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THE REGISTER CITIZEN

MARKET MATTERS: Time's Almost Up — Mandated sexual harassment training deadline looms for CT businesses

By Jessica A. Slippen
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Photo: Contributed Photo; Jessica A. Slippen

With the media focused on Harvey Weinstein's trial and conviction, we are seeing firsthand the reverberating impact of the #MeToo movement. It should serve as a reminder that Connecticut has a new law with a looming deadline for businesses to take required action.

Connecticut, like many states, adopted expanded requirements for workplace sexual harassment training and prevention. While the preventive measures are a welcome addition to the workplace, implementation of the new training programs can be a strain

on businesses, particularly small businesses, with many needing to initiate training programs for the first time.

With an October 2020 implementation deadline looming, state businesses must grapple with the financial and administrative impacts of these new training requirements.

The state's Time's Up Act became law last summer, expanding sexual harassment training requirements for Connecticut employers. Under the prior law, required training was limited to supervisors and for businesses that employed at least 50 people. The new law, however, mandates that Connecticut businesses with just three or more employees provide training to all. This applies to companies headquartered out of state with employees working within our borders.

Connecticut businesses now must provide existing employees with two hours of sexual harassment training by Oct. 1, 2020. For new employees, the law requires that businesses must provide two hours of training within six months of the new employee's start date.

Employers with fewer than three employees must provide two hours of training and education to all existing supervisory employees by Oct. 1, 2020, or within six months to new supervisory employees. The training requirement doesn't cover independent contractors or part-time employees who work fewer than 20 hours per week.

So, what is the impact of these new requirements for the average Connecticut business?

First, there is the cost of providing the training to employees. The cost of hiring a law firm or other company to come in and present this training to employees can be significant. To alleviate some of the financial burden, the Connecticut Commission on Human Rights and Opportunities has developed a free online training video that employers may use to comply with the law's requirements. For smaller companies, however, it may be the loss of employee work time and the administrative burden of maintaining accurate compliance records that could create the greatest financial impact.

The burden of noncompliance can be greater. Businesses that fail to provide the required training may be subject to fines of up to \$1,000. This fine is relatively small in comparison to the financial risk if a company fails to provide the required training, and subsequently is sued for sexual harassment by an employee. Post-#MeToo juries are likely to come down hard on businesses that fail to provide the required training.

One thing is certain: in this post-#MeToo era, businesses of all sizes must do their part to ensure for employees a work environment free from sexual harassment and misconduct. While the financial and administrative impacts may be significant, preventive measures such as mandated sexual harassment training requirements are good for Connecticut businesses. If a business fails to provide the training, not only could it be subject to a fine, it could face a lawsuit.

Jessica A. Slippen is an attorney with Stratford-based Mitchell and Sheahan. She handles employment litigation matters before state and federal courts and administrative agencies and can be reached at 203-873-0240 or JSlippen@mitchellandsheahan.com.