

Workplace Sexual Harassment Law

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December 4, 2018 | 2018-R-0243

Issue

Provide a brief summary of Connecticut's workplace sexual harassment laws.

Summary

Under state law, sexual harassment in the workplace is prohibited as a discriminatory employment practice. As such, violators may be subject to both civil and criminal penalties. In addition to the anti-discrimination statutes, laws regarding sexual harassment also appear in statutes related to labor, higher education, and the Freedom of Information Act (FOIA). These laws explicitly prohibit employers from sexually harassing interns, require institutions of higher education to maintain security procedures for reporting incidents of sexual harassment, and make certain agreements between state agencies and employees related to alleged or substantiated sexual harassment disclosable under FOIA.

This report focuses on protections against sexual harassment under state law, but Title VII of the federal Civil Rights Act also provides protections against sexual harassment in the workplace (42 U.S.C. § 2000e *et seq.*).

Sexual Harassment as Discrimination

“Sexual harassment” in the employment context is generally defined as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. submission is explicitly or implicitly an employment term or condition,
2. submission or rejection is the basis for employment decisions affecting the person, or

3. the conduct substantially interferes with a person's work performance or creates an intimidating, hostile, or offensive work environment ([CGS § 46a-60\(a\)\(8\)](#)).

Under the state's anti-discrimination laws, sexual harassment is a discriminatory employment practice. (For these purposes, an employer is an entity or person with three or more employees and includes the state and its subdivisions.) Examples of sexual harassment include unwanted hugs or kisses, pornographic posters, and retaliation for complaints about sexual harassment. A person who alleges that he or she was the victim of sexual harassment in the workplace may file a written complaint with the Commission on Human Rights and Opportunities (CHRO). The complaint generally must be filed within 180 days of the alleged harassment. Remedies for sexual harassment include cease and desist orders; back pay; compensatory damages; and hiring, promotion, or reinstatement. Civil and criminal penalties may also be ordered.

CHRO requires employers of at least three people to post, in a prominent and accessible location, [information](#) concerning the (1) illegality of sexual harassment and (2) remedies available to its victims. CHRO also requires employers of 50 or more people to provide two hours of sexual harassment training to all supervisors within six months of assuming the supervisory position. The training must include information on federal and state laws regarding sexual harassment and remedies available to victims. The General Assembly is considered an employer for the purposes of these laws ([CGS § 46a-54](#) and Conn. Agencies Regs. §§ 46a-54-1 et seq.).

Protections for Interns

The labor statutes prohibit an employer from sexually harassing interns. They define an "intern" as, among other things, a person working for an employer for the purpose of training (1) who the employer does not pay upon mutual agreement of both parties, (2) who the employer is not committed to hiring, and (3) where the internship is designed to supplement the intern's education and may enhance the intern's employability. A person can file a complaint of an alleged violation with CHRO ([CGS §§ 31-40y](#) and [46a-51\(8\)](#)).

Higher Education Security Policies

By law, institutions of higher education must maintain security policies and procedures, including procedures for reporting incidents of sexual harassment. "Sexual harassment" has essentially the same meaning as it has under state anti-discrimination laws. The only difference is that it applies to conduct by agents and employees of institutions of higher education and the conduct affects an enrolled student's academic success ([CGS § 10a-55c](#)).

Agreement Disclosure under FOIA

By law, confidentiality provisions in certain termination, suspension, and separation agreements between a state agency and an employee or personal services contractor are subject to disclosure under FOIA. This law covers agreements related to situations in which the cause for the termination, suspension, or separation is alleged or substantiated sexual harassment by the employee or contractor ([CGS § 1-214a](#)).

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