

## Use Zywave web link for Sexual Harassment Prevention Training

Delaware law now requires all employees to receive regular interactive sexual harassment training every two (2) years. New Hires must receive such training within the first year of employment.

In order to meet this mandatory training requirement, Kent County has teamed up with Delaware Founders Insurance Trust (DFIT) and SIPrisk, our local government workers' compensation and property & liability insurance consortium, to offer free Delaware compliant on-line sexual harassment prevention training through Zywave.



Kent County employees will **soon** receive an email from the Personnel Office welcoming employees to the **Zywave Learning Management system**. Each employee will need to set up an account per the directions included in the email. Once the account and password are created, look for the sexual harassment training assignment and after setting up a block of training time (30 minutes) with your supervisor – complete the interactive web-based training process. The system is designed not to allow viewers to minimize the session or ignore questions.

In addition to the mandatory sexual harassment training assignment, employees will be assigned other online training seminars by the Personnel Office on various topics such as Ethics, Customer Service, Performance Improvement, etc.

The web-based MANDATORY sexual harassment training must be completed by September 30, 2020. If you do not have regular access to a computer, see your supervisor to arrange training.

Using your County email address (no personal emails) and Zywave log on, the 30-minute training for non-supervisory employees will generate a certificate of completion. Employees may print the certificate for their own record. Please do not send a copy to the Personnel Office, since Zywave provides a report confirming completion by each individual employee.

Per Delaware law, supervisors must complete a supervisory version of the sexual harassment training every two years and upon promotion which requires about one hour to complete.

Sexual harassment and/or discrimination including inappropriate comments or slurs referencing race, color, gender, gender identity, sexual orientation, pregnancy, lactation, national origin, ethnicity, nationality, political affiliation, disability, and others (foul language, etc.) is considered conduct unbecoming a County employee and can result in discipline up to and including termination.

Employees are encouraged to report incidents of sexual harassment and discrimination to the Personnel Office or a trusted Department Head. Employees reporting such conduct are protected from retaliation by co-workers or supervisors for reporting such incidents.

The Kent County Sexual Harassment Policy is as follows:

**Kent County Policy 12:**

**Part I: Sexual Harassment**

[Adopted 10-27-1992 (P-51)]

**§ 12-1 Purpose.**

**A.** Both state and federal law prohibit sexual discrimination in the workplace. The Kent County Levy Court is firmly committed to compliance with these laws. It is essential that all employees be aware of and comply with the law and this Sexual Harassment Policy.

**B.** The Levy Court strongly disapproves of sexual or other harassment of employees, and will appropriately discipline any employee whose conduct violates this policy.

**§ 12-2 Definition.**

Sexual harassment is defined as deliberate or repeated unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in situations when:

**A.** The employee reasonably feels that submission or putting up with such conduct is an expressed or implied term or condition of employment;

**B.** The employee reasonably feels that submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual; or

**C.** The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

**§ 12-3 Sexual harassment prohibited; reporting harassment.**

The Kent County Levy Court prohibits its employees from any actions or words which constitute sexual harassment. Violation of this Policy will not be tolerated by Kent County and may result in discipline up to and including immediate termination. If employees have witnessed or feel they have been subject to any harassment of this nature, they must immediately report the harassment to their immediate supervisor or, if the complaint involves the employee's immediate supervisor, to the Personnel Director or department manager.

**§ 12-4 Investigation of complaints; confidentiality of complaints.**

The Personnel Director or designee with assistance from the department manager or immediate supervisor will immediately investigate complaints and take the appropriate action that may be necessary. Employees who register complaints or make reports of harassment may request that their complaints or reports be made in confidence.

**§ 12-5 Internal complaint procedure.**

**A.** The employee should directly report the behavior (preferably in writing) to the Personnel Director, department manager or immediate supervisor within three working days of the offense. If not directly reported to the Personnel Director, he/she must be immediately advised a complaint has been received.

**B.** Upon request, the person making the report shall give all pertinent relative facts of names, places, times, words or actions that were found offensive.

**C.** Within three working days of the complaint, the person against whom the complaint is made will be counseled privately to determine his or her perspective.

**D.** Based upon the report, the investigator shall, within a reasonable time, determine whether the conduct of the person against whom the complaint has been made constitutes sexual harassment. This determination will be made by examining the entire

record and totality of circumstances on a case-by-case basis. If the investigator determines that the complaint is founded, he or she will take immediate and appropriate disciplinary action or make recommendation to the supervisor that has the authority to take immediate and appropriate disciplinary action. The discipline and appeal process according to the Kent County Code will be followed.

**E.** Disciplinary action will include remedies up to and including termination.

**F.** The Personnel Director or designee with assistance from the department manager or immediate supervisor will conduct follow-up interviews with the complainant and the accused to inform them of the results of the investigation and the corrective action to be taken.

**G.** All information regarding each case shall be held in the strictest confidence. Violation of this confidence will be subject to separate disciplinary action.

*(posted 07/27/20)*

Takes effect January 1, 2019



STATE OF DELAWARE DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS

4425 N. MARKET STREET, 3<sup>RD</sup> FLOOR  
WILMINGTON, DE 19802  
(302) 761-8200

BLUE HEN CORPORATE CENTER  
655 S. BAY ROAD, SUITE 2H  
DOVER, DE 19901  
(302) 422-1134

8 GEORGETOWN PLAZA, SUITE 2  
GEORGETOWN, DE 19947  
(302) 422-1134

Employers must distribute this information sheet to new employees at the commencement of employment and to existing employees by July 1, 2019

Download this Notice at [www.dol.delaware.gov](http://www.dol.delaware.gov)

## DELAWARE SEXUAL HARASSMENT NOTICE

### The Delaware Discrimination in Employment Act

The Delaware Discrimination in Employment Act protects all individuals against discrimination in the workplace based on gender. Sexual harassment is a form of gender discrimination. A new law against sexual harassment passed in 2018 extends protections to all individuals, in all workplaces, including employees, applicants, apprentices, staffing agency workers, independent contractors, elected officials and their staff, agricultural workers, domestic workers, and unpaid interns.

### Sexual Harassment and the Law

Sexual harassment of an employee is unlawful when the employee is subjected to conduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment; (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

### Some Examples of Sexual Harassment

- unwelcome or inappropriate touching
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors

- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

### Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The Delaware Discrimination in Employment Act prohibits employers from retaliating or discriminating against any person because that person opposed an unlawful discriminatory practice. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The Delaware Discrimination in Employment Act protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

### Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

**Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination. Call 302-761-8200 or 302-424-1134 or visit**

<https://dia.delawareworks.com/discrimination/>

to learn how to file a complaint or report discrimination. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.