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For: LeClairRyan, Richmond, Va.

From: Parness & Associates, Aberdeen, N.J.

FOR IMMEDIATE RELEASE

**Employment Attorneys Offer Guidance on Sexual Harassment Training In the #MeToo Age**

*--Maze of notice, training and other regulations are in flux, and may vary by state or locality, caution LeClairRyan attorneys in recent webinar*

RICHMOND, Va. (10/18/18)— In today's #MeToo environment, companies need to be especially aware of the threat of sexual harassment in the workplace, and should consider a proactive approach to informing and training employees, cautioned veteran LeClairRyan labor and employment attorneys during a recent webinar. Companies may face a maze of requirements that can differ by their size, state — and in some cases by city — so it's important for employers to be aware of their specific situation, the attorneys warned.

“The federal government appears to be pulling back from the issue of workplace harassment, but state and local governments are stepping up,” said Betsy Davis, a Richmond-based member of LeClairRyan and co-leader of its Labor and Employment team. “Companies need to be aware and proactive, and should be aware that the number of states that require interactive anti-harassment training for all employees is constantly evolving.”

Davis and her colleagues--James Anelli, a Newark, N.J.-based member of the firm and co-leader of the Labor and Employment team; Michael Harrington, a partner in the firm's Hartford, Conn. office; and Guillermo Tello, a partner in LeClairRyan's Los Angeles office--discussed the issues during an October 3 webinar, *Mandatory Harassment Training: What Employers Should Know*.

California's anti-harassment laws apply to all employers that regularly maintain at least one employee, while businesses with 50 or more employees must also provide mandatory training to supervisors, explained Tello.

He also noted that in California — which added mandatory transgender workplace rights effective January 1, 2018 — employers are required to distribute harassment prevention policy information to employees by at least one of the following methods: in print, by email, or on an Intranet site. “Employers should get written acknowledgement that the employees have received the material,” he added.

States like Connecticut, “a leader in mandatory harassment training and posting,” have policies that are similar to California's, according to Harrington. “Employers in Connecticut with three or more employees must provide training to supervisors, and must post notices informing employees that sexual harassment is illegal and what remedies are available,” he said. Harrington also shared that Connecticut is considering going further in its requirements and may soon require that all employees be trained on all forms of unlawful harassment. He advised that “employers with locations in multiple states may consider complying with the most robust restrictions to be on the safe side.”

Elsewhere, Maine employers with 15 or more employees must provide training to all employees within one year of being hired, Harrington noted, while supervisors and managers must receive additional training within one year of assuming their position. Training there must address issues like the illegality of harassment, the definition of sexual harassment under state and federal law, and provide examples of sexual harassment, he added.

Anelli focused on regulations in New York State and New York City, noting that there are some timing and other disparities between the two jurisdictions. “Effective April 1, 2019, all employers in New York City, regardless of the number of employees, must provide harassment training,” he said. “Companies outside of the city will have to comply as of October 1, 2019.”

Illustrating the changing nature of the rules, Davis noted that effective January 1, 2019, any company with four or more employees in Delaware will be required to issue an “information sheet” on sexual harassment, while businesses with 50 or more employees will have to provide such training for all employees and supervisors.

“Delaware specifically excludes job applicants and independent contractors from the employee count requirement. No training is needed for applicants, independent contractors or employees who are with the business less than six months,” she said. “But employment agencies must count and provide training to employees placed by the agency.”

During the hour-long webinar, the LeClairRyan panelists also answered audience questions, and covered additional topics including policies and procedures to prevent and address harassment, documentation, specific training requirements, and how often training materials must be updated.

The full recording is available at:

[https://leclairryan.webex.com/leclairryan/lsr.php?RCID=60b5f405419f4d59932e06e3a24ca8fd\\_b6](https://leclairryan.webex.com/leclairryan/lsr.php?RCID=60b5f405419f4d59932e06e3a24ca8fd_b6)

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