

August 31, 2018

Deadlines Are Approaching for Employers to Comply With New York's New Sweeping Sexual Harassment Training and Protection Laws

New York State Law Requirements:

New York legislators have imposed obligations requiring that by **October 9, 2018**, all New York employers must (1) provide sexual-harassment training to all workers; and (2) adopt a written sexual harassment prevention policy and distribute it to employees.

Sexual-Harassment Training:

At a minimum the sexual harassment training must be conducted annually and provide:

- An explanation of sexual harassment and specific examples of inappropriate conduct;
- Detailed information concerning federal, state and local laws and the remedies available to victims of harassment; and
- An explanation of employees' external rights of redress and the available administrative and judicial forums for bringing complaints.

Employers may use a model program, which will be created by state agencies, or they can implement their own sexual-harassment training programs that meet or exceed state standards.

Prevention Policy:

New York employers must adopt a written sexual-harassment prevention policy and distribute it to employees. As with the training, state agencies will provide a model policy that employers may use.

The policy must include:

- A statement prohibiting sexual harassment and providing examples of what constitutes sexual harassment.

- Information about federal and state sexual-harassment laws and the remedies that are available to victims—and a statement that there may be additional local laws on the matter.
- A standard complaint form.
- Procedures for a timely and confidential investigation of complaints that ensures due process for all parties.
- An explanation of employees' external rights of redress and the available administrative and judicial forums for bringing complaints.
- A statement that sexual harassment is a form of employee misconduct and that sanctions will be enforced against those who engage in sexual harassment and against supervisors who knowingly allow such behavior to continue.
- A statement that it is unlawful to retaliate against employees who report sexual harassment or who testify or assist in related proceedings.

New York City Requirements: Stop Sexual Harassment in NYC Act

The Stop Sexual Harassment in NYC Act is now one of the strictest anti-sexual-harassment laws in the country regarding discrimination claims arising out of gender-based harassment. Significantly, the new law imposes training requirements on employers with 15 or more employees. By April 19, 2019, New York City employers with 15 or more workers in the city must: (1) conduct annual, interactive sexual-harassment training for all employees (including interns) and for new hires within 90 days; (2) the sexual harassment training must include the importance of bystander intervention to curb workplace harassment; (3) include additional training for managers and supervisors on their specific responsibilities to prevent sexual harassment and retaliation and appropriate measures to address such behavior; (3) sexual harassment training for new hires within 90 days; and (4) comply with a three-year record keeping requirements with signed employee acknowledgment forms.

Notably, although the training requirement only applies to employers with 15 or more employees, the new law expands protection against sexual harassment to all employees and interns in New York City regardless of the size of the employer.

Beginning **September 6, 2018**, all New York City employers must (i) post a legal-size (8.5" x 14") [sexual harassment poster](#) in a conspicuous place in the workplace and (ii) provide an [information fact sheet](#) to all new hires. Alternatively, employers may place the information sheet in an employee handbook, so long as the handbook is provided to all new employees on the first day of employment.

The firm's employment law attorneys can help employers understand and comply with their obligations under New York's anti-harassment laws. Please feel free to contact any member of the firm's [Labor and Employment Law Practice Group](#) for further information.

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