



New York State Sexual Harassment Laws

In 2019 Governor Cuomo introduced the **2019 Women’s Justice Agenda** which builds off the success of the **2018 Women’s Agenda for New York: Equal Rights, Equal Opportunity** to advance equal protections.

Requiring all New York State employers to adopt a sexual harassment prevention policy. This can either be the model policy provided by the state (materials available to download online) or an employer can develop their own policy by Oct. 9, 2019 which meets the following minimum standards:

- Prohibit sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights
- Provide examples of prohibited conduct that would constitute unlawful sexual harassment
- Include information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws
- Include a complaint form and a procedure for the timely and confidential investigation of complaints that ensures due process for all parties
- Inform employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially
- Clearly state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue
- Clearly state that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful

In 2018 Governor Cuomo signed the 2019 Budget Act which included legislation to combat sexual harassment which amended additional laws not covered by the 2019 Women’s Justice Agenda including:

- It prohibits the use of mandatory arbitration provisions in employment or related agreements that relate to claims of sexual harassment
- Expanding protections for employees against sexual harassments to cover “non employees” such as contractors, subcontractors, vendors, and consultants, making the employer liable for their actions

The 2019 Women’s Justice Agenda:

- Amends the requirement for sexual harassment under New York Human Rights Law to include conduct that is “severe or pervasive”
- Requires all non-disclosure agreements in employee contracts to contain language allowing employees to still file a harassment or discrimination complaint and participate in a government investigation
- Requires employers to display sexual harassment educational posters in the workplace



New York City Sexual Harassment Laws

In 2018 Mayor de Blasio signed the **Stop Sexual Harassment in NYC Act**. This legislative package, which went into effect April 1st 2019, addresses sexual harassment by expanding the NYC Human Rights Law to *include sexual harassment as a form of gender-based discrimination*.

The Stop Sexual Harassment in NYC Act:

1. Increases the statute of limitations on sexual harassment cases from 1 year to 3 years
2. Expands protections to all employees, no matter the size of their workplace
3. Prohibits retaliation against employees for reporting sexual harassment
4. Requires employers to display anti sexual harassment rights and responsibilities notices in English and Spanish, and distribute a sexual harassment fact sheet to employees when they are hired

The NYC Commission on Human Rights developed a training that employers can utilize, or employers can provide their own training that includes:

- An explanation of sexual harassment as a form of unlawful discrimination under local state and federal law
- A description of what sexual harassment is, using examples
- Any internal complaint process available to employees through their employer to address sexual harassment claims;
- The complaint process available through the Commission, the New York State Division of Human Rights and the United States Equal Employment Opportunity Commission, including contact information;
- The prohibition of retaliation including examples
- Information concerning bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention; and
- The specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures that such employees may take to appropriately address sexual harassment complaints

Requires employers to conduct annual anti- sexual harassment trainings for all employees:

- This includes any employees who are connected to NYC “in any way”, for example employees who work remotely or interact with NYC-based employees regularly
- Any short term or part-time employee or intern who worked more than 80 hours in a calendar year AND worked for at least 90 days must be trained
- The initial training requirements must be met by **December 31st, 2019**

New York State legislation passed as part of the **2019 Women’s Justice Agenda** requires employers to provide sexual harassment training that meets the requirements of the NYC law