In October 2018, New York is the first jurisdiction to make sexual harassment training mandatory for all employees regardless of tenure, seniority and – crucially – firm size.

Expanding on California's AB1825, SB1343 now requires California employers with at least five employees to provide sexual harassment training to all employees and supervisors.
New York and California Changes

For over a decade, states such as Connecticut, Maine and most notably California have placed training requirements on companies, but New York is the first to extend the mandate to organizations with less than 15 employees. The legislation also expands the remit to include contractors, consultants and suppliers.

California now requires companies with 5+ employees to provide sexual harassment training, previously 50+. Supervisors were already mandated to receive at least 2 hours of training—now with SB1343, all employees require at least 1 hour of training as well.

Let’s start with the good news!

Materially the training requirements are similar across states, with small variations limited to training:

- Cadence
- Local Statute
- Audience

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### What Training Requirements Are Common Across States

Across the country, state legislation calls for interactive learning, with training design left to the discretion of the company rolling out the program.

The backbone of an effective curriculum is common across all 50 states, covering essentials such as:

<table>
<thead>
<tr>
<th>Definition of sexual harassment</th>
<th>State and federal statutory provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of conduct that constitute harassment</td>
<td>Employer's obligation to investigate</td>
</tr>
<tr>
<td>Remedies available to victims</td>
<td>Retaliation and protected activities</td>
</tr>
</tbody>
</table>
How the Key States Differ in their Training Requirements

California
5+ Employees
All Employees
Every 2 years
2 Hours for Supervisors
1 Hour for Employees
Local State Law

New York
All Firms
All Employees
Every year
Unspecified duration
Local State Law

Connecticut
50+ Employees
For Supervisors
Upon Hiring
2 Hours in duration
Local State Law

Maine
15+ Employees
All Employees
Upon Hiring
Unspecified duration
Local State Law

Delaware
50+ Employees
All Employees
Every 2 years
Unspecified duration
Local State Law

Who's next?
Here are 5 steps for rolling out a successful Anti-Harassment program to US employees in 2018-19

1. **You only need two programs for all 50 states**

   Training requirements can be satisfied across all 50 states with just two well designed courses, negating the need to manage and update multiple programs.

   This is critical when you factor in keeping programs current and instructionally fresh.

   - **2 Hour** Supervisor Program with support for state-specific statutes for California and Connecticut
   - **1 Hour** Employee Program with support for state-specific statutes for California, Connecticut, Maine, New York and Delaware

2. **Keep your role profiling simple**

   Your course should have a simple mechanism to displaying the final mile of local legislation – that 5% of content specific to a state, i.e., local jurisdiction on punitive measures and remediation available to victims. This local requirement can be satisfactorily achieved with three simple mechanisms:

   - Simple explore interactions that allow learners to review state information relevant to them
   - A role-profiler that automatically presents information specific to the learner’s home state
   - Accompanying state-specific PDF facts sheets to the eLearning, summarizing locale statutes

   The second option, while the least prescriptive, is likely the best. Explore interactions meet the needs of learners who work and manage teams across multiple states, allowing them to familiarize themselves with the state laws where they interact with their teammates. So even if I am based in Maine, it benefits me to be aware of Connecticut’s jurisdiction if I supervise a teammate in that state, even if only virtually.

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Think about a 360 campaign

New York City is set to go one step further than state programs and mandate by the Spring of 2019 that firms provide harassment prevention training and....

HARASSMENT PREVENTION POSTERS

HARASSMENT PREVENTION CHECKLIST ISSUED TO ALL NEW HIRES

RECORD OF ATTERTATION THAT EACH EMPLOYEE WILL ADHERE TO THE CODE

Regardless of legal obligation, this holistic approach adds minimal burden to an organization, while taking training beyond a one-time experience, and shapes how the company is run.

Focus on your training calendar

The biggest variance across states is the required training cadence. For example, California requires managers to be trained every two years, while New York will require all employees to be trained annually, regardless of seniority.

While well designed training assets can be used nationally across states, consider running state learning campaigns that coincide with the local state calendar requirements. For example, if your team in California is due for its biennial harassment training – use this as an opportunity to run broader awareness campaigns helping to boost training completion rates and raise awareness in a meaningful way.

Finally with all the discussion of seat time, state codes, and annual requirements, it’s easy to forget a workplace free from harassment benefits the people we care about in our daily lives. Good learning design is key. Here are three golden rules of effective compliance training:

Treat your learners like adults who want to contribute to a respectful workplace - 99% of employees want to do the right thing.

Be Smart about how you engage your learner’s attention - use well written and authentic interactions rather than relying on gimmicks or humor.

Make the learning relevant with realistic scenarios employees can identify with; training should go beyond the binary nature of legislative code and instead focus on the grey areas of compliance if we are to contribute towards ending workplace harassment in a meaningful way.

It’s more than box ticking

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