

2019 -- H 5343

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- SEXUAL HARASSMENT,  
EDUCATION AND TRAINING IN THE WORKPLACE

Introduced By: Representatives Vella-Wilkinson, Tanzi, Walsh, Diaz, and Alzate

Date Introduced: February 07, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-51-2 of the General Laws in Chapter 28-51 entitled "Sexual  
2 Harassment, Education and Training in the Workplace" is hereby amended to read as follows:

3 **28-51-2. Adoption of workplace policy and statement.**

4 (a) All employers and employment agencies shall promote a workplace free of sexual  
5 harassment.

6 (b) Every employer shall:

7 (1) Adopt a policy against sexual harassment that shall include:

8 (i) A statement that sexual harassment in the workplace is unlawful;

9 (ii) A statement that it is unlawful to retaliate against an employee for filing a complaint  
10 of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment;

11 (iii) A description and examples of sexual harassment;

12 (iv) A statement of the range of consequences for employees who are found to have  
13 committed sexual harassment;

14 (v) A description of the process for filing internal complaints about sexual harassment  
15 and the work addresses and telephone numbers of the person or persons to whom complaints  
16 should be made; and

17 (vi) The identity of the appropriate state and federal employment discrimination  
18 enforcement agencies, and directions as to how to contact these agencies.

1 (2) Provide to all employees a written copy of the employer's policy against sexual  
2 harassment; provided, that a new employee shall be provided such a copy at the time of his or her  
3 employment.

4 (c) Employers ~~are encouraged to~~ shall conduct an education and training program for new  
5 employees and members, within ~~one year~~ three (3) months of commencement of employment or  
6 membership, which includes at a minimum the information set forth in this section. Employers  
7 ~~are encouraged to~~ shall conduct additional training for new supervisory and managerial  
8 employees within ~~one year~~ three (3) months of commencement of employment or promotion to a  
9 management position which shall include at a minimum the information set forth in subsection  
10 (b) of this section, the specific responsibilities of supervisory and managerial employees in the  
11 identification and prevention of sexual harassment and the methods that these employees should  
12 take to ensure immediate and appropriate corrective action in addressing sexual harassment  
13 complaints and the prohibition against retaliation for reporting sexual harassment. Employers and  
14 appropriate state agencies ~~are encouraged to~~ shall cooperate in making this training available.  
15 Training material shall be made available by the department of administration to an employer  
16 upon request free of charge. Refresher training for all employees including supervisory and  
17 managerial shall be at two (2) year intervals.

18 (d) Employers shall provide copies of their written policies on sexual harassment to all  
19 employees upon their request.

20 (e) Employers shall be required to maintain copies of their written policies on sexual  
21 harassment at their business premises, and copies of such policies shall be made available to any  
22 state or federal employment discrimination enforcement agency upon request.

23 (f) An employer seeking state funds in excess of fifty thousand dollars (\$50,000) from the  
24 general assembly, contracts from the department of administration or who shall receive any state  
25 expenditure including, but not limited to, any tax credit or incentive contained in title 44 shall  
26 provide evidence satisfactory to the department of administration of compliance with the training  
27 requirements of this section.

28 SECTION 2. Chapter 28-51 of the General Laws entitled "Sexual Harassment, Education  
29 and Training in the Workplace" is hereby amended by adding thereto the following section:

30 **28-51-4. Employee climate survey.**

31 Employers are encouraged to conduct an annual climate survey for employees and  
32 members, which includes at a minimum the information set forth in this section. The climate  
33 survey encouraged for employees may include topics related to sexual harassment, equal  
34 opportunity in the workplace, and discrimination enforcement and may include survey questions

1 [promulgated by office of diversity, equity and opportunity. Provided, further, any climate survey](#)  
2 [hereunder may be included as part of an existing engagement survey.](#)

3 SECTION 3. This act shall take effect on January 1, 2021.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO LABOR AND LABOR RELATIONS -- SEXUAL HARASSMENT,  
EDUCATION AND TRAINING IN THE WORKPLACE

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1           This act would mandate sexual harassment training for employees and supervisors of  
2 employers of fifty (50) or more employees. It would recommend an annual climate survey for  
3 employers.

4           This act would take effect on January 1, 2021.

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