

ALBAMA

There is no state law prohibiting sexual harassment in Alabama.

ALASKA

PROHIBITED PRACTICES

The **Alaska Human Rights Law** prohibits discrimination in employment because of sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of sex, marital status, changes in marital status, pregnancy, or parenthood. Sexual harassment is generally considered discrimination based on sex (AK Stat. Sec. 18.80.010 *et seq.*). The law applies to all employers in the state, except social clubs and fraternal, charitable, educational, or religious associations or corporations, so long as the corporation or association is not-for-profit.

POSTING NOTICES

The state law requires that all state employers and private employers with 15 or more employees post a notice regarding the prohibition against sexual harassment under state and federal law. The notice is prepared by the state Commission for Human Rights (AK Stat. Sec. 23.10.440). Failure to comply with the posting requirement is punishable by a civil fine of up to \$500.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Alaska Commission for Human Rights enforces the Human Rights Law. The Commission is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings and issue administrative decisions and orders; and enforce its orders in state court. Remedies can include cease-and-desist orders, hiring, reinstatement or promotion, back pay, and legal fees. A willful violation of the Human Rights Law is a criminal misdemeanor punishable by a fine of up to \$500 or jail time of up to 30 days. In certain instances, a person alleging discrimination may also file a private lawsuit in state court.

ADDITIONAL INFORMATION

For further information, contact:

State Commission for Human Rights
800 A Street, Suite 204
Anchorage, AK 99501-3669
(907) 276-7474
(800) 478-4692

ARIZONA

PROHIBITED PRACTICES

The **Arizona Civil Rights Act** prohibits employment practices that discriminate on the basis of sex, including sexual harassment (AZ Rev. Stat. Sec. 41-1463 *et seq.*). In cases of sexual harassment, the Act covers employers with one or more employees.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Arizona Civil Rights Division enforces the Civil Rights Act and is authorized to investigate complaints, hold hearings and issue decisions, and enforce its orders in court. Remedies may include hiring, reinstatement, back pay, court costs, and reasonable attorney's fees. An individual injured by a violation of the Act may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Civil Rights Division
1275 West Washington Street
Phoenix, AZ 85007
(602) 542-5263

ARKANSAS

PROHIBITED PRACTICES

The **Arkansas Civil Rights Act** prohibits employment discrimination based on gender, including pregnancy, childbirth, or related medical conditions (AR Code Sec. 16-123-101 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law applies to all employers with nine or more employees

STATE EMPLOYERS

Every state agency must include a statement in its personnel manual that discrimination by any officer or employee based upon race, creed, religion, national origin, age, sex, or gender is grounds for dismissal (AR Code Sec. 21-12-103).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Arkansas Civil Rights Act is enforced by private lawsuit in state court. Remedies may include back pay with interest, compensatory and punitive damages, and legal fees.

ADDITIONAL INFORMATION

For further information, contact:

Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4500

Equal Employment Opportunity Commission (EEOC)
425 West Capitol, Suite 625
Little Rock, AR 72207
(501) 324-5060

CALIFORNIA

PROHIBITED PRACTICES

The **California Fair Employment and Housing Act (FEHA)** prohibits discrimination on the basis of marital status, sex, or sexual orientation. Sex discrimination includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. The law against harassment applies to all employers, regardless of size (CA Gov. Sec. 12940). In cases of sex discrimination, employers with five or more employees are covered.

Veterans. The Act prohibiting discrimination on the basis of sex does not affect the right of an employer to use veteran status as a factor in employee selection or to give special consideration to Vietnam era veterans (CA Gov. Code Sec. 12940).

HARASSMENT

FEHA prohibits employers with one or more employees from harassing applicants, employees, or any individual providing services to the employer pursuant to a contract, because of race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, or sexual orientation. (CA Gov. Code Sec. 12940). An employer is liable for the harassing actions by employees if the supervisors and agents know or should have known about the harassment and fail to take immediate and appropriate corrective action. (CA Gov. Code Sec. 12940).

Employee liability. According to a new law passed in September 2000, an employee is personally liable for any harassment prohibited by FEHA and committed by that employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action (CA Gov. Code Sec. 12926).

Employer responsibility. Employers are responsible for taking all reasonable steps to prevent discrimination and harassment from occurring.

STATE CIVIL RIGHTS ACT (UNRUH ACT)

The **Unruh Act** is not specifically employment related (CA Civ. Code Sec. 51 *et seq.*). However, it prohibits all businesses in the state from discriminating against a person on the basis of sex, race, color, religion, ancestry, national origin, disability, or medical condition or against a person associated with a person who is perceived to have any of the preceding characteristics in the accommodations, advantages, facilities, privileges, or services of the business. With regard to sexual harassment, the Unruh Act prohibits sexual harassment if there is a business service or professional relationship between an employer and another. For example, the Unruh Act prohibits sexual harassment in relationships such as physician/patient, attorney/client, counselor/client, banker/customer, landlord/tenant, and other similar relationships (CA Civ. Code Sec. 51.9).

POSTING

Under the minimum requirements established by FEHA, every employer must post in a prominent and accessible location in the workplace an amended poster on discrimination that includes information regarding the illegality of sexual harassment (CA Gov. Code Sec. 12950).

DISTRIBUTION OF MANDATORY INFORMATION SHEETS

FEHA requires that each employer obtain an information sheet from the Department of Fair Employment and Housing regarding the illegality of sexual harassment and that the employer distribute copies of the information sheet to its employees. The employer may provide equivalent information to its employees, as long as the employer's information sheet contains:

- A statement regarding the illegality of sexual harassment
- The definition of sexual harassment under applicable state and federal law
- A description of sexual harassment, utilizing examples
- The internal complaint process of the employer available to the employee
- The legal remedies and complaint process available through the Department of Fair Employment and Housing and the Fair Employment and Housing Commission
- Directions on how to contact the Department and the Commission
- The protection against retaliation for opposing the practices prohibited by the law or for filing a complaint or participating in an investigation, proceeding, or hearing

The information sheet must be delivered in a manner that ensures distribution to each employee, such as including the information sheet or information with an employee's pay.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

FEHA is enforced by the California Department of Fair Employment and Housing (DFEH) and the Fair Employment and Housing Commission (FEHC). The DFEH is empowered to receive and investigate complaints, to issue subpoenas and interrogatories, to conciliate, to prosecute cases before the FEHC, and to take court action to enforce the orders of the FEHC.

The FEHC is authorized to conduct hearings and issue administrative decisions and to issue regulations interpreting the provisions of FEHA. If the FEHC finds discrimination, it is authorized to order hiring and reinstatement and to award back wages, lost benefits, attorney's fees, and compensatory damages for pain and suffering.

ADDITIONAL INFORMATION

For further information, contact:

Department of Fair Employment and Housing (DFEH)
2014 T Street, Suite 210
Sacramento, CA 95814-2919
(800) 884-1684

Fair Employment and Housing Commission (FEHC)
1390 Market Street, Suite 410
San Francisco, CA 94102
(415) 557-2325

COLORADO

PROHIBITED PRACTICES

The **Colorado Anti-Discrimination Act** prohibits discrimination in employment on the basis of sex, including sexual harassment. The Act applies to all employers in the state.

Marital provisions. The statute also prohibits an employer with 25 or more employees from discharging or refusing to hire someone who is married to or plans to marry another employee of the employer (CO Rev. Stat. Sec. 24-34-401 *et seq.*). The marital provisions do not apply if one spouse would:

- Have supervisory, appointment, or dismissal authority or a disciplinary action over the spouse
- Audit, verify, receive, or be entrusted with money received or handled by the other spouse
- Have access to the employer's confidential information including payroll and personnel records

SEXUAL HARASSMENT DEFINED

"Harassment" means to create a hostile work environment on the basis of an individual's sex and includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made a requirement of employment (either explicitly or implicitly); *or*
- The individual's response to such conduct is used as the basis for decisions to deny the individual employment or a term or condition of employment (3 CCR 708-1 Rule 80-11(A)).

Employee responsibility. The employee must file a complaint with the appropriate individual at the work site.

Employer responsibility. The appropriate authority must initiate a reasonable investigation of a complaint and take prompt remedial action if appropriate.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, the state Commission's rules strongly encourage training supervisors and employees regarding the employer's policy against sexual harassment (3 CCR 708-1 Rule 80-11(C)). Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Colorado Civil Rights Commission enforces the Anti-Discrimination Act. The Commission may order hiring, reinstatement, promotion, and monetary damages including back pay, costs, and attorney's fees. For more information, contact:

Colorado Civil Rights Commission
1560 Broadway, Suite 1050
Denver, CO 80202
(303) 894-2997
(800) 262-4845
www.dora.state.co.us/civil-rights

CONNECTICUT

PROHIBITED PRACTICES

Connecticut law (Sec. 46a-60) prohibits sexual harassment of any employee or job applicant. Such harassment is defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission is made explicitly or implicitly a term or condition of employment; (2) submission or rejection is used as the basis of employment decisions; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work, or creates an intimidating, hostile, or offensive working environment.

The Connecticut Commission on Human Rights and Opportunities (CCHRO) has issued regulations implementing sexual harassment posting and training requirements under Conn. Sec. 46-a-54 (15A).

Posting: All employers of three or more workers must post a notice informing employees that sexual harassment is illegal. Employers have to make up their own poster based on a sample that is available from CCHRO.

Training: Affects all employers of fifty or more workers (count all employees in the corporation, including those in other states). Must provide their supervisory employees two hours of classroom-like education and training on the federal

and state sexual harassment regulations and remedies that are available to victims of sexual harassment. The content of the training is spelled out in the regulations (available from the CCHRO, 90 Washington St., Hartford, CT 06106).

The supervisors to be trained are individuals (regardless of their location) who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline Connecticut employees, or responsibility to direct them, or to adjust their grievances or effectively to recommend such actions. New supervisors must receive the training within six months of becoming supervisors. CCHRO encourages (but does not require) employers to provide supervisors who have completed their training an update on legal interpretations and other developments related to sexual harassment once every three years. It may be a good idea to do this even though it's not required.

Records: CCHRO encourages (but does not require) employers that conduct supervisory training to keep records of the names and titles of those trained, when they were trained, by whom, and the content of the training. It certainly makes sense to keep such records (CCHRO asks that you keep them for at least one year, or longer if any related complaints have been filed with CCHRO).

DELAWARE

PROHIBITED PRACTICES

The **Delaware Fair Employment Practices Act** prohibits employment practices that discriminate on the basis of sex (DE Code Ann. Tit. 19 Sec. 710 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The Act covers all public employers and private employers with four or more employees.

SEXUAL HARASSMENT DEFINED

The term "sexual harassment" is not defined by the Act, but is defined by the state Department of Labor as any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature. If the harassment is by a supervisor, the employer is responsible even if the employee has not complained.

If the harassment is by a co-worker or a nonemployee, employers are responsible if the employee has complained to the employer and the employer has taken no action to stop the harassment.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Delaware Department of Labor enforces the Fair Employment Practices Act. Complaints of discrimination must be filed with the Department within 90 days of the alleged discriminatory act. The Department is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings and issue administrative decisions and orders; and enforce its orders in state court. Remedies can include cease-and-desist orders, hiring, reinstatement, back pay, and legal fees. Civil fines may also be assessed. In certain instances, a person alleging discrimination may also file a private lawsuit in state court.

ADDITIONAL INFORMATION

For further information, contact:

Delaware Department of Labor
Office of Labor Law Enforcement
4425 North Market Street
Wilmington, DE 19802
(302) 761-8200

DISTRICT OF COLUMBIA

PROHIBITED PRACTICES

The **District of Columbia Human Rights Act** prohibits discrimination in employment on the basis of sex (including pregnancy, childbirth, and related medical conditions), marital status, and sexual orientation (DC Code Ann. Sec. 1-2501 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The Act applies to all employers in the District.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints; educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations; establishes the employer's policies; and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The District of Columbia Office of Human Rights administers and enforces the Act. The Office has the authority to initiate, receive, and investigate discrimination complaints; hold hearings and issue conciliation agreements; issue decisions and orders; and enforce its orders in the appropriate District court. Remedies may include hiring, reinstatement or promotion, compensatory damages, costs and legal fees, and the revoking of any permit or license issued by the District government. An individual injured by a violation of the Act may also, in certain circumstances, file a private lawsuit in District court to enforce his or her rights under the law.

ADDITIONAL INFORMATION

For additional information, contact:

Department of Human Rights and Minority Business Development
441 4th Street NW
Washington, DC 20001
(202) 939-8740

FLORIDA

PROHIBITED PRACTICES

The **Florida Civil Rights Act** prohibits employment practices that discriminate on the basis of sex (FL Stat. Sec. 760.01 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The Act covers employers with 15 or more employees.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

STATE EMPLOYERS

State executive agencies are specifically prohibited by law from engaging in sexual harassment (FL Stat. Sec. 110.1221). The regulations of the state Department of Management Services define sexual harassment in state employment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to the conduct is explicitly or implicitly a term or condition of employment.
- Submission to or rejection of the conduct is used as a basis for an employment decision.

- The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment (FL Admin. Code Sec. 60L-28.001 *et seq.*).

ENFORCEMENT

The Florida Commission on Human Relations administers and enforces the Act. The Commission has the authority to initiate, receive, and investigate discrimination complaints; hold hearings; and issue orders for affirmative relief, including back pay limited to two years prior to the filing of the complaint. In certain circumstances, an individual may bring a civil action in court.

ADDITIONAL INFORMATION

For additional information, contact:

Florida Commission on Human Relations
325 John Knox Road, Building F, Suite 240
Tallahassee, FL 32303
(850) 488-7082

GEORGIA

PRIVATE EMPLOYERS

There is no state provision prohibiting sexual harassment by private employers. However, private employers with 15 or more employees must comply with Title VII of the federal **Civil Rights Act of 1964**, which prohibits discrimination on the basis of sex, including sexual harassment (42 USC Sec. 2000e *et seq.*).

BREAST MILK EXTRACTION

The law authorizes any employer to provide reasonable unpaid break time to an employee who needs to express breast milk. The break time may run concurrently with any break time already provided. The employer is not required to provide the break time if doing so would unduly disrupt the operations of the employer (GA Code Sec. 34-1-6).

STATE EMPLOYMENT

The **Georgia Fair Employment Practices Act** prohibits state employers from discriminating in employment because of sex, including sexual harassment (GA Code Sec. 89-1703). The Act applies to any state agency that employs 15 or more employees. Willful violations of the Act may be punishable by a civil fine not to exceed \$1,000.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The state Commission on Equal Opportunity enforces the Fair Employment Practices Act. The Commission has the power to receive complaints, investigate, conciliate, and if conciliation is unsuccessful, refer the matter to a special master. Special masters may order hiring, reinstatement, back pay limited to two years, affirmative action, and actual damages. Final orders by the special master may be appealed to the state Superior Court.

ADDITIONAL INFORMATION

For more information, contact:

Georgia Commission on Equal Opportunity
710 International Tower—Peachtree Center

HAWAII

PROHIBITED PRACTICES

The **Hawaii Fair Employment Practice Law** prohibits discrimination in employment on the basis of sex, including, pregnancy, childbirth, or related medical conditions; sexual orientation; and marital status (HI Rev. Stat. Sec. 378-1 *et seq.*). Sexual harassment is generally included in the definition of discrimination based on sex. The law applies to all employers in the state.

Breastfeeding. It is unlawful in the state to prohibit a female employee from expressing breastmilk during any meal period or other break period provided by law or a collective bargaining agreement.

SEXUAL HARASSMENT DEFINED

The rules of procedure for the state Civil Rights Commission state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful sexual harassment if (HI Admin. Code Tit. 12 Ch. 46 Sec. 12-46-109):

- Submission to the conduct is made a term or condition of an individual's employment
- Submission to or rejection of the conduct is used as a basis for employment decisions affecting the employee
- The conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment

EMPLOYER LIABILITY

In determining whether an employer is liable for sexual harassment, the state Civil Rights Commission will consider the totality of the circumstances, including the nature of the sexual advances and the context in which the harassment occurred (HI Admin. Code Tit. 12 Ch. 46 Sec. 12-46-109(b)). Employers are liable for sexual harassment by:

- Supervisors and agents, regardless of whether the employer authorized the behavior or knew of the occurrence of harassment.
- Fellow employees, if the employer or its supervisors knew or should have known of the harassment and failed to take immediate and appropriate corrective action.
- Nonemployees at the workplace, where the employer knew or should have known of the harassment and failed to take immediate and appropriate corrective action. The degree of control the employer has over the nonemployee's conduct is also relevant.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, the Commission specifically recommends that employers express strong disapproval of sexual harassment and inform employees of the employer's policy against sexual harassment. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Hawaii Civil Rights Commission enforces the Fair Employment Practice Law. The Commission has the authority to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings and issue administrative decisions; and enforce its orders in state court. Remedies can include hiring, reinstatement, or promotion; back pay; and attorney's fees. An individual injured by a violation of the law may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law. For further information, contact:

Civil Rights Commission
830 Punchbowl Street, Room 411
Honolulu, HI 96813
(808) 586-8636
(808) 586-8655 (fax)
www.state.hi.us/here/index.html

IDAHO

PROHIBITED PRACTICES

The **Idaho Human Rights Act** prohibits employers from discriminating against applicants or employees based on sex, including sexual harassment (ID Code Sec. 67-5901 *et seq.*). The law applies to all public employers and private employers with five or more employees. State law claims of sexual harassment are subject to and interpreted according to the same standards applicable to federal harassment claims.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Idaho Human Rights Commission enforces the state Human Rights Act. Administrative claims must be filed with the Human Rights Commission within one year of the alleged discrimination. After an investigation, if the Commission finds that the law was violated, it will attempt to obtain a settlement for the victim. The Commission is also able to go to court on behalf of the complainant if voluntary conciliation efforts are unsuccessful. An employee may file a court action through a private attorney if the employee acts within 90 days of the Commission's dismissal of an administrative claim.

ADDITIONAL INFORMATION

For further details, contact:

Idaho Human Rights Commission
P.O. Box 83720
1109 Main Street, Suite 400
Boise, ID 83720-0040
(208) 334-2873 or toll-free (888) 249-7025

ILLINOIS

PROHIBITED PRACTICES

The **Illinois Human Rights Act** prohibits all employers, regardless of size, from sexually harassing in employment (775 ILCS 5/101 *et seq.*). The Act provides an employer is responsible for sexual harassment of its employees by nonemployees or nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures (IL Rev. Stat. Ch. 68 Sec. 2-102(D)).

SEXUAL HARASSMENT DEFINED

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

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

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the work force on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Illinois Department of Human Rights and the Illinois Human Rights Commission enforce the Act. The Department has the power to hold hearings, issue subpoenas, and review complaints. Remedies include cease and desist orders, hiring, reinstatement, promotion, damages, back pay, attorney's fees, and costs. Under certain circumstances, the aggrieved party may file a civil action.

ADDITIONAL INFORMATION

For additional information, contact:

Department of Human Rights
James Thompson Center
100 West Randolph Street, Suite 10-100
Chicago, IL 60601
(312) 814-6200

Department of Human Rights
Springfield Regional Office
222 South College Street, First Floor
Springfield, IL 62704
(217) 785-5100
(217) 785-5106
www.state.il.us/dhrl

INDIANA

PROHIBITED PRACTICES

The **Indiana Civil Rights Law** prohibits discrimination in employment because of sex, including sexual harassment (IN Code Sec. 22-9-1-1 *et seq.*). The Law applies to public employers and private employers with six or more employees.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Indiana Civil Rights Law is enforced by the Indiana Civil Rights Commission, which is authorized to receive, initiate, investigate, and conciliate discrimination complaints; adopt regulations; issue subpoenas; hold hearings; and issue administrative orders that are enforceable in state court.

ADDITIONAL INFORMATION

For additional information, contact:

Civil Rights Commission
Indiana Government Center North, Room N103
100 North Senate Avenue
Indianapolis, IN 46204
(317) 232-2600
(800) 628-2909

IOWA

PROHIBITED PRACTICES

The **Iowa Civil Rights Act** prohibits employers of four or more persons from discriminating in employment on the basis of sex or pregnancy or conditions related to pregnancy (IA Code Sec. 216.1 *et seq.*). Sexual harassment is generally considered discrimination based on sex. In addition, many cities in Iowa have human rights and civil rights ordinances that also prohibit sex discrimination and sexual harassment in the workplace.

STATE EMPLOYERS

Iowa state employers are specifically prohibited under state law from sexually harassing state employees (IA Code Sec. 19B.12).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

SAMPLE ANTIHARASSMENT POLICY

For a sample antiharassment policy, see the Iowa Civil Rights Commission Web site at www.state.ia.us/government/crc/sampleworkshpolicy.html.

ENFORCEMENT

The Iowa Civil Rights Commission enforces the Iowa Civil Rights Act. The Commission has the authority to receive complaints, attempt conciliation and mediation, issue administrative decisions, and bring lawsuits in state court on behalf of victims of discrimination. For more information, contact:

Iowa Civil Rights Commission
211 East Maple Street
Des Moines, IA 50309-1858
(515) 281-4121
(800) 457-4416
www.state.ia.us/government/crc/index.html

KANSAS

PROHIBITED PRACTICES

The **Kansas Act Against Discrimination** prohibits discrimination in employment on the basis of sex (KS Stat. Sec. 44-1001 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law applies to all public employers and private employers with four or more employees.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Kansas Human Rights Commission enforces the Act Against Discrimination. The Commission has the authority to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and enforce its rulings in state court. Remedies may include hiring, reinstatement or promotion, back pay, and damages for pain and suffering (up to \$2,000). An individual injured by a violation of the Act may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Human Rights Commission
Landon State Office Building
900 Southwest Jackson, 8th Floor, Suite 851-S
Topeka, KS 66612
(785) 296-3206
(800) 296-0245

KENTUCKY

PROHIBITED PRACTICES

The **Kentucky Civil Rights Act** prohibits employers of eight or more persons from discriminating in employment because of sex, including pregnancy, childbirth, or related medical conditions (KY Rev. Stat. Sec. 344.010 *et seq.*). Sexual harassment is generally considered discrimination based on sex.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Kentucky Commission on Human Rights enforces the Kentucky Civil Rights Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and enforce its orders in state court. Remedies include hiring, reinstatement, or promotion; back pay; compensatory damages; and costs. A person alleging illegal discrimination may also, under certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Kentucky Commission on Human Rights
332 West Broadway, Seventh Floor
Louisville, KY 40202-0069
(502) 595-4024
(800) 292-5566 (in-state only)

LOUISIANA

PROHIBITED PRACTICES

The **Louisiana Employment Discrimination Law** prohibits employers of more than 15 persons from intentionally discriminating with respect to sex (LA R.S. 23:332). Sexual harassment is generally defined as discrimination based on sex. In the adjudication of sexual harassment claims, Louisiana courts have followed the federal interpretations in Title VII cases in defining sexual harassment (*Trahan v. Rally's Hamburgers, Inc.*, 696 So. 2d 637 (1st Cir. 1997))

It is also unlawful for a person or for two or more persons to conspire to retaliate or discriminate against a person because he or she has opposed a discriminatory practice, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in any investigation, proceeding, or hearing under the Louisiana Employment Discrimination Law (LA R.S. 51:2256).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Employment Discrimination Law is enforced by the Louisiana Commission on Human Rights, which has the authority to receive, initiate, investigate, conciliate, and hold hearings on discrimination complaints; adopt rules; issue subpoenas and administrative decisions; and file lawsuits in state court to enforce its orders. Remedies may include hiring, reinstatement, promotion, back pay, the payment of damages (including compensation for pain and suffering), and legal fees and costs. Persons with employment discrimination complaints may also bring private lawsuits in state court to enforce their rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Louisiana Commission on Human Rights
P.O. Box 94094
Baton Rouge, LA 70804-9004
(225) 342-6969

MAINE

PROHIBITED PRACTICES

The **Maine Human Rights Act** prohibits discrimination based on sex, including pregnancy, childbirth, or related medical conditions (ME Rev. Stat. Ann. Tit. 5 Sec. 4551 *et seq.*). Sexual harassment in the workplace is also prohibited. (ME Rev. Stat. Ann. Tit. 26 Sec. 807). The prohibition against discrimination based on sex applies to all employers.

SEXUAL HARASSMENT DEFINED

The term “sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual’s employment.
- Submission to such conduct is used as the basis for employment decisions affecting the individual.
- The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating a hostile or offensive working environment. (ME Rev. Stat. Ann. Tit. 26 Sec. 807).

ADOPTION OF WORKPLACE POLICY AND STATEMENT

State law requires that all employers with 15 or more employees adopt a policy against sexual harassment that must include the following provisions:

- A statement that sexual harassment in the workplace is unlawful
- A description and examples of sexual harassment
- The complaint process within the organization and to the state Human Rights Commission
- How to contact the Human Rights Commission
- A statement of protection against retaliation for having filed a complaint
- Notice to all employees

EDUCATION AND TRAINING

Under the Act, employers with 15 or more employees must conduct an education and training program for new employees within one year of commencement of employment. At a minimum, the training should include all information listed in **ADOPTION OF WORKPLACE POLICY AND STATEMENT** (ME Stat. Tit. 26 Sec. 807).

Employers also must conduct additional training for new supervisory and managerial employees within one year of commencement of employment. Training for supervisors and managers should also include information regarding the specific responsibilities of supervisory and managerial employees and the methods that supervisors and managers should take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

ENFORCEMENT

The Maine Commission for Human Rights enforces the Human Rights Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints, issue subpoenas, hold hearings, issue administrative decisions and orders, and enforce its orders in state court. Remedies may include hiring, reinstatement, promotion, back pay with benefits and interest, compensatory damages, punitive damages, and legal fees. A person alleging illegal discrimination may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Commission for Human Rights

51 State House Station

Augusta, ME 04333-0051

(207) 524-6050

(207) 624-6063 (fax)

www.state.me.us/mhrc/index.shtml

MARYLAND

PROHIBITED PRACTICES

The **Maryland Fair Employment Practices Act** prohibits discrimination in employment because of sex (MD Code Art. 49B Sec. 1 *et seq.*). Sexual harassment is generally included in this definition. The Act applies to all public employers and private employers of 15 or more persons. Under the state law, it is also unlawful to retaliate against an individual who

has opposed any practice that is unlawful under the state law, or because the individual has made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing under the state law.

Sexual orientation. The Montgomery County Code specifically prohibits discrimination in employment based on sexual orientation (Montgomery County Code Sec. 27-17, 27-19).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Maryland Fair Employment Practices Act is enforced by the Maryland Commission on Human Relations. The Commission has the power to receive, initiate, investigate, and conciliate discrimination complaints; order repayment of lost wages, promotion, or reinstatement; adopt regulations; issue subpoenas and administrative orders; and enforce its orders in state court. For more information, contact:

Maryland Commission on Human Relations
Schaefer Towers, Suite 900
6 Saint Paul Street
Baltimore, MD 21202
(410) 767-8600
(800) 637-6247
www.mchr.state.md.us

MASSACHUSETTS

PROHIBITED PRACTICES

The **Massachusetts Fair Employment Practices Act** prohibits discrimination based on sex or sexual orientation (MA Gen. Laws Ch. 151B Sec. 1 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law covers employers with six or more employees. Recently, the Massachusetts Court of Appeals found a co-worker personally liable for sexual harassment, noting that the Act does not limit the categories of persons who may be found individually liable (*Beaupre v. Cliff Smith & Assoc.*, No. 98-p-100, 11/16/2000).

SEXUAL HARASSMENT DEFINED

The term "sexual harassment" is defined by law to mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; *or*
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

MANDATORY POLICIES AGAINST SEXUAL HARASSMENT

Under the Act, all employers must adopt a policy against sexual harassment (MA Gen. Laws Ch. 151B Sec. 3A). The policy must include:

- A statement that sexual harassment in the workplace is unlawful
- A statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment
- A description and examples of sexual harassment

- A statement of the range of consequences for employees who are found to have committed sexual harassment
- A description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person or persons to whom complaints should be made
- The identity of the appropriate state and federal employment discrimination enforcement agencies, and directions as to how to contact such agencies

Every year, employers must provide all employees with an individual written copy of the employer's policy against sexual harassment. All new employees must be given a copy of the policy at the time of his or her employment.

A model policy against sexual harassment and a poster regarding sexual harassment can be obtained from the state Commission Against Discrimination.

Note: Compliance with these notice requirements will not, in and of itself, protect an employer from liability for sexual harassment.

TRAINING

The Act strongly encourages all employers to conduct an education and training program for all new employees within one year of employment (MA Gen. Laws Ch. 151B Sec. 3A). Employers are also encouraged to conduct additional training for new supervisory and managerial employees within one year of employment. Training should include, at a minimum, the information regarding mandatory policies set forth above. For supervisors, the training should also include the specific responsibilities of supervisors and the methods that they should use to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the work force on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Massachusetts Commission Against Discrimination enforces the Fair Employment Practices Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints, issue subpoenas, hold hearings, issue administrative orders and decisions, and seek court action for compliance. Remedies may include hiring, reinstatement, promotion, back pay, and legal fees. A victim of illegal discrimination may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the Act.

ADDITIONAL INFORMATION

For further information, contact:

Massachusetts Commission Against Discrimination
 One Ashburton Place, Room 601
 Boston, MA 02108-1518
 (617) 727-3990
www.state.ma.us/mcad

MICHIGAN

PROHIBITED PRACTICES

The **Michigan Civil Rights Act** prohibits employment discrimination based on sex, including sexual harassment, or marital status (MI Comp. Laws Sec. 37.31021 *et seq.*). The Act applies to all employers.

DEFINITIONS

Sex. The definition of sex includes pregnancy, childbirth, or a related medical condition, but does not include nontherapeutic abortion not intended to save the life of the mother.

Sexual harassment. The definition of sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct, or communication of a sexual nature as a term or condition of employment.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ADDITIONAL INFORMATION

For additional information, contact the Department of Civil Rights at one of the following offices:

Victor Office Center, Suite 700 (Administrative Offices)
201 North Washington Square
Lansing, MI 48913
(517) 335-3165
(517) 241-0546 (fax)

741 North Cedar Street, Suite 101
Lansing, MI 48913
(517) 334-9335
(517) 334-9350 (fax)

Civil Rights Service Center
State of Michigan Plaza Building, 6th Floor
1200 Sixth Avenue
Detroit, MI 48226
(313) 256-2663
(313) 256-2167 (fax)

2833 U.S. 41 West
Marquette, MI 49855
(906) 226-6393
(906) 226-9945 (fax)

Skyrise Business Center, Suite 230
535 South Burdick
Kalamazoo, MI 49007
(616) 337-3640
(616) 337-3636 (fax)

Second Floor
Grand Rapids State Office Building
350 Ottawa Avenue Northwest, Unit 2
Grand Rapids, MI 49503
(616) 356-0380
(616) 356-0399 (fax)

State Office Building, 7th Floor
125 East Union Street
Flint, MI 48502
(810) 760-2805
(810) 760-7363 (fax)

MINNESOTA

PROHIBITED PRACTICES

The **Minnesota Human Rights Act**, which applies to all employers in the state, prohibits discrimination in employment based on sexual orientation, marital status, sex (including pregnancy, childbirth, and related medical conditions), and sexual harassment (MN Stat. Sec. 363.01 *et seq.*).

SEXUAL HARASSMENT DEFINED

The provisions of the Act define sexual harassment as any unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

- Submission to the conduct or communication is made a term or condition of obtaining employment.
- Submission to or rejection of the conduct or communication is used as a factor in decisions affecting an individual's employment.
- The conduct or communication substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive employment environment, and the employer knows or should know of the existence of the harassment and failed to take timely and appropriate action (MN Stat. Sec. 363.01, Subd. 41).

SAME-SEX SEXUAL HARASSMENT

The Minnesota Human Rights Act allows claims for same-sex sexual harassment (*Cummings v. Koehnen*, 568 N.W.2d 418 (1997)). Under the Act, an employee alleging same-sex sexual harassment is not required to prove that the harasser is homosexual.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Minnesota Human Rights Act is enforced by the Minnesota Department of Human Rights, which has the authority to receive, initiate, investigate, and settle discrimination complaints; issue subpoenas, administrative decisions, and regulations; adopt regulations; hold hearings; and enforce its decisions in state court. Anyone adversely affected by a violation of the Act may bring a private action in state court.

ADDITIONAL INFORMATION

For additional information, contact:

Minnesota Department of Human Rights
190 East 5th Street, Suite 700
St. Paul, MN 55101
(651) 296-5663
(800) 657-3704

MISSISSIPPI

PROHIBITED PRACTICES

Private employers. Mississippi has no comprehensive fair employment law covering private employers. Employers in the state are covered, where applicable, by federal law on sex discrimination.

Public employers. State law prohibits sexual harassment by state employers (MS Code Sec. 25-9-103 *et seq.*). Rules regarding the grievance procedure for state employees are set forth in the code of rules for the state personnel board. (MS Code of Rules, Tit. 46 000 Personnel Bd. Sec. 7.40.4 *et seq.*).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ADDITIONAL INFORMATION

For further information, contact:

Equal Employment Opportunity Commission
Jackson Area Office
207 West Amite Street
Jackson, MS 39201
(601) 965-4537

MISSOURI

PROHIBITED PRACTICES

The **Missouri Human Rights Law** prohibits employment practices that discriminate against persons because of sex (MO Rev. Stat. Sec. 213.055 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The Law covers all state employers and private employers with six or more employees.

SEXUAL HARASSMENT DEFINED

The rules of the Commission define “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature, when:

- Submission to the conduct is made a term or condition of employment.
- Submission to or rejection of the conduct is used as the basis of an employment decision affecting an individual.
- The conduct substantially interferes with an individual’s work performance or creates an intimidating, hostile, or offensive employment environment.

An employer is responsible for the harassing actions of its supervisors regardless of whether the employer knew or should have known of the actions. In determining whether sexual harassment occurred, the Commission will look at all of the facts and consider the nature of the harassment and the context in which it occurred.

TRAINING

State law does not require training regarding an employer’s policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer’s policies, and provides the basis for an effective defense to sexual harassment claims

ENFORCEMENT

The Missouri Commission on Human Rights enforces the Human Rights Law and is authorized to investigate complaints, hold hearings, and enforce its order in court. Additionally, in some circumstances, persons who believe they have been discriminated against may sue privately in state court.

ADDITIONAL INFORMATION

For further information, contact:

Missouri Commission on Human Rights
3315 West Truman Boulevard
P.O. Box 1129
Jefferson City, MO 65102-1129
(573) 751-3325
(800) 877-6247
www.dolir.state.mo.us

MONTANA

PROHIBITED PRACTICES

The **Montana Human Rights Act** prohibits discrimination in employment because of sex, including sexual harassment (MCA 49-2-303.). The law applies to all employers in the state, regardless of size. It is also unlawful to retaliate against an individual who has opposed any unlawful practices (MCA 49-2-301).

TRAINING

State law does not require training regarding an employer’s policy on sexual harassment. However, training supervisors and employees regarding the employer’s policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially

harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

STATE EMPLOYEES

The Montana Legislature has codified rules prohibiting the sexual harassment of state employees (MT Admin. Rules Sec. 2.21.1301 *et seq.*). The law requires that each state agency establish a policy statement against sexual harassment and adopt a procedure for receiving and investigating claims of sexual harassment.

ENFORCEMENT

The Montana Human Rights Commission enforces the Human Rights Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings and issue administrative orders and decisions; and enforce its orders in state court. Remedies can include cease-and-desist orders, reasonable corrective measures, and pecuniary damages. In certain instances, a person alleging discrimination may also file a private lawsuit in state court (MCA 49-2-509).

ADDITIONAL INFORMATION

For further information, contact:

Montana Human Rights Commission
616 Helena Avenue
Helena, MT 59601
(406) 444-2884
(800) 543-0807

NEBRASKA

PROHIBITED PRACTICES

The **Nebraska Fair Employment Practices Act** prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth, and related medical conditions, and sexual harassment (NE Rev. Stat. Sec. 48-1101 *et seq.*). The Act applies to all public employers and private employers with 15 or more employees.

SEXUAL HARASSMENT DEFINED

The Act defines sexual harassment as making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature if:

- Submission to the conduct is made a term or condition of an individual's employment;
- Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting the individual; *or*
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment (NE Rev. Stat. Sec. 48-1102(14)).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, the Nebraska Equal Opportunity Commission specifically recommends that employers express strong disapproval of sexual harassment and inform its employees of the employer's policy against sexual harassment. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Commission enforces the Fair Employment Practices Act. The Commission has the authority to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and

enforce its rulings in state court. Remedies can include hiring, reinstatement or promotion, and back pay. An individual injured by a violation of the Act may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Equal Opportunity Commission
P.O. Box 94934
301 Centennial Mall South
Lincoln, NE 68509-4934
(402) 471-2024
www.tc.unl.edu/neoc

NEVADA

PROHIBITED PRACTICES

The **Nevada Fair Employment Practices Act** prohibits discrimination in employment on the basis of sex or sexual orientation (NV Rev. Stat. Sec. 613.310 *et seq.*). Sexual harassment is generally included in the definition of discrimination based on sex. The law applies to employers with 15 or more employees.

PREGNANCY LEAVE

If an employer grants any type of temporary leave to employees for medical reasons, the employer must grant the same type of leave under the same conditions to employees who are pregnant.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, the Equal Rights Commission specifically recommends that employers express strong disapproval of sexual harassment and inform its employees of the employer's policy against sexual harassment. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Nevada Equal Rights Commission enforces the Fair Employment Practices Act. The Commission has the authority to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions; and enforce its decisions in state court. Remedies can include hiring, reinstatement, promotion, back pay, and fringe benefits. Individuals injured by a violation of the Act may also, in certain circumstances, file a private lawsuit in state court to enforce their rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Equal Rights Commission
1515 East Tropicana, Suite 590
Las Vegas, NV 89119
(702) 486-7161

NEW HAMPSHIRE

PROHIBITED PRACTICES

The **New Hampshire Law Against Discrimination** prohibits discrimination in employment on the basis of sex, including sexual harassment. (NH Rev. Stat. Sec. 354-A:1 *et seq.*). The Law applies to all public employers and private employers with six or more employees.

SEXUAL HARASSMENT DEFINED

The Law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:

- Submission to the harassment is made a term or condition of an individual's employment;
- Submission to or rejection of the harassment is used as the basis for employment decisions affecting the individual; or
- The harassment unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

EMPLOYER LIABILITY

In determining whether conduct constitutes sexual harassment, the state Commission for Human Rights will look at the record as a whole and the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred (NH Code of Admin. Rules Hum. 403.02). Employers are responsible for the acts of:

- **Supervisory employees**, if submission to harassment is made a term or condition of an individual's employment, regardless of whether the employer knew or should have known of the conduct.
- **Agents and supervisory employees**, when the harassment interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment under the following circumstances:
 - (1) When the agent or supervisory employee acted within the scope of his or her employment;
 - (2) When the employer knew or should have known of the conduct and failed to take steps reasonably calculated to end the harassment or was otherwise reckless or negligent; and
 - (3) When the agent or supervisor purported to act or speak on behalf of the employer and there was reliance on apparent authority, or the agent or supervisor was aided in accomplishing the conduct by his or her relationship to the employer.
- **Fellow employees**, when the employer, or its agents or supervisory employees, knows or should have known of the conduct, unless the employer can show that it took prompt, appropriate remedial action.
- **Nonemployees** in the workplace, when the employer, or its agents or supervisory employees, knows or should have known of the conduct and fails to take prompt, appropriate, and remedial action. In reviewing these cases, the Commission will consider the extent of the employer's control and other legal responsibility that the employer might have with respect to the conduct of such nonemployees.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The New Hampshire Commission for Human Rights enforces the Law Against Discrimination. The Commission is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and enforce its orders in state court. Remedies can include cease and desist orders, hiring, reinstatement or promotion, back pay, compensatory damages, civil penalties, and criminal penalties for willful violations. The Commission's orders are appealable in state court.

ADDITIONAL INFORMATION

For additional information, contact:

Commission for Human Rights
2 Chenell Drive
Concord, NH 03301
(603) 271-2767
www.state.nh.us/hrc

NEW JERSEY

PROHIBITED PRACTICES

The **New Jersey Law Against Discrimination** prohibits all employers, regardless of size, from discriminating in employment on the basis of sex, marital status, affectational or sexual orientation, or familial status (NJ Rev. Stat. Sec. 10:5-12). Sexual harassment is considered to be a form of sexual harassment. It is also a violation of the law to retaliate against any person exercising his or her rights under the law, or against any person aiding in the exercise of rights under the Law (NJ Rev. Stat. Sec. 10:5-12(d)).

POLICIES AGAINST SEXUAL HARASSMENT

The New Jersey courts have declared that the core inquiry in a sexual harassment case is whether the employer had an effective, properly enforced antiharassment policy (*Payton v. New Jersey Turnpike Authority et al.*, 691 A.2d 321 (NJ Super. Ct., App. Div. 1997)). The U.S. Supreme Court endorses this opinion.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

WORKERS' COMPENSATION

The New Jersey Supreme Court has ruled that where claims of workplace sexual harassment result in bodily injury to the victim, an employer's workers' compensation insurance policy covers that harassment (*Schmidt v. Smith et al.*, 713 A.2d 1014 (NJ Sup. Ct. 1998)).

STATE EMPLOYEES

The New Jersey Administrative Code specifically prohibits sexual harassment in state government (NJ Admin. Code Tit. 4A, 7-1.3). The Administrative Code requires that each state agency establish a policy statement against sexual harassment and adopt a procedure for receiving and investigating claims of sexual harassment.

ENFORCEMENT

The New Jersey Division on Civil Rights enforces the state Law Against Discrimination. The Division has the authority to receive, initiate, investigate, and conciliate complaints of discrimination, issue subpoenas and interrogatories, conduct hearings and issue administrative rulings, and bring lawsuits in state court to enforce its decisions and orders (NJ Rev. Stat. Sec. 10:5-13). Individuals injured by a violation of the law can bring a private lawsuit in state court to enforce their rights under the Law in lieu of filing a complaint with the Division.

ADDITIONAL INFORMATION

For further information, contact:

Division on Civil Rights
Department of Law and Public Safety

31 Clinton Street, Third Floor
Newark, NJ 07102
(609) 292-6744

NEW MEXICO

PROHIBITED PRACTICES

The **New Mexico Human Rights Act** prohibits discrimination in employment on the basis of sex (NM Stat. Ann. 28-1-1 *et seq.*). Sexual harassment is generally included in this definition. The Act applies to employers with four or more employees.

“Sexual harassment” is defined in the state procedural rules as any unwanted and/or repeated physical or verbal act that is sexual, including sexual advances, sexual conduct, verbal or nonverbal sexual suggestions, sexual ridicule or sexual innuendoes that affect an employee’s compensation or the terms and conditions of employment (NM Admin. Code Tit. 9, 7.34.1).

TRAINING

State law does not require training regarding an employer’s policy on sexual harassment. However, training supervisors and employees regarding the employer’s policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer’s policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The New Mexico Human Rights Commission and the Human Rights Division of the Labor Department enforce the Human Rights Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative orders and decisions; and enforce its orders in state court. Remedies can include cease-and-desist orders, actual damages, and legal fees. A person alleging discrimination may also file a private lawsuit in state court.

For further information, contact:

Human Rights Commission
1596 Pacheco, Aspen Plaza
Santa Fe, NM 87505
(505) 827-6838
(800) 566-9471

NEW YORK

PROHIBITED PRACTICES

The **New York Human Rights Law** prohibits discrimination in employment on the basis of sex or marital status (NY Exec. Law Art. 15 Sec. 296 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law covers employers with four or more employees.

NEW YORK CITY ADMINISTRATIVE CODE

The New York City Administrative Code further protects employees in New York City and prohibits discrimination because of the actual or perceived gender, marital status, or sexual orientation of the individual. The law applies to all employers with four or more employees.

SEXUAL HARASSMENT DEFINED

Sexual harassment is a form of sex discrimination that violates Title VII of the **Civil Rights Act of 1964**. The essence of the claim is that it is unwelcome harassment of a sexual nature (*Mauro v. Orville*, 697 N.Y.S. 2d 704 (3rd Dept. 1999)).

Generally, isolated remarks or occasional episodes of harassment will not merit relief under the N.Y.S. Executive Law or N.Y.C. Administrative Code (*San Juan v. Leach*, 2000 WL 1811395).

PREGNANCY LEAVE

It is unlawful for an employer to compel an employee to take a pregnancy leave unless the pregnancy prevents the employee from performing her job in a reasonable manner (NY Executive Law Sec. 296).

BREASTFEEDING LAW

The New York Civil Rights Law Sec. 79(e) protects a mother's right to breastfeed in any location the mother is authorized to be.

ENFORCEMENT

The State Division on Human Rights enforces the law and is empowered to receive and investigate complaints, initiate its own complaints, issue subpoenas and injunctions, conciliate, hold hearings, conduct arbitration, and, if necessary, take court action to enforce its orders (N.Y. Exec. Law Art. 15 Sec. 295).

If the Division finds that discrimination has occurred, the Division may issue a cease and desist order. It may also order affirmative action; hiring; reinstatement; upgrading of an employee; back pay; front pay; fringe benefits, such as sick pay; medical insurance premiums and vacation pay; out-of-pocket expenses; interest; punitive damages; compensatory damages for mental anguish; and attorney's fees.

ADDITIONAL INFORMATION

For additional information, contact:

New York State Division of Human Rights
55 West 125 Street
New York, NY 10027
(212) 961-8400
www.nysdhr.com
www.nysdhr.com/annual/index.htm

NORTH CAROLINA

PROHIBITED PRACTICES

The **North Carolina Equal Employment Practices Act** prohibits discrimination in employment because of sex, including sexual harassment (NC Gen. Stat. Sec. 143-416.1 *et seq.*). The Act applies to all private employers of 15 or more employees.

STATE EMPLOYERS

The **North Carolina Discrimination in Public Employment Law** prohibits the state and all its political subdivisions from discriminating in employment because of sex, including sexual harassment (NC Gen. Stat. Sec. 126-16).

RETALIATION

The state **Retaliatory Discrimination Law** specifically prohibits all employers, both public and private, from discriminating or taking retaliatory action against an employee because the employee in good faith has or threatens to:

- File a claim or complaint of discrimination
- Initiate an inquiry, investigation, inspection, or proceeding with respect to a claim of discrimination
- Testify, or provide information to any person with regard to a claim of discrimination

The prohibition against retaliation also applies to any employee who initiates any of the above activities on behalf of another employee (NC Gen. Stat. Sec. 95-240 *et seq.*).

Complaints of unlawful retaliation are filed with the state commissioner of labor who may initiate an investigation and attempt conciliation. If the commissioner is unable to resolve the matter, he or she may file a civil action on behalf of the employee or issue a right-to-sue letter, enabling the employee to file a private civil action in superior court.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The North Carolina Equal Employment Practices Act is enforced by the Human Relations Commission. The Commission has the power to receive complaints of discrimination, investigate, and conciliate. If the Commission is unable to reach conciliation successfully, charges may be referred to the federal Equal Employment Opportunity Commission.

Charges of discrimination under the North Carolina Discrimination in Public Employment Law are enforced by the Office of Administrative Hearings (OAH), Civil Rights Division. The OAH, Civil Rights Division has the authority to receive charges of discrimination from employees of the state, and confer, conciliate, or resolve the charges. In the event that these informal procedures do not produce a settlement, OAH's administrative law judges are empowered to grant full relief through a contested case hearing process.

ADDITIONAL INFORMATION

For further information, contact:

North Carolina Human Relations Commission
217 West Jones Street, Fourth Floor
Raleigh, NC 27603
(919) 733-7996

Office of Administrative Hearings
Civil Rights Division
P.O. Drawer 27447
Raleigh, NC 27611-7447
(919) 733-0431

NORTH DAKOTA

PROHIBITED PRACTICES

The **North Dakota Human Rights Act** prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth and related medical conditions (ND Cent. Code Sec. 14-02.4-01 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law applies to all employers in the state. It is also unlawful under the state law to retaliate or threaten to retaliate against a person who files a complaint of sexual harassment, or testifies or assists in a proceeding or investigation.

SEXUAL HARASSMENT DEFINED

The state law defines "sexual harassment" as an unwelcome sexual advance, request for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment.

- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment.
- That conduct or communication has the purpose or effect of substantially interfering with an individual's employment.

Under the state law definition of sexual harassment, the employer is responsible for its acts and the acts of its supervisory employees if it knows or should know of the existence of the harassment and fails to take timely and appropriate action (ND Cent. Code Sec. 14-02.4-02).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The North Dakota Department of Labor enforces the Human Rights Act. The Department has the authority to receive and investigate discrimination complaints and to negotiate settlements. Individuals may file a complaint with the Department of Labor and may bring a private lawsuit in state court. Remedies can include cease and desist orders, equitable relief, back pay, and legal fees.

For further information, contact:

North Dakota Department of Labor
600 East Boulevard
State Capitol
Bismarck, ND 58505
(701) 328-2660
(800) 582-8032
www.tradecorridor.com/ndlabor

OHIO

PROHIBITED PRACTICES

The **Ohio Fair Employment Practice Law** prohibits discrimination in employment on the basis of sex, including sexual harassment (OH Rev. Code Sec. 4112.01 *et seq.*). The Law applies to employers with four or more employees. Under the state law it is also and unlawful employment practice to retaliate against any person because that person has made a complaint or assisted in the investigation of a complaint filed under the state law.

State law claims for sexual harassment are subject to and interpreted according to the same standards applicable to federal harassment claims brought under Title VII of the Civil Rights Act of 1964 (*Ohio Civil Rights Commission v. Ingram, D.C., Inc., 630 N.E.2d 669 (S. Ct. Ohio 994)*).

EMPLOYER LIABILITY

The Ohio state administrative code specifically provides that an employer may be responsible for sexual harassment by nonemployees in the workplace (e.g., customers). An employer is liable for a nonemployee where the employer (or its agents or supervisory employees) knows or should have known of the harassment and fails to take immediate and appropriate corrective action. In determining whether the employer is liable, consideration is given to the extent of the employer's control with respect to the conduct of such nonemployees (OH Admin. Code Sec. 4112-5-01).

According to the state administrative code, "an employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment, and developing methods to sensitize all

concerned” (OH Admin. Code Sec. 4112-5-01). The U.S. Supreme Court has approved this method of claim prevention and established harassment prevention as a necessary step to defending claims of sexual harassment.

TRAINING

State law does not require training regarding an employer’s policy on sexual harassment. However, training supervisors and employees regarding the employer’s policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer’s policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Ohio Civil Rights Commission enforces the state Fair Employment Practices Law. The Commission is authorized to investigate complaints, hold hearings, issue subpoenas, issue administrative rulings, and enforce its orders in court (OH Rev. Code Sec. 4112.03 through 4112.061).

ADDITIONAL INFORMATION

For further information, contact:

The Ohio Civil Rights Commission
1111 East Broad Street, Suite 301
Columbus, OH 43205-1379
(614) 466-2785

OKLAHOMA

PROHIBITED PRACTICES

The **Oklahoma Anti-Discrimination Act** prohibits employers of 15 or more persons from discriminating in employment because of sex (OK Stat. Tit. 25 Sec. 1101 *et seq.*). Sexual harassment is generally considered discrimination based on sex.

COMMISSION GUIDELINES ON SEXUAL HARASSMENT

The state Human Rights Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to the conduct is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with the individual’s work performance, or creates a hostile, intimidating, or offensive working environment (OK Admin. Code Sec. 335:15-3-10). An employer is responsible for harassment by:

- Supervisors, whether or not it knew of the supervisor’s actions
- An individual’s co-workers, if the employer knew or should have known of the actions and failed to take immediate and appropriate corrective action
- Nonemployees who harass employees in the workplace (e.g., delivery persons on the business premises), if the employer knew or should have known of the harassment and failed to take immediate and appropriate corrective action

TRAINING

State law does not require training regarding an employer’s policy on sexual harassment. However, the Commission specifically recommends that employers express strong disapproval of sexual harassment and inform its employees of the employer’s policy against sexual harassment. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer’s policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Oklahoma Human Rights Commission enforces the Anti-Discrimination Act. The Commission has the authority to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions

and orders; and enforce its rulings in state court. Remedies can include hiring, reinstatement or promotion, back pay and costs, and legal fees.

ADDITIONAL INFORMATION

For additional information, contact:

Human Rights Commission
Room 480
2101 North Lincoln Boulevard
Oklahoma City, OK 73105
(405) 521-2360
www.onenet.net/~ohrc2

OREGON

STATE LAW

The **Oregon Fair Employment Practice Act** prohibits discrimination in employment on the basis of sex, including pregnancy, childbirth and related medical conditions (OR Rev. Stat. Sec. 659.030). Sexual harassment is generally considered discrimination on the basis of sex. The law applies to all public and private employers in the state.

The Oregon Administrative Rules define sexual harassment as:

- Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct is directed toward an individual because of that individual's gender
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
- Such conduct is of such frequency and/or severity that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment (OR Admin. Rule 839-07-550).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Bureau of Labor and Industries enforces the Fair Employment Practice Act. The Bureau has the authority to receive, investigate, and make determinations regarding discrimination complaints, and issue orders enforceable in state court. The Technical Assistance Unit of the Bureau of Labor and Industries provides information to employers about civil rights laws. Trained personnel are available to answer questions on an individual basis or to make presentations to groups.

ADDITIONAL INFORMATION

For further information, contact:

Technical Assistance for Employers
Bureau of Labor and Industries
800 Northeast Oregon Street, No. 32
Portland, OR 97232
(503) 731-4073
www.boli.state.or.us

PENNSYLVANIA

PROHIBITED PRACTICES

The **Pennsylvania Human Relations Act** prohibits employment practices that discriminate on the basis of sex, including sexual harassment (43 PA Stat. Sec. 951 *et seq.*). The Act covers all public employers and private employers with four or more employees.

SEXUAL HARASSMENT DEFINED

The term “sexual harassment” is defined by the Pennsylvania Human Relations Commission’s *Guidelines to Sexual Harassment* as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; *or*
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

TRAINING

State law does not require training regarding an employer’s policy on sexual harassment. However, training supervisors and employees regarding the employer’s policy is strongly recommended. Training enables supervisors to properly address complaints of sexual harassment, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer’s policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Pennsylvania Human Relations Commission enforces the Human Relations Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints, issue subpoenas, hold hearings, issue administrative decisions and orders, and enforce its orders in state court. Remedies may include hiring, reinstatement or promotion, back pay, actual damages, and civil penalties. A person alleging illegal discrimination may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the Act.

ADDITIONAL INFORMATION

For further information, contact:

Human Relations Commission
Headquarters Office
Executive House
101 South Second Street, Suite 300
Harrisburg, PA 17105-3145
(717) 787-4410

RHODE ISLAND

PROHIBITED PRACTICES

The **Rhode Island Fair Employment Practices Act** prohibits discrimination on the basis of sex, including sexual harassment (RI Gen. Laws Sec. 28-5-1 *et seq.*). The prohibition against sexual harassment applies to employers with 50 or more employees (RI Gen. Laws Sec. 28-51-1).

SEXUAL HARASSMENT DEFINED

The term “sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual’s employment.
- Submission to such conduct is used as the basis for employment decisions affecting the individual.
- The conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating a hostile or offensive working environment (RI Gen. Laws Sec. 28-51-1).

ADOPTION OF WORKPLACE POLICY AND STATEMENT

State law requires that all employers with 50 or more employees adopt a policy against sexual harassment that must include the following provisions (RI Gen. Laws Sec. 28-5-1):

- A statement that sexual harassment in the workplace is unlawful
- A statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint of sexual harassment
- A description and examples of sexual harassment
- A statement of the range of consequences for employees who are found to have committed sexual harassment
- A description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person or persons to whom complaints should be made; *and*
- The address and telephone number of the federal Equal Employment Opportunity Commission and the state Commission for Human Rights. See **ADDITIONAL INFORMATION** for details.

In addition, employers with 50 or more employees must provide all employees with a written copy of the employer’s policy against sexual harassment. All new employees must receive a copy of the policy at the time of his or her employment (RI Gen. Laws Sec. 28-51-2).

EDUCATION AND TRAINING

Under the Act, employers are encouraged to conduct an education and training program for new employees within one year of commencement of employment. At a minimum, the training should include all information listed in **ADOPTION OF WORKPLACE POLICY AND STATEMENT** (RI Gen. Laws Sec. 28-51-3).

Employers are also encouraged to conduct additional training for new supervisory and managerial employees within one year of commencement of employment. Training for supervisors and managers should also include information regarding the specific responsibilities of supervisory and managerial employees and the methods that supervisors and managers should take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

ENFORCEMENT

The Rhode Island Commission for Human Rights enforces the Fair Employment Practices Act. The Commission is authorized to initiate, receive, and investigate discrimination complaints, issue subpoenas, hold hearings, issue administrative decisions and orders, and enforce its orders in state court. Remedies may include hiring, reinstatement, promotion, back pay with benefits and interest, compensatory damages, punitive damages, and legal fees. A person alleging illegal discrimination may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Commission for Human Rights
10 Abbott Park Place
Providence, RI 02903
(401) 222-2661

Equal Employment Opportunity Commission (EEOC)
Boston Area Office
1 Congress Street

10th Floor, Room 1001
Boston, MA 02114
(617) 565-3200

SOUTH CAROLINA

PROHIBITED PRACTICES

The **South Carolina Human Affairs Law** prohibits all public employers and private employers of 15 or more persons from discriminating in employment because of sex, including pregnancy, childbirth, or related medical conditions and against women affected by pregnancy, childbirth or related medical conditions. Sexual harassment is considered a form of discrimination based on sex (SC Code Sec. 1-13-10 *et seq.*).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The South Carolina Human Affairs Commission enforces the South Carolina Human Affairs Law. The Commission has the authority to receive, investigate and settle discrimination complaints, and bring lawsuits in state court on behalf of alleged victims of discrimination. In some circumstances, persons injured by violations of the Human Affairs Law may sue privately in state court to enforce their rights. For further information, contact:

South Carolina Human Affairs Commission
P.O. Box 4490
2611 Forest Drive, Suite 200
Columbia, SC 29240
(803) 737-7800

SOUTH DAKOTA

PROHIBITED PRACTICES

The **South Dakota Human Relations Act** prohibits discrimination in employment on the basis of sex, including sexual harassment (SD Cod. Laws Sec. 20-13-1 *et seq.*). The Act applies to all employers in the state. Under the state law, it is unlawful for an employer to aid, compel, or induce another person to sexually harass or to conceal harassment. It also unlawful discrimination to retaliate against any person who files a charge of harassment, testifies, assists, or participates in any way in an investigation, hearing, or any other proceeding conducted under the state law.

STATE EMPLOYERS

Pursuant to a state issued executive order, sexual harassment is a form of discrimination that is prohibited in any and every workplace in which public employees are required to conduct business (Executive Order No. 81-8, dated June 18, 1981).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially

harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The South Dakota Department of Commerce's Division of Human Rights enforces the Human Relations Act. The Division is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and enforce its orders in state court. A person alleging discrimination may also file a private lawsuit in state court. Remedies can include cease and desist orders, hiring, reinstatement or promotion, back pay, compensatory damages, punitive damages, legal fees, and civil penalties in cases of willful or repeated violations. For further information, contact:

Division of Human Rights
118 West Capitol
Pierre, SD 57501
(605) 773-4493
www.state.sd.us/dcr/hr/

TENNESSEE

PROHIBITED PRACTICES

The **Tennessee Fair Employment Practices Law** prohibits employment practices that discriminate on the basis of sex (TN Stat. Sec. 4-21-101 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law covers public employers and private employers with eight or more employees.

EXCEPTIONS

It is not a discriminatory practice for an employer to employ an individual on the basis of sex where sex is a bona fide occupational qualification (BFOQ) or to eliminate or reduce imbalances in the workplace (for example, an all male workforce).

BFOQ EXCEPTION

An employer may hire individuals based on their sex where it is reasonably necessary to the normal operation of the employer's business. In order to be a BFOQ, a characteristic must be *absolutely essential* to the applicant's ability to perform the job. The exception is limited to those situations where the characteristic is reasonably necessary to the normal operation of the particular business.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

STATE EMPLOYERS

Each entity of the state government is required to post the state policy for the prevention of sexual harassment and to distribute materials explaining the sexual harassment rules of the state human rights commission (TN Stat. Sec. 4-3-124).

ENFORCEMENT

The Tennessee Human Rights Commission enforces the Fair Employment Practices Law. The Commission is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative orders and decisions; and seek court action for compliance. Remedies may include hiring, reinstatement, promotion, back pay, attorney's fees, and compensation for emotional pain and suffering. A victim of illegal discrimination may also, in certain circumstances, file a private lawsuit in state court to enforce his or her rights under the Law.

ADDITIONAL INFORMATION

For further information, contact:

Tennessee Human Rights Commission
530 Church Street
Nashville, TN 37245-0745
(615) 741-5825

TEXAS

PROHIBITED PRACTICES

The Texas Commission on **Human Rights Act** prohibits employment practices that discriminate against individuals on the basis of sex, including pregnancy, childbirth, or related medical conditions (VTCA Labor Code Sec. 21.106). Sexual harassment is generally included in this definition. The Act covers employers with 15 or more employees (VTCA Labor Code Sec. 21.001 *et seq.*).

EMPLOYER LIABILITY

An employer will be held liable for sexual harassment if an employee can show that an employer knew or should have known of a supervisor's sexual harassment and failed to take prompt remedial action (*Colbert v. Georgia Pacific Corp.*, 995 F. Supp. 697 (N.D. Tex. 1998)). An employer will be held liable for sexual harassment if its actions were not reasonably calculated to stop the harassment (*Wal-Mart Stores, Inc. v. Wendy Davis*, Ct. App. TX, 3rd Dist., Austin No. 03-96-00693-CV (9/24/98); *Burlington Indus., Inc. v. Ellerth*, 118 S. Ct. 2257 (1998))

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Texas Commission on Human Rights enforces the Texas Commission on Human Rights Act. The Commission is authorized to receive and investigate complaints, issue subpoenas and interrogatories, conciliate complaints, and file civil actions in state court. Remedies can include reinstatement, hiring, back pay, compensatory and punitive damages, and an award of attorney's fees and other costs. The state Commission is required to refer complaints to local commissions for investigation where such commissions have the necessary investigatory and conciliatory powers.

ADDITIONAL INFORMATION

For further details, contact:

Texas Commission on Human Rights
6330 Highway 290 East, Suite 250
Austin, TX 78723
(512) 437-3450

UTAH

PROHIBITED PRACTICES

The **Utah Anti-Discrimination Act** prohibits discrimination in employment against any otherwise qualified person because of sex, pregnancy, childbirth, or pregnancy-related conditions (UT Code Ann. Sec. 34A-5-101 *et seq.*). Sexual

harassment is generally considered discrimination based on sex. The Act applies to all public employers and private employers with 15 or more employees.

SEXUAL HARASSMENT DEFINED

Sexual harassment is defined in the state Industrial Commission's regulations as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual's employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; *or*
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive work environment (UT Admin. Code Sec. 560-1-2).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Anti-Discrimination and Labor Division of the Utah Industrial Commission enforces the Anti-Discrimination Act. The Division is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and enforce its orders in state court. Remedies may include hiring, reinstatement, back pay and benefits, and legal fees.

ADDITIONAL INFORMATION

For further information, contact:

Industrial Commission
Anti-Discrimination and Labor Division
160 East 300 South, Third Floor
Salt Lake City, UT 84114-6630

or

P.O. Box 146630
Salt Lake City, UT 84114-6630
(801) 530-6801
(800) 222-1238 (in-state only)
www.state.us/government.html

VERMONT

PROHIBITED PRACTICES

The **Vermont Fair Employment Practices Act** prohibits discrimination in employment on the basis of sex (including sexual harassment) and sexual orientation (VT Stat. Ann. Tit. 21 Sec. 495 *et seq.*). The Act covers all public and private employers in the state, including employment agencies and labor unions.

With regard to sexual harassment in particular, the Act states that all employers have an obligation to ensure that their workplace is harassment-free. Employers are required to:

- Adopt a sexual harassment policy (see discussion below regarding the mandatory contents of the policy);
- Place a poster describing the elements of the company's sexual harassment policy in a prominent and accessible location;
and
- Provide each employee with a written copy of the company's sexual harassment policy.

SEXUAL HARASSMENT POLICY REQUIREMENTS

The Fair Employment Practices Act specifies that sexual harassment policies must contain the following elements:

- A statement that sexual harassment is against the law.
- A statement that it is unlawful to retaliate against any employee for filing a sexual harassment complaint or participating in the investigation of a claim of sexual harassment.
- A description of what constitutes harassment, with examples.
- An explanation of the consequences for employees who engage in harassment.
- A description of the process for filing a complaint with the appropriate state and federal agencies, including the names, addresses and telephone numbers of contact persons at those agencies.
- (For employers with more than five employees) A description of the process for making an internal complaint of harassment, including the names, addresses and telephone numbers of persons to whom such complaints should be made.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, the Fair Employment Practices Act does state that all employers are encouraged to conduct education and training on the issue of sexual harassment. The Act recommends that all employees receive such training within one year of commencing employment and that additional training be given to managers and supervisors. At a minimum such training should include all of the elements described above with respect to the sexual harassment policy. Supervisor and manager training should further include instruction on the receipt, investigation, and processing of sexual harassment complaints. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the work force on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Civil Rights Division of the Vermont Attorney General's Office enforces the Fair Employment Practices Act in the private sector. The Vermont Human Rights Commission enforces the law in the public sector. State authorities are authorized to initiate, receive, and investigate complaints; issue restraining orders; assess civil penalties; and otherwise enforce its orders in state court. Employees alleging harassment may also file private lawsuits in state court. Remedies can include cease and desist orders, reinstatement, back pay, and legal fees.

ADDITIONAL INFORMATION

For additional information contact:

State of Vermont Attorney General's Office
Civil Rights Division
153 State Street
Montpelier, VT 05633-6301
(802) 828-2480

You may also want to visit the Attorney General's Web site at <http://www.state.vt.us/atg>. The site contains helpful information about the Fair Employment Practices Act and its enforcement, along with downloadable forms and an extensive list of links.

VIRGINIA

PROHIBITED PRACTICES

The **Virginia Human Rights Act** prohibits employment practices that discriminate on the basis of sex, pregnancy, childbirth and related medical conditions. Sexual harassment is generally considered discrimination on the basis of sex.

Employers covered. Employers with 6 to 14 employees may be sued in a general district court or circuit court for sex discrimination (VA Code Sec. 2.1-725). Employers with 15 or more employees may be sued pursuant to 42 U.S.C. 2000e *et seq.* Employers in Virginia have been sued for wrongful discharge for violations of public policy unrelated to the

Virginia Human Rights Act where the Virginia Human Rights Act and federal antidiscrimination statutes have not been applicable (*Mitchem v. Counts*, 259 Va. 179 (2000)).

Fairfax County and the City of Alexandria have their own local antidiscrimination ordinances covering employers with 4 or more employees. For more information, contact Fairfax County at www.co.fairfax.va.us/hrc/ordinance.html or the City of Alexandria at www.ci.alexandria.va.us/human/6hrs55.html#F.

STATE AGENCIES

State agencies are covered separately by the **Equal Employment in State Government Law** (VA Code Sec. 2.1-116.10 *et seq.*) and the **Constitutional Officers Bias Law** (VA Code Sec. 15.1-48.1 *et seq.*), both of which prohibit employment discrimination on the basis of sex, including sexual harassment.

STATE CONTRACTORS

Every contractor or subcontractor that holds a contract for over \$10,000 with the state of Virginia is prohibited by the **Fair Employment Contracting Act** from discriminating on the basis of sex, including sexual harassment (VA Code Sec. 2.1-374 *et seq.*).

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

Complaints filed with the Virginia Council on Human Rights alleging unlawful discriminatory practice under a state statute that is enforced by a state agency will be referred to the enforcing agency. The Council may investigate complaints made under a federal statute or regulation and attempt to resolve complaints through conciliation. As part of the conciliation process, the Council can issue recommendations for reinstatement or promotion and corresponding back pay, benefits, and attorney's fees. However, the Council cannot award monetary damages or injunctive relief (VA Admin. Code Sec. 25-10-120(1)). Unresolved complaints will be referred to the federal agency with jurisdiction over the complaint (e.g., the Equal Employment Opportunity Commission (EEOC)). After a complaint is referred, the Council has no further jurisdiction over the complaint.

State law also provides that an employee working for an employer with more than 5 but less than 15 employees may bring an action in general district court or circuit court alleging discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, or age if the employee is 40 years or older (VA Code Sec. 2.1-725).

ADDITIONAL INFORMATION

For more information contact:

Virginia Council on Human Rights
P.O. Box 717
Richmond, VA 23206
(804) 225-2292
(800) 633-5510

WASHINGTON

PROHIBITED PRACTICES

The **Washington Law Against Discrimination** prohibits employment practices that discriminate on the basis of sex or marital status (WA Stat. Sec. 49.60.010 *et seq.*). Sexual harassment is generally considered discrimination on the basis of sex. The law covers public employers and private employers with eight or more employees.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training is strongly recommended. Training in the prevention of sexual harassment enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Washington Human Rights Commission enforces the antidiscrimination law. Any individual who thinks that he or she has been discriminated against may file a complaint with the Commission or file a private lawsuit in state court.

ADDITIONAL INFORMATION

For additional information, visit the Commission's Web site at www.wa.gov:80/hrc or contact them at one of these four locations:

Seattle District Office
Melbourne Tower, Room 921
1511 Third Avenue
Seattle, WA 98101-1626
(206) 464-6500
(800) 605-7324

Spokane District Office
Great Western Building, Room 416
West 905 Riverside Avenue
Spokane, WA 99201-1099
(509) 456-4473

Olympia Headquarters Office
711 South Capitol Way, Room 402
P.O. Box 42490
Olympia, WA 98504-2490
(360) 753-6770
(800) 233-3237

Yakima District Office
Washington Mutual Building, Room 22
32 North Third Street
Yakima, WA 98901-2730
(509) 575-2772
(800) 662-2755

WEST VIRGINIA

PROHIBITED PRACTICES

The **West Virginia Human Rights Act** prohibits discrimination in employment on the basis of sex (WV Code Sec. 5-11-1 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law applies to all public employers and private employers with 12 or more employees.

SEXUAL HARASSMENT DEFINED

The rules of the state Human Rights Commission (WV Code of State Rules, Series 5, Sec. 77-4-1 *et seq.*) define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to or rejection of the conduct is made a term or condition of an individual's employment or is exchanged for job benefits;
- Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; *or*
- The conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

In order for conduct to rise to the level of sexual harassment, it must be severe or pervasive, involving either unwelcome touching, offensive or threatening verbal abuse, or unwelcome and consistent sexual innuendo or physical contact. When considering a complaint of sexual harassment, the Commission will consider the frequency with which the conduct occurred, whether other individuals have similar complaints, and the context within which the conduct occurred.

EMPLOYER LIABILITY

According to the rules of the state Human Rights Commission (WV Code of State Rules, Series 5, Sec. 77-4-3), an employer is responsible for harassment by:

- Supervisors, whether it knew of the supervisor's actions, unless the supervisor was acting outside the scope of his or her employment.
- Co-workers, if the employer knew or should have known of the actions and failed to take immediate and appropriate corrective action.
- Nonemployees who harass employees in the workplace (e.g., delivery persons on the business premises), if the employer knew or should have known of the harassment and failed to take immediate and appropriate corrective action. In reviewing these cases, the Commission will consider the degree of control the employer has over the nonemployee.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, the Commission specifically recommends that employers express strong disapproval of sexual harassment and inform its employees of the employer's policy against sexual harassment (WV Code of State Rules, Series 5, Sec. 77-4-3). Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The West Virginia Human Rights Commission enforces the Human Rights Act. The Commission is authorized to initiate, receive, investigate, and accept complaints; issue subpoenas; hold hearings; issue orders; and seek court action for compliance. Remedies can include hiring, reinstatement, and back pay. An individual injured by a violation of the Act may also, in certain circumstances, file a private lawsuit in state court to enforce rights under the law.

ADDITIONAL INFORMATION

For further information, contact:

Human Rights Commission
1321 Plaza East, Room 108 A
Charleston, WV 25301-1400
(304) 558-2616

WISCONSIN

PROHIBITED PRACTICES

The **Wisconsin Fair Employment Act** prohibits discrimination in employment because of sex, including sexual harassment and sexual orientation (WI Stat. Sec. 111.31 *et seq.*). The Act applies to all employers in the state, both public and private, regardless of the number of employees. The law also prohibits an employer from retaliating against individuals who assert their rights under the law.

Sexual harassment. "Sexual harassment" is defined as unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature. It can be unwelcome actions taken by a person of the same or opposite gender (WI Stat. Sec. 111.32)

Sexual orientation. "Sexual orientation" is defined as having a preference for heterosexuality, homosexuality, or bisexuality, having a history of such a preference, or being identified with such a preference.

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims.

ENFORCEMENT

The Wisconsin Fair Employment Act is enforced by the Wisconsin Department of Workforce Development, which has the authority to receive, investigate, and conciliate discrimination complaints; adopt rules; and issue subpoenas and issue administrative decisions. The decisions of the Department may be appealed to the Wisconsin Labor and Industry Review Commission. Complaints alleging violations of the Wisconsin Fair Employment Act involving state employment are processed by the Wisconsin Personnel Commission. Complaints alleging violations of the nondiscrimination provisions of state contracts are processed by the Wisconsin Department of Administration or the contracting agency.

ADDITIONAL INFORMATION

For further information, contact:

Wisconsin Department of Workforce Development, Equal Rights Division
P. O. Box 8928
201 East Washington Avenue, Room 407
Madison, WI 53708
(608) 266-6860

Wisconsin Department of Workforce Development, Equal Rights Division
819 North Sixth Street, Room 255
Milwaukee, WI 53203
(414) 227-4384

WYOMING

PROHIBITED PRACTICES

The **Wyoming Fair Employment Practices Act of 1965** prohibits discrimination in employment on the basis of sex. (WY Stat. Sec. 27-9-101 *et seq.*). Sexual harassment is generally considered discrimination based on sex. The law applies to all public employers and private employers with two or more employees

TRAINING

State law does not require training regarding an employer's policy on sexual harassment. However, training supervisors and employees regarding the employer's policy is strongly recommended. Training enables supervisors to properly address sexual harassment complaints, educates the workforce on issues of sexual harassment and the prevention of potentially harassing situations, establishes the employer's policies, and provides the basis for an effective defense to sexual harassment claims. See the national sexual harassment section for details.

ENFORCEMENT

The Wyoming Department of Employment, Division of Labor Standards (successor agency to the Fair Employment Commission) enforces the Fair Employment Practices Act. The Department is authorized to initiate, receive, and investigate discrimination complaints; issue subpoenas; hold hearings; issue administrative decisions and orders; and enforce its decision in state court. In certain instances, a person alleging discrimination may also file a private lawsuit in state court. Remedies can include cease and desist orders, hiring, reinstatement or promotion, or back pay.

ADDITIONAL INFORMATION

For further information, contact:

Department of Employment, Division of Labor Standards
6101 Yellowstone Road, Room 259C
Cheyenne, WY 82002
(307) 777-7261