you have any sexual harassment training-related questions, would like to know about HR Workplace Services' industry-best harassment solutions, or would simply like to know more about our comprehensive HR services - please contact us so we can help.