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## 2018 STATE AND CITY LEGISLATION IMPOSES NEW OBLIGATIONS ON ALL NEW YORK EMPLOYERS

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In the midst of widespread allegations of sexual harassment and growing impetus from the #MeToo movement, New York State and New York City legislators have passed new anti-sexual harassment laws -- including a requirement that all New York employers provide annual anti-sexual harassment training to their employees.

### NEW YORK STATE LEGISLATION

#### **Effective October 9, 2018: Mandatory Employee Training**

Characterizing its action as “necessary to combat sexual harassment in the workplace”, the New York State Legislature passed sweeping new sexual harassment laws on April 12, 2018. Effective October 9, 2018, all employers in New York State, private and public, must provide annual anti-harassment training to all employees. The training must be interactive and include specific topics identified in the new legislation, including an explanation of sexual harassment and information concerning federal, state and local statutory provisions. Further guidance from the New York State Department of Labor and the New York State Division of Human Rights with regard to these and other training requirements will be published in the coming weeks.

#### **Effective October 9, 2018: Mandatory Sexual Harassment Policy**

Effective October 9, 2018, all employers in New York State must adopt a written sexual harassment prevention policy which, among other minimum requirements, includes a complaint form, informs employees of their rights of redress and states that retaliation is unlawful. A minimum-standards policy is to be published by state agencies for the guidance of employers.

#### **Effective Immediately: Non-Employees Protected**

The legal protections from sexual harassment previously accorded to employees (and the related responsibilities and liabilities of employers) are extended so as to protect non-employees, including contractors, vendors, consultants and others providing services in New York workplaces.

#### **Effective July 11, 2018: Prohibition of Confidential Settlements**

Settlement agreements involving sexual harassment claims may not include non-disclosure provisions, unless it is the complainant's preference to include such a provision.

#### **Effective July 11, 2018: Prohibition of Mandatory Arbitration Agreements**

Employers are prohibited from requiring employees to sign agreements requiring mandatory binding arbitration of sexual harassment claims.

### **NEW YORK CITY LEGISLATION**

Also in April of 2018, the New York City Council passed the “Stop Sexual Harassment in New York City Act”. The Act imposes new obligations on New York City employers and amends the New York City Human Rights Law so as to permit claims of sexual harassment by all employees, regardless of the size of their employer.

#### **Effective September 6, 2018: Mandatory Dissemination of Information**

All employers in NYC must display an anti-sexual harassment poster to be published by the New York City Commission on Human Rights (NYCCHR) and must provide an information sheet on sexual harassment to all new employees, which information sheet also will be published by the NYCCHR.

#### **Effective April 1, 2019: Mandatory Employee Training**

Employers with 15 or more employees are required to conduct annual anti-sexual harassment training for all employees, including supervisors and managerial employees. Covered employees are those who work more than 80 hours in a calendar year and work on either a full time or part time basis within NYC. The NYCCHR will create a model training program. Employers must maintain records of all trainings including signed employee acknowledgements.

#### **Effective Immediately: Expanded Coverage of Several Harassment Claims**

The New York City Human Right Law will apply to all employers (previously it applied only to employers with four or more employees), and the statute of limitations for asserting a sexual harassment claim is extended from one year to three years.

### **ENSURING COMPLIANCE WITH THE NEW ANTI-SEXUAL HARASSMENT LAWS**

In anticipation of the implementation of these new laws, employers should review the newly-imposed requirements with employment counsel and amend their policies and training programs as necessary to ensure compliance. Employers who do not currently have policies and training procedures in place, will need to develop and implement them in short order. While the model policy and training programs to be issued by City and State agencies will provide guidance as to minimum standards, anti-harassment measures should be tailored to meet specific workplace needs and environments.

**For more information on Meyer Suozzi’s Employment Law practice, [click here](#).**

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