

California State Department of Fair Employment and Housing Workplace Harassment Anti-Harassment Requirements

California law (called the Fair Employment and Housing Act or FEHA) prohibits discrimination, harassment and retaliation. The law also requires that employers “take reasonable steps to prevent and correct wrongful (harassing, discriminatory, retaliatory) behavior in the workplace (Cal. Govt. Code §12940(k)). The Department of Fair Employment and Housing (DFEH) is the state’s enforcement agency related to the obligations under the FEHA.

California’s Fair Employment and Housing Council (FEHC) enacted regulations in 2016 to clarify this obligation to prevent and correct wrongful behavior. This document was produced by the DFEH to provide further guidance to California employers.

What Does an Effective Anti-Harassment Program Include?

- A clear and easy to understand written policy that is distributed to employees and discussed at meetings on a regular basis (for example, every six months). The regulations list the required components of an anti-harassment policy at 2 CCR §11023.
- Buy in from the top. This means that management is a role model of appropriate workplace behavior, understands the policies, walks the walk and talks the talk.
- Training for supervisors and managers (two-hour training is mandated under two laws commonly referred to as AB 1825 and AB 2053).
 - Employers must provide harassment prevention training in a classroom setting, through interactive E-learning, or through a live webinar. E-learning training must provide instructions on how to contact a trainer who can answer questions within two business days.
- Specialized training for complaint handlers.
- Policies and procedures for responding to and investigating complaints.
- Prompt, thorough and fair investigations of complaints.
- Prompt and fair remedial action.

Source: <https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2017/06/DFEH-Workplace-Harassment-Guide-1.pdf>

Illinois State Department of Human Rights Anti-Harassment Requirements

In addition to upholding the U.S. Equal Employment Opportunity Commission (EEOC) guidelines for ensuring a fair and equitable workplace, the Illinois Department of Human Rights has the following requirements for workplace harassment:

The Illinois Human Rights Act requires that every State executive department, State agency, board, commission, and instrumentality shall:

- Develop a written sexual harassment policy that includes at a minimum the following information: (i) the illegality of general/sexual harassment; (ii) the definition of general/sexual harassment under State law; (iii) a description of general/sexual harassment, utilizing examples; (iv) the agency’s internal complaint process including

penalties; (v) the legal recourse, investigative and complaint process available through the Department and the Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of this Act. The policy shall be reviewed annually.

- (b) Post in a prominent and accessible location and distribute in a manner to assure notice to all agency employees without exception the agency's general/sexual harassment policy. Such documents may meet, but shall not exceed, the 6th grade literacy level. Distribution shall be effectuated within 90 days of the effective date of this amendatory Act of 1992 and shall occur annually thereafter.
- (c) Provide training on general/sexual harassment prevention and the agency's sexual harassment policy as a component of all ongoing or new employee training programs.
- *See Ill. Comp. Stat., Chap. 775, § 2-105(B)(5).*

Source: <https://www2.illinois.gov/DHR/Pages/default.aspx>

Florida State Commission on Human Relations Anti-Harassment Requirements

In addition to upholding the U.S. Equal Employment Opportunity Commission (EEOC) guidelines for ensuring a fair and equitable workplace, the Florida Commission on Human Relations has the following requirements for workplace harassment:

- Only supervisors in executive branch agencies are required to receive training on affirmative action and equal opportunity, which should include training on general/sexual harassment in the workplace.
- The Florida Whistleblower's Act protects all Florida state employees from employer retaliation in the event that a discrimination or harassment complaint is filed.

Source: <https://fchr.myflorida.com/>