

## End of Year Training Reminders Employers Should Remember

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**10.06.2022**

Time is running out in 2022 for employers to comply with annual training requirements. Depending on where employers operate and the number of employees they employ, compliance requirements may vary. Here is a sample of training requirements, which is not intended as an exhaustive list. Please consult your servicing Laner Muchin attorney or call 312-467-9800 to develop a relationship with a Laner Muchin attorney to address any concerns or training needs.

### **Sexual Harassment Prevention Training**

A number of states and municipalities have either enacted or amended their anti-discrimination and anti-harassment statutes to include an annual training requirement that employers must have employees undergo each year. Some jurisdictions, for example Chicago, also require that anti-Sexual harassment policies be distributed to employees.

- **Illinois:** All employers in Illinois must provide sexual harassment prevention training to employees of at least one (1) hour per year, each year. Training must include, at a minimum, an explanation of sexual harassment consistent with the Illinois Human Rights Act, examples of unlawful sexual harassment, summaries of statutory sexual harassment provisions in federal and state laws, and an explanation of responsibilities employers have in the prevention, investigation, and corrective measures.

### **Attorneys**

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### **Practice Areas**

Discrimination, Retaliation and Harassment

Occupational Safety and Health (OSHA)

OSHA, EEO and Other Training Programs

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- **Chicago:** Employers within the city limits of Chicago are required to provide at least one (1) hour of sexual harassment prevention training and one (1) hour of bystander training per year, and at least (2) hours of sexual harassment prevention training for supervisors each year. Training that is compliant with Illinois' training requirements is sufficient for the Chicago sexual harassment prevention training. However, bystander training is an additional requirement and must include information on safe and positive prevention and intervention tactics that can be carried out where there is a risk of sexual harassment.
- **California:** Employers with five (5) or more employees are required to give all employees sexual harassment prevention training at least once every two (2) years. Supervisory employees must receive at least (2) hours of interactive training and education, and nonsupervisory employees must receive at least one (1) hour. Employees must receive their training within six (6) months of assuming their position. Training must include information that: (a) helps employers change workplace behavior that contributes to sexual harassment; (b) helps supervisors prevent, respond to, address, and correct that behavior; and (c) informs supervisors about the negative impacts of such conduct.
- **Connecticut:** Employers with three (3) or more employees must give all employees at least two (2) hours of sexual harassment prevention training. The training must detail and describe federal and state laws prohibiting sexual harassment, "sexual harassment" as defined under Connecticut law and conduct that could constitute sexual harassment, remedies that are available to victims, legal consequences of perpetrating sexual harassment, and prevention strategies.
- **Delaware:** All employers are required to provide sexual harassment prevention training within the first year of an employee's employment and every two (2) years thereafter. Training must cover the definition of sexual harassment and effective examples, the illegality of such behavior, how employees can report sexual harassment both internally and externally with an outside agency such as the Delaware Department of Labor, remedies available to victims of sexual harassment, and the prohibition of retaliation. Delaware employers must also provide additional training to supervisors that covers supervisor-specific responsibilities in correcting and preventing sexual harassment.
- **Maine:** Employers with fifteen (15) or more employees must provide sexual harassment prevention training at least once per year, covering the definition of "sexual harassment" under Maine and federal laws and examples of unlawful conduct, a description of the complaint procedure and how to contact the Maine Human Rights Commission, and protections against retaliation. Supervisory employees must be given additional training that covers, at a minimum, supervisory-specific obligations and measures they must take towards corrective action and responding to complaints of sexual harassment.

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- New York: All employers must provide sexual harassment training each year. Training must include examples of unlawful sexual harassment, an overview of federal, state, and local laws covering sexual harassment, remedies available to victims of sexual harassment, information on the internal complaint procedure as well as external agencies that employees can report sexual harassment to, and information addressing supervisors' responsibilities in reporting and preventing sexual harassment.
- New York City: Employers with fifteen (15) or more employees in New York City are required to give annual prevention training compliant with the state's requirements.

It is best to provide these trainings in both English and the employee's primary language. Employers should always maintain records of employees' completion of the training.

### **HIPAA Compliance Training**

Employers that are considered a "covered entity" or a "business associate" under HIPAA's provisions are required to conduct training to ensure compliance and train employees who come into contact with protected health information. Training should be done regularly and for every new employee within a reasonable time after hire, as HIPAA requirements can sometimes be difficult to navigate. The training should address how to maintain the privacy of an individual's health information, how to identify protected health information, when/how it may be disclosed, the necessity of keeping record of disclosures, and consequences for failing to follow the privacy and security rules.

### **OSHA Safety Training**

The Occupational Safety and Health Administration (OSHA) has specific training requirements for employers in certain industries, but generally, it requires employers to train employees in the safety and health aspects of their positions. For example, all employers are required to provide "emergency action plan" training that teaches designated employees to assist in a safe and orderly evacuation of the premises in the event of a fire or other emergency. This training should also include: (1) familiarizing employees with the alarm system; (2) detailing procedures for reporting an emergency; (3) procedures to be followed to account for employees before, during, and after the evacuation; and (4) contact information for the employees who can be contacted for more information about the evacuation plan or their duties under the plan.

Training regarding fire prevention must also be provided to employees that details major fire hazards and the type of protection equipment necessary to control each major hazard, the employees responsible for maintaining prevention equipment and safeguards, and procedures on controlling the accumulation of

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flammable or combustible waste materials.

All employers should train employees on medical services and first aid, especially those who are not near a hospital or other medical care facility.

Be mindful that some states might have more stringent health and safety training requirements than the federal OSHA, either generally or requirements that are industry specific.

Please contact your servicing Laner Muchin attorney for questions about your company's training obligations under state and federal law.