



Dear HR Knowledge: We are now over a year into the #MeToo movement. As a business owner, what should I be thinking about in 2019 as all these new harassment prevention laws are being put into place?

The effects of the #MeToo Movement have been many since actress Alyssa Milano began this call to action against sexual harassment with a tweet in October 2017.

While anti-sexual harassment regulations in the workplace have been established for some time, this new awareness is a result of nondisclosure provisions in settlement agreements, so in addition to a general heightened awareness, the movement has prompted federal legislation. Congress has already passed bills that deny tax deductions for sexual harassment settlements with nondisclosure provisions and there are two pending federal regulations that relate to arbitration and reporting.

Meanwhile, individual states have taken the matter into their own hands by introducing specific provisions. A growing number of states, including California, Connecticut, New York, Delaware, and Louisiana, now require employers to deliver sexual harassment prevention training to personnel. In fact, New York State and New York City both require written sexual harassment policies and Massachusetts mandates that employers with six or more employees adopt written policies against sexual harassment.

California has taken another lead with passage of the STAND (Stand Together Against Non-Disclosures) Act, which prohibits settlement agreement provisions that prevent the disclosure of information relating to claims of sexual assault, harassment, or discrimination cases.

This regulatory landscape will only intensify both in the near future and longer term, so businesses — no matter the size — need to keep a close eye on both state and federal legislation.

As an employer, it is your responsibility to not only be aware of developing legislation but to be completely conscious of your workplace environment. To that end, there are several actions you can take.

- First, ensure that there is a written and up-to-date company sexual harassment policy in place — one that includes prohibited conduct, complaint resolution procedures, confidentiality, and disciplinary actions.
- Offer training to all employees so they understand and recognize acceptable and unacceptable behavior and create a workplace culture where employees are encouraged to speak up should harassment occur.
- You may want to retain an employment consultant to thoroughly evaluate your sexual harassment policies as they relate to fluid legislation; and, if you're unsure of how best to tread water in this rising ride, it might be wise to consult with an employment attorney.

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