



General Assembly

Substitute Bill No. 7044

January Session, 2019



**AN ACT CONCERNING SEXUAL HARASSMENT IN THE
WORKPLACE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (15) of section 46a-54 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (15) (A) To require an employer having three or more employees to
5 post in a prominent and accessible location information concerning the
6 illegality of sexual harassment and remedies available to victims of
7 sexual harassment; and (B) to require an employer having fifty or more
8 employees to provide two hours of training and education to all
9 supervisory employees within one year of October 1, 1992, and to all
10 new supervisory employees within six months of their assumption of a
11 supervisory position, provided any employer who has provided such
12 training and education to any such employees after October 1, 1991,
13 shall not be required to provide such training and education a second
14 time. Such training and education shall include, [information
15 concerning] but need not be limited to, (i) information on the federal
16 and state statutory provisions concerning sexual harassment and
17 remedies available to victims of sexual harassment, (ii) the employer's
18 policy regarding sexual harassment, and (iii) examples of the types of
19 conduct that constitute sexual harassment, including, but not limited
20 to, the spectrum of different behaviors that constitute such harassment,

21 ranging from verbal harassment to sexual assault. As used in this
22 subdivision, "sexual harassment" has the same meaning as provided in
23 subdivision (8) of subsection (b) of section 46a-60, as amended by this
24 act, and "employer" includes the General Assembly;

25 Sec. 2. Subdivision (8) of subsection (b) of section 46a-60 of the
26 general statutes is repealed and the following is substituted in lieu
27 thereof (*Effective October 1, 2019*):

28 (8) (A) For an employer, by the employer or the employer's agent,
29 for an employment agency, by itself or its agent, or for any labor
30 organization, by itself or its agent, to harass any employee, person
31 seeking employment or member on the basis of sex or gender identity
32 or expression. "Sexual harassment" shall, for the purposes of this
33 subdivision, be defined as any unwelcome sexual advances or requests
34 for sexual favors or any conduct of a sexual nature when [(A)] (i)
35 submission to such conduct is made either explicitly or implicitly a
36 term or condition of an individual's employment, [(B)] (ii) submission
37 to or rejection of such conduct by an individual is used as the basis for
38 employment decisions affecting such individual, or [(C)] (iii) such
39 conduct has the purpose or effect of substantially interfering with an
40 individual's work performance or creating an intimidating, hostile or
41 offensive working environment;

42 (B) It shall not be a defense to a complaint of sexual harassment filed
43 pursuant to section 46a-82 that (i) the complaint was properly
44 investigated, immediate corrective action was taken and no act of
45 sexual harassment subsequently occurred, (ii) the complaint was not
46 reported to the respondent prior to the filing of a complaint with the
47 commission pursuant to section 46a-82, or (iii) the respondent has a
48 policy prohibiting sexual harassment or recently provided training on
49 the meaning and effect of sexual harassment. Evidence described in
50 clause (i), (ii) or (iii) of this subparagraph may be introduced by a
51 respondent on the question of damages; and

52 (C) If the respondent takes immediate corrective action in response

53 to a complaint of sexual harassment, such corrective action shall not
54 modify the terms and conditions of employment without the
55 complainant's express written agreement. Corrective action may
56 include, but need not be limited to, employee relocation, reassignment,
57 a different employee work schedule or other substantive changes to an
58 employee's terms and conditions of employment;

59 Sec. 3. Subsection (b) of section 46a-86 of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective*
61 *October 1, 2019*):

62 (b) In addition to any other action taken under this section, upon a
63 finding of a discriminatory employment practice, the presiding officer
64 shall determine the amount of damages suffered by the complainant
65 and may order the hiring, promotion or reinstatement of [any
66 individual] the complainant, with or without back pay, or restoration
67 to membership in any respondent labor organization, and may award
68 the complainant any costs actually incurred by the complainant as a
69 result of such discriminatory employment practice, including, but not
70 limited to, an award of reasonable attorneys' fees and costs. The
71 amount of such attorneys' fees awarded shall not be contingent upon
72 the amount of damages requested by or awarded to the complainant.
73 Liability for back pay shall not accrue from a date more than two years
74 prior to the filing or issuance of the complaint. Interim earnings,
75 including unemployment compensation and welfare assistance or
76 amounts which could have been earned with reasonable diligence on
77 the part of the person to whom back pay is awarded shall be deducted
78 from the amount of back pay to which such person is otherwise
79 entitled. The amount of any deduction for interim unemployment
80 compensation or welfare assistance shall be paid by the respondent to
81 the commission which shall transfer such amount to the appropriate
82 state or local agency.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2019</i>	46a-54(15)
Sec. 2	<i>October 1, 2019</i>	46a-60(b)(8)
Sec. 3	<i>October 1, 2019</i>	46a-86(b)

Statement of Legislative Commissioners:

In Section 3(b) the brackets surrounding "may order" and "may order" were deleted for proper form.

LAB *Joint Favorable Subst. -LCO*