

Electronic Alert

Volume 23, Issue 35

June 29, 2020

Upcoming Fall Deadline: New Harassment & Discrimination Policy Requirements

By Amy Angel & Makayla Halkinrude-Allmaras

Effective October 1, 2020, the Workplace Fairness Act requires employers to adopt a written policy containing procedures and practices to reduce and prevent covered discrimination and sexual assault.

The policy must:

- Provide a process for employees to report prohibited conduct;
- Identify an individual or position designated by the employer (and an alternate) who is responsible for receiving reports of prohibited conduct;
- Include the applicable statute of limitations period to an employee's right of action for alleging unlawful conduct;
- Include a statement that an employer may not require or coerce an employee to enter into a nondisclosure or nondisparagement agreement, including a description of the meaning of those terms;
- Include an explanation that an employee claiming to be aggrieved by covered discrimination may voluntarily request to enter into an agreement that contains a nondisclosure, nondisparagement, or no-rehire provision and that the employee would have at least seven days to revoke the agreement; and
- Include a statement advising employers and employees to document any incidents involving covered discrimination or sexual assault.

The Bureau of Labor and Industry recently issued a template policy. Employers may use this template, but we highly recommend creating a policy specifically tailored to each company that both meets the legal requirements and sets the company's expectations, processes, and procedures.

Beginning October 1, 2020, employers must:

- Make their policy available to employees within the workplace;
- Provide a copy of the policy to each employee at the time of hire; and
- Require any individual who is designated by the employer to receive complaints to provide a copy of the policy to any employee who discloses information regarding prohibited discrimination or harassment at the time that such disclosure is made.

Now is a good time to do a complete review of your employee handbook to be sure all policies are in compliance with legal requirements prior to October 1, 2020. It is also a good time to update employment and severance agreements to remove any impermissible clauses so those agreements are ready for use on October 1, 2020.

If you have questions about the Workplace Fairness Act or required policy updates, contact Amy Angel at 503-276-2195 or aangel@barran.com.