

# 2021 Sexual Harassment Guide

## Federal and State Laws

State	Effective Date	Regulation	Mandatory Training Requirements for Private Employers
Federal - EEOC	7/2/1964	Title VII of the Civil Rights Act prohibits employment discrimination based on race, color, religion, sex and national origin. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Title VII covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.	NO. EEOC doesn't call for mandatory training <b>but</b> at the same time establish that prevention is the best tool to eliminate sexual harassment in the workplace. <b>Employers are encouraged to take steps necessary to prevent sexual harassment from occurring.</b> They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.
Alabama	1964	Federal Law applies.	NO Provision. See EEOC recommendations.
Alaska	1964-1986-1996	Sexual harassment is a form of sex discrimination and is prohibited under both state and federal laws. French v. Jadon, Inc., 911 P.2d 20 (Alaska 1996); Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986). Sexual harassment violates Title VII of the Civil Rights Act of 1964 and AS 18.80.220. The State Law covers all employers.	NO Provision. See EEOC recommendations.
Arizona	1964	In the state of Arizona, both Federal and State sexual harassment laws may apply. The Arizona Civil Rights Act (AZ Rev. Stat. Sec. 41-1463 et seq.). The State law covers employers with 1 or more employees.	NO Provision. See EEOC recommendations.
Arkansas		Federal Law applies.	NO Provision. See EEOC recommendations.

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California	1959-1964-2019	Sexual harassment in the workplace is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and California's Fair Employment and Housing Act. Sexual harassment refers to both unwelcome sexual advances, or other visual, verbal, or physical conduct of a sexual nature and actions that create an intimidating, hostile, or offensive work environment based on an employee's sex. Under California law, the offensive conduct need not be motivated by sexual desire, but may be based upon an employee's actual or perceived sex or gender-identity, actual or perceived sexual orientation, and/or pregnancy, childbirth, or related medical conditions. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser, and actions that subject co-workers to a hostile work environment.. The State Law covers employers with 5 or more employees.	YES. By January 1, 2021, an employer having five or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within six months of their assumption of a position. This training must be provided once every two years. In addition, beginning January 1, 2020, for seasonal, temporary, or other employees that are hired to work for less than six months, an employer shall provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.
Colorado	1957-1964-2015	Federal Law and the Colorado Anti-Discrimination Act makes it illegal for employers to discriminate against an employee in light of disability, race, creed, color, sex, sexual orientation, religion, age, national origin or ancestry. Unlike federal anti-discrimination laws, the Colorado Anti-Discrimination Act applies to ALL Colorado employers, regardless of the number of employees. The State Law covers all employers.	NO, but Colorado encourages employers to take all steps necessary to prevent sexual harassment from occurring.
Connecticut	1964-2019	Sexual harassment is illegal and is prohibited under federal law and by The Connecticut Discrimination Employment Practices Acts 19-16 and 19-93 and Title VII of the Civil Rights Act of 1964. The Act covers employers with 3 or more employees.	YES. Effective October 1, 2019, employers must provide all existing employees with two hours of training by October 1, 2020. Training deadline has been extended to Jan 1, 2021 due to COVID-19. Employers must provide two hours of training and education to new employees hired on or after October 1, 2019 within six months of their start date.
Delaware	1/1/2019	Sexual harassment is a form of sex discrimination that violates federal law and the Delaware Discrimination in Employment Act (DDEA). The law applies to employers with 4 or more employees.	YES. In workplaces with 50 or more employees working in Delaware, employers are required to provide interactive training on sexual harassment prevention for all existing employees by December 31, 2019, and additional training to supervisors about their responsibilities and the retaliation prohibitions. The training must be provided to all new employees and supervisors within one year of commencement of their position.

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District of Columbia	12/13/2018	Federal Law and The District of Columbia Human Rights Act prohibits employment discrimination based on sex (including pregnancy, childbirth, related medical conditions, breastfeeding, or reproductive health disorders), marital status, family responsibilities, sexual orientation, and gender identity or expression ( <i>DC Code Sec. 2-1402.11</i> ). The State Law covers all employers.	YES. Employers will be required to provide sexual harassment training to their tipped employees and managers. This training must be either through a course developed by the Office of Human Rights (OHR) or from an OHR-certified provider.
Florida	1964-1992	Federal Law and The Florida Civil Rights Act ("FCRA") of 1992, Section 760.01, et. seq., Florida Statutes, was enacted to prohibit discriminatory practices against employees in the workplace. The State Law covers employers with 15 or more employees.	NO Provision. See EEOC recommendations.
Georgia	1964	Federal Law applies.	NO Provision. See EEOC recommendations.
Hawaii	1964-1990	Federal Law and Chapter 378, HRS, prohibits any employer or other covered entity from discriminating in employment because of the individual's marital status. Chapter 378, HRS, and policies apply to males and females alike. 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. The State law covers all employers.	NO Provision. See EEOC recommendations.
Idaho	1964-1967	Federal Law and The Idaho Human Rights Act ID Code Sec. 67-5901 et seq. prohibits employers from discriminating against applicants or employees based on sex, including sexual harassment. The State law covers employers with 5 or more employees.	Training recommended, but not required.
Illinois	1964-2020	Federal Law and The Workplace Transparency Act (WTA) address many aspects of workplace discrimination and harassment, including limiting non-disclosure and non-disparagement clauses, limiting arbitration agreements, mandating sexual harassment training, expanding protection to nonemployees, and requiring annual disclosures. Employers who do not comply with the reporting and training requirements may be subject to monetary penalties. The State Law covers all employers.	YES. Effective January 1, 2020, all employers must train all employees within 90 days of hire or effective date of law whichever comes later. Employees in Illinois should be trained on an annual basis. First deadline for training is December 31, 2020.
Indiana	1964-1971	Sexual harassment is prohibited by Federal Law under Title VII of the Civil Rights Act of 1964, and by state law under the Indiana Civil Rights Act IN Code Sec. 22-9-1-1 et seq.. Under both of these laws, sexual harassment is considered a form of sex discrimination. The State Law covers employers with 6 or more employees.	NO Provision. See EEOC recommendations.

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Iowa	1964-1965	Federal Law and The Iowa Civil Rights Act of 1965, Iowa Code Chapter 216, also prohibits employment discrimination because of race, sex, religion, creed, national origin, age, color, or disability. Harassment is considered to be a form of prohibited discrimination. The state goes beyond Title VII by also prohibiting discrimination in the areas of housing, public accommodations, credit and education. The State Law covers employers with 4 or more employees.	NO provision. See EEOC recommendations.
Kansas	1964-2001	Federal Law and The Kansas Act Against Discrimination prohibits discrimination in employment on the basis of sex (KS Stat. Sec. 44-1001 et seq.) The Act covers employers with 4 or more employees.	NO Provision. See EEOC recommendations.
Kentucky	1964-1966	Federal Law and The Kentucky Civil Rights Act prohibits employers from discriminating in employment on the basis of sex, including pregnancy, childbirth, or related medical conditions (KY Rev. Stat. Sec. 344.010 et seq.). Discrimination based on sex includes sexual harassment. The Act covers employers with 8 or more employees.	NO Provision. See EEOC recommendations.
Louisiana	1964-1968-1978-1986	Federal Law and The Louisiana Employment Discrimination Law prohibits from intentionally discriminating with respect to sex (LA Rev. Stat. Sec. 23:332). Sexual discrimination includes sexual harassment. The State Law covers employers with 20 or more employees but Federal Law covers employers with 15 or more employees.	NO Provision. See EEOC recommendations.
Maine	1964-2017	Sexual harassment is a form of sex discrimination that violates Federal Law and state Title 5. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. (ME Rev. Stat. Tit. 5 Sec. 4551 et seq. The Act covers all employers.	YES. Employers with 15 or more employees in Maine.
Maryland	1964-2018	Federal law and The Maryland Fair Employment Practices Act prohibits employment discrimination based on sex, marital status, sexual orientation, and gender identity (MD State Govt. Code Sec. 20-606 et seq.). Also, Maryland's "Disclosing Sexual Harassment in the Workplace Act of 2018" takes effect on October 1, 2018. The Act prohibits certain waivers related to an employee's future sexual harassment claims and future retaliation claims for making a sexual harassment claim. It also requires employers with at least 50 employees to complete a survey disclosing the number of sexual harassment settlements in which the employer has entered. The Act covers employers with 15 or more employees.	NO Provision. See EEOC recommendations.

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Massachusetts	4/7/2015	Federal Law and The Massachusetts Fair Employment Practices Act (FEPA) prohibits discrimination based on sex, gender identity, or sexual orientation (MA Gen. Laws Ch. 151B Sec. 1et seq.). The FEPA defines "gender identity" as a person's gender-related identity, appearance, or behavior, regardless of whether it is different from the person's physiology or assigned sex at birth. The Act covers employers with 6 or more employees.	Training not required, but recommended.
Michigan	1976	Federal Law and The Elliott-Larsen Civil Rights Act prohibits Michigan employers from discriminating on the basis of sex, including sexual harassment (MI Comp. Laws Sec. 37.2101et seq.). The Act covers all employers and includes an agent of the employer.	NO Provision. See EEOC recommendations.
Minnesota	5/26/1905	The Minnesota Human Rights Act, prohibits discrimination in employment based on sexual orientation (including gender identity), marital status, familial status, sex (including pregnancy, childbirth, and related medical conditions), and sexual harassment (MN Stat. Sec. 363A.03 et seq.). The Act covers all employers.	NO Provision. See EEOC recommendations.
Mississippi	1964	Federal Law applies.	NO Provision. See EEOC recommendations.
Missouri	1964-2017	Federal Law and The Missouri Human Rights Act (MHRA) prohibits employment practices that discriminate against applicants or employees on the basis of sex (MO Rev. Stat. Sec. 213.055 et seq.). Under regulations issued by the Missouri Commission on Human Rights (MCHR), sexual harassment is a form of sex discrimination prohibited under the Act (8 MO Admin. Code Sec. 60-3.04). The regulation covers employers with 6 or more employees.	NO Provision. See EEOC recommendations.
Montana	1964-1973	Federal Law and The Montana Human Rights Act prohibits discrimination in employment because of sex, including sexual harassment (MT Code Sec. 49-2-303). The Law covers all employers.	NO Provision. See EEOC recommendations.

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Nebraska	1964-2012	Federal Law and The Nebraska Fair Employment Practices Act (FEPA) prohibits employers from harassing or discriminating against any individual on the basis of sex, including pregnancy, childbirth, and related medical conditions (NE Rev. Stat. Sec. 48-1101 et seq.). The act covers employers with 15 employees or more.	NO Provision. See EEOC recommendations.
Nevada	1964-2017	Federal Law and 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 considered a form of sex discrimination. The Act covers employers with 15 or more employees	NO, but the state encourages private employers to take necessary steps to prevent sexual harassment from occurring.
New Hampshire	1964-2018	Federal Law and The New Hampshire Law Against Discrimination prohibits employment discrimination based on sex, gender identity, or sexual orientation, including sexual harassment (NH Rev. Stat. Sec. 354-A:1 et seq.). The Law covers employers with 6 or more employees.	NO Provision. See EEOC recommendations.
New Jersey	1945-1964	Federal Law and The New Jersey Law Against Discrimination (LAD) prohibits employers from discriminating in employment based on sex, marital status, domestic partnership or civil union status, affectional or sexual orientation, or gender identity or expression (NJ Rev. Stat. Sec. 10:5-12). Sexual harassment is considered to be a form of unlawful discrimination. 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 LAD (NJ Rev. Stat. Sec. 10:5-12(d)). The Law covers all employers.	NO Provision. See EEOC recommendations.
New Mexico	1964-1969	Federal Law and The New Mexico Human Rights Act prohibits discrimination in employment based on sex, sexual orientation, or gender identity (NM Stat. Sec. 28-1-1 et seq.). "Sex discrimination" is defined in state regulations to include sexual harassment (NM Admin. Code Sec. 9.1.1.7) The Act covers employers with 4 or more employees.	NO Provision. See EEOC recommendations.
New York State	1964-2019	In addition to the provisions in the Federal Law , Sex discrimination is unlawful pursuant to the New York State Human Rights Law § 296.1 (codified as N.Y. Executive Law, Article 15), and the federal Civil Rights Act of 1964, Title VII (codified as 42 U.S.C. § 2000e et seq.). Sexual harassment is a form of sex discrimination. Every employee in the State of New York is entitled to a working environment free from sexual harassment. The Law covers all employers.	YES. Employers with 4 or more employees must provide ALL employees an annual, interactive sexual harassment training. As employers may be liable for the actions of employees immediately upon hire, the State encourages training as soon as possible.

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New York City	1964-2018	In addition to the provisions in the Federal Law, The New York City Human Rights Law, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender. The Act covers all employers.	YES. Employers with 15 or more employees in New York City shall annually conduct an anti-sexual harassment interactive training for all employees, including supervisory and managerial employees, of such employers employed within the city of New York. Such training shall be required after 90 days of initial hire for employees who work more than 80 hours in a calendar year who perform work on a full-time or part-time basis. By December 31, 2019 employers must have trained all of their employees.
North Carolina	1964	Federal Law applies.	NO Provision. See EEOC recommendations.
North Dakota	1964-1983	Federal Law and the North Dakota Human Rights Act prohibits discrimination in employment based on sex, including pregnancy, childbirth and related medical conditions (ND Cent. Code Sec. 14-02.4-01 et seq.). Sexual harassment is expressly included in the Act's definition of discrimination based on sex. The Act covers all employers in the state.	NO Provision. See EEOC recommendations.
Ohio	1959-1964	Federal Law and the OH Rev. Code Sec. 4112.01 et seq and Ohio Revised Code § 4112.02 et. seq., prohibits discrimination on the basis of race, color, religion, national origin, disability, age, sex and ancestry. The Act covers all employers.	Training not required, but recommended.
Oklahoma	1964-1968-2014	Federal Law and The Oklahoma Anti-Discrimination Act prohibits employers from discriminating against applicants or employees based on sex ( OK Stat. Tit. 25 Sec. 1101 et seq.) Sexual harassment is defined by Oklahoma law as unwelcome conduct that is of a sexual nature, which includes both verbal and physical actions. The statute covers all employers.	NO Provision. See EEOC recommendations.
Oregon	1964-2017-2018	Federal Law and various states laws requires that every employer in this state shall adopt a written policy containing procedures and practices for the reduction and prevention of discrimination prohibited by ORS 659A.030, including sexual assault, ORS 659A.082 and 659A.112. Workplace harassment can be based on race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, marital status, age, physical or mental disability, service in the uniformed service, or expunged juvenile record. The Law covers all employers. Senate Bill 726 (OWFA) requires distribution of written sexual harassment policy at the time of hire or when an employee discloses information regarding prohibited discrimination or harassment.	An employer is required by law to have a clear policy to reduce and prevent harassment, discrimination, and sexual assault - through the Workplace Fairness Act. Oregon-BOLI released a SB 726 policy template for employers to comply with the requirement.

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Pennsylvania	1955-1964-1980	Federal Law and The Pennsylvania Human Relations Act prohibit discrimination on the basis of sex similar to the EEOC rules. Applying general Title VII and Pennsylvania Human Relations Act principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Act covers all employers.	NO Provision. See EEOC recommendations.
Rhode Island	1964-2013	Federal Law and The Rhode Island Fair Employment Practices Act prohibits discrimination based on sex, sexual orientation, or gender identity or expression. Sexual harassment is a violation of state and federal laws. Sexual harassment occurs when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. The Act covers all employers.	No, but employers are encouraged to conduct education and training programs on sexual harassment consistent with Title 28 Chapter 28-51 for all employees, including, but not limited to supervisory or managerial personnel.
South Carolina	1962-1964-1972	Federal Law and The General Assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, or disability as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual's own ability and is degrading to human dignity. (SC Code Sec. 1-13-10 et seq.). The Law covers employers with 15 or more employees.	NO Provision. See EEOC recommendations.
South Dakota	1964-1991	Federal law and The South Dakota Human Relations Act prohibits harassment on the basis of race, sex, religion, color, creed, ancestry, disability or national origin. Unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment. The Act covers all employers.	Training recommended, but not required.
Tennessee	1964	Federal Law and Human Rights Act (TN Code Sec. 4-21-101et seq.) prohibits discrimination because of an individual's race, creed, color, religion, sex, age or national origin. The Law cover employers with 15 employees or more	NO Provision. See EEOC recommendations.

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Texas	1964	Federal Law and (TX Labor Code Sec. 21.106) prohibits employers to discriminate against individuals based on sex, pregnancy, childbirth or related medical conditions. The Law covers employers with 15 or more employees.	NO Provision. See EEOC recommendations.
Utah	1964-2016	Federal Law and The Utah Antidiscrimination Act (UT Code Sec. 34A-5-106 et seq.) prohibits employment discrimination based on race, color, religion, sex and national origin. The Law covers employers with 15 or more employees.	NO Provision. See EEOC recommendations.
Vermont	1964-2013-2018	Federal Law and the Vermont Fair Employment Act (VT Stat. Tit. 21 Sec. 495 et seq.) and Vermont Act 183 (H-707) prohibit discrimination in employment based on sex, sexual orientation, and gender identity. The Law covers all employers.	NO, but employers and labor organizations are encouraged to conduct an education and training program for all new employees for sexual harassment prevention within one year of commencement of employment.
Virginia	1964-1987-1997-2001	Federal Law and the Virginia Human Rights Act (VA Stat. Sec. 2.2-3900et seq.), safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. The Law covers all employers with 15 or more employees.	NO Provision. See EEOC recommendations.
Washington	1964-1971-1993-2018	Federal Law and The Washington Law Against Discrimination Act (WA Rev. Code Sec. 49.60.180 et seq.) prohibits discrimination on the basis of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. The Law covers employers with 8 or more employees.	Training recommended, but not required.
West Virginia	1961-1964	Federal Law and the West Virginia Human Rights Act prohibits sexual harassment and discrimination on the basis of sex or protected categories under both laws. The Law covers employers with 12 or more employees.	No provision. See EEOC recommendations.

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Wisconsin	1964-2009	Federal Law and the Wisconsin Fair Employment Act (WI Gen. Stat. Sec. 111.31 et seq.) prohibits employers, employment agencies, labor unions, licensing agencies, and other persons from discriminating against employees, job applicants, or licensing applicants because of their membership in specific protected categories, including sex. When an individual's sex or gender motivates the decision related to an employment action or a licensing action, it becomes unlawful discrimination. The Law cover all employers.	Training not required, but recommended.
Wyoming	1964-1965-2016	Federal Law and the Wyoming Fair Employment Practices (WY Stat. Sec. 27-9-101-105 et seq.) prohibits an employer to refuse to hire, to discharge, to promote or demote, or to discriminate in matters of compensation or the terms, conditions or privileges of employment against, a qualified disabled person or any person otherwise qualified, because of age, sex, race, creed, color, national origin, ancestry or pregnancy. The Act applies to employers with 2 or more employees.	No provision. See EEOC recommendations.

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