

Delaware's New Sexual Harassment Law Update

Presented by

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Law became effective on **January 1, 2019,**

- Delaware - fifth state to pass a state statute requiring sexual harassment training
- On August 29, 2018, Delaware Governor John Carney signed into law HB 360, which amended the Delaware Discrimination in Employment Act (DDEA).
- The New Sexual Harassment Law, which became effective on **January 1, 2019,** requires certain action on the part of employers.

What are the basics about the new sexual harassment law?

- Prohibition Against Sexual Harassment
- Larger Employers must provide Interactive Training
- Prevention is the Key

What should employers know about the Delaware Department of Labor posting?

- Dept of Labor has created their poster
- It must be provided to new hires immediately
- It must be distributed to current employees within 90 days
- It is recommended that the poster be placed where employees can see it on a regular basis

Who is protected by the new sexual harassment law?

- Full time employees
- Part time employees
- Interns
- Apprentices
- NOT applicants or independent contractors

Which employers must provide sexual harassment prevention training?

- Those with 50 or more employees

Who must receive the sexual harassment training?

- All employees who work in the State of Delaware
- Employees that work a portion of their time in Delaware even if located out of State
- Employees who have been employed for 6 months

What are the Training Deadlines?

- Existing employees – by December 31, 2019
- New hires – within 1 year of commencement of employment

What must the training cover?

- Illegality of sexual harassment
- Sexual harassment definition
- Legal remedies
- Complaint Process
- How to contact the Department of Labor
- Legal prohibition of Retaliation

How can an employer avoid liability?

- Provide Interactive Training that covers the requirements
- Keep Records

What are those key deadlines again?

- Train existing employees – by December 31, 2019
- Train New hires – within 1 year of commencement of employment
- Provide DOL notice to new hires immediately
- Provide DOL notice to existing employees within 90 days

Questions/Comments

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