

District of Columbia Employers of Tipped Workers Must Conduct Sexual Harassment Training

By Teresa Burke Wright

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Meet the Authors



Teresa Burke Wright

(She/Her)

Principal

(703) 483-8310

Teresa.Wright@jacksonlewis.com

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Although District of Columbia's Tipped Wage Workers Fairness Amendment Act was passed in 2018, parts of that law, including mandatory sexual harassment training, are just now taking effect.

D.C. employers whose workers earn tips as wages (those for whom a tip credit is taken) (Covered Employers) must:

- Provide mandatory sexual harassment training to their owners/operators and employees;
- Submit their sexual harassment policy (which must meet certain requirements) to the D.C. Office of Human Rights (OHR); and
- Report the number of sexual harassment complaints made to management in 2020, 2021, 2022, and thereafter.

Training Requirement

The Act requires OHR to provide sexual harassment training materials or certify a list of trainers who are authorized to conduct harassment training for employers. The OHR has done both.

The OHR has certified a [list of providers](#) who are authorized to conduct mandatory sexual harassment training. It also has created a [portal](#) where employers must report that they have complied with these requirements.

Training of non-managers can be in person or online and must occur within 90 days of hire for new hires, unless the employee has participated in training within the past two years. Every two years, in-person harassment training is required for managers and in-person or online training is required for business owners and operators.

The OHR advises that for current employees and owner/operators, initial training sessions must occur by December 31, 2022.

Sexual Harassment Policy and Posting Requirements

Covered Employers are required to:

1. Issue a sexual harassment policy that includes information about how to report instances of sexual harassment to the employer and to OHR;
2. Distribute that policy to employees; and
3. Post the policy in a location accessible to employees.

Covered Employers also must post the [OHR's fact sheet](#) (on employee rights and how to file a complaint) in an accessible location and follow up on all harassment complaints. Covered Employers must use the same OHR portal to certify that they have taken these steps, as well as upload a copy of their sexual harassment policy. These requirements are

retroactive; employers must certify that they had their sexual harassment policy in place in 2020 and 2021 and confirm that all employees received the policy.

All documents and certifications for 2020 and 2021 must be submitted by September 30, 2022.

Reporting Sexual Harassment Claims

Covered Employers must start reporting how many complaints of harassment they have received from all employees, making a retroactive report to the OHR for 2020 and 2021, and indicate whether the alleged harasser was an owner, operator, manager, coworker, or customer.

These reports are due on the portal by December 31 of the applicable calendar year.

Training on Tipped Wage Law

Although not a new, as a reminder, the Act requires Covered Employers to conduct training on the District's wage payment and collection law for all business owners or operators who employ tipped workers, as well as for all managers in such businesses. Training must take place at least annually. Further, the Act requires such employers to offer employees, on at least an annual basis, the opportunity to attend or complete training on the Act.

OHR has [a dedicated website](#) providing additional information on the requirements of the Act.

Compliance Steps

Covered Employers should first ensure their sexual harassment policy is up-to-date and includes information on how to report harassment to management and the OHR. Sexual harassment policies should be distributed to employees and posted in an accessible location, as well as uploaded to the OHR portal.

Second, employers should plan their sexual harassment training by contacting certified trainers to discuss training options.

Third, employers should log in to the OHR's portal to provide other required information, such as the number of sexual harassment complaints made to management in 2020, 2021, and 2022.

Jackson Lewis attorneys are on the list of certified trainers and available to assist with compliance.

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