

# A Summary of Connecticut's "Time's Up Act" and Consequences for Employment Law

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On June 18, 2019, Connecticut Governor Ned Lamont signed into law [Public Act 19-16](#), "An Act Combatting Sexual Assault and Sexual Harassment," also known as the "Time's Up Act" (the "Act"). The Act involves several significant changes to Connecticut's employment laws, with a particular focus on expanding sexual harassment prevention laws. Below, we discuss the most significant changes to the law and how they will affect employers:

## 1. Training Requirements

The law expands sexual harassment training requirements for Connecticut employers beginning October 1, 2019. Previously, only employers with 50 or more employees were required to provide sexual harassment training to supervisory employees; however, with the passage of the Act, all employers *regardless of size* are now required to provide sexual harassment training to *supervisory* employees. Additionally, the Act requires all employers of *three or more employees* to provide sexual harassment training to *all* employees. Employers must satisfy these new training requirements by October 1, 2020 for all existing employees, and, for all new hires and promotions to supervisory roles occurring after October 1, 2019, training must occur within six months. An important item to note: if the employee has already received training since October 1, 2018, he or she will not have to receive training again by the statutory deadline (e.g., by October 1, 2020 or six months for new hires and new supervisory employees). Additionally, employers must provide another round of training at least every 10 years.

## 2. Notice and Posting Requirements

The Act extends Connecticut's pre-existing notice and posting requirements regarding sexual harassment. Previously, employers of three or more employees were required to post notice regarding the illegality of sexual harassment and remedies available to victims of sexual harassment. With the passage of the Act, effective October 1, 2019, employers must also send a copy of this information to employees within three months of their hire. Employers may email this information to their employees, on the condition that the employer has provided an e-mail account to the employee, or that the employee has provided the employer with a personal e-mail address. Employers may also

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comply with this requirement by posting this information on their websites or providing their employees with a link to the Connecticut Commission on Human Rights and Opportunities (“CHRO”) website that describes the illegality of sexual harassment and the remedies available to victims of sexual harassment.

The Act also increases the negative consequences for employers that fail to follow these notice and posting requirements. Employers that fail to post or distribute this information will be subject to fines up to \$1000. Additionally, the CHRO now has the authority to enter an employer’s place of business to ensure compliance with the posting requirements. The CHRO can conduct an inspection when its executive director “reasonably believes” that the employer is in violation of certain legal provisions or during the 12 month period after a complaint has been filed with the CHRO against an employer.

### **3. Expanded Protections for Employees**

The Act modifies existing Connecticut state law to extend greater protections to employees claiming sexual harassment and other kinds of workplace discrimination. Beginning October 1, 2019, if an employee makes a complaint of sexual harassment, an employer cannot make any change to the terms and conditions of the complaining employee’s employment (for example, change the employee’s work location or work schedule) unless the employee consents to the change in writing. These additional steps are intended to reduce instances of retaliation. Additionally, the Act extends new privileges to employees claiming discriminatory practices other than sexual harassment. The Act provides a significant expansion of time for employees to file discrimination complaints: employees now have 300 days (instead of 180 days) to file a charge of a discriminatory practice in violation of Connecticut law. The new law also expands potential damages available to complainants. Effective October 1, 2019, the CHRO may award reasonable attorneys’ fees to a prevailing complainant, and prevailing plaintiffs in court may now be awarded punitive damages, which was previously prohibited under Connecticut law.

#### **Takeaways:**

Bearing in mind these new regulations, employers in Connecticut should consider:

- Preparing to train new and existing employees around sexual harassment.
- Preparing to distribute information regarding the illegality of sexual harassment and prepare to distribute to employees
- Creating and implementing an established process for communicating with complaining employees about changing the terms and conditions of their employment
- Reviewing non-discrimination and non-harassment policies and training decks to ensure compliance with new regulations

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