

## **Alert** | Labor & Employment



May 2022

### **Florida Passes “Stop W.O.K.E. Act” – Prohibits Employers from Requiring Employees to Attend CRT-Inspired Training**

**This GT Alert covers the following:**

- Employers may be liable under Florida’s Civil Rights Act for requiring employees to attend CRT-inspired training.
- Anti-discrimination trainings for employees that include instruction on implicit or unconscious bias may run afoul of the Stop W.O.K.E. Act.
- Employers should review their training programs to ensure they are compliant with the Act.

On April 22, 2022, Governor Ron DeSantis signed into law the “Stop W.O.K.E. Act,” which stands for “Stop Wrongs to Our Kids and Employees.” In his remarks when announcing the legislation, Governor DeSantis described the Act as “protect[ing] Florida workers against the hostile work environment that is created when large corporations force their employees to endure CRT-inspired ‘training’ and ‘indoctrination.’”

The Act amends the Florida Civil Rights Act to expand employers’ civil liability by making it an unlawful employment practice to subject any individual, as a condition of employment, to any required activity that

“espouses, promotes, advances, inculcates, or compels . . . an individual to believe any of the following concepts:”

1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
2. An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
3. An individual’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.
6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
7. An individual, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.
8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.

The Act goes on to say that its prohibitions “may not be construed to prohibit discussion” of the above-listed concepts “provided such training or instruction is given in an objective manner without endorsement of the concepts.”

Employers with employees in Florida should evaluate their existing employee training programs, especially those focused on diversity and antidiscrimination policies, to ensure that they do not run afoul of the Act. For example, many training materials may discuss unconscious and inherent bias, and employers must tread lightly to the extent they include any information regarding these concepts in their training in Florida. A plain reading of the law indicates that definitional information may be allowed, but any commentary that promotes or endorses these concepts would be prohibited. Employers that have diversity and inclusion goals should also be cautious that these goals do not violate section 6, which prohibits an employer from choosing a candidate to achieve diversity.

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