



## **NYS & NYC Sexual Harassment Law Updates September 5, 2018**

New York State recently issued the following *draft* publications in connection with the 2018 NYS Workplace Anti-Harassment Amendments (“NYS Act”):

- Model sexual harassment policy
- Model complaint form
- Minimum standards for sexual harassment prevention policies
- Model sexual harassment prevention training
- Minimum standards for sexual harassment prevention training
- “Combatting Sexual Harassment: Frequently Asked Questions” (FAQ’s)

These draft publications can be found at:

<https://www.ny.gov/combating-sexual-harassment-workplace/employers>.

The State is requesting comments on the drafts by September 12, 2018, and hopefully they will issue final versions shortly thereafter.

Employers may use their own policies and training programs as long as they satisfy the Act’s minimum standards. The state’s model policy is quite long (7 pages), and practically speaking may function best as a separate stand-alone policy or appendix to an employee handbook. Employers must provide their employees with a compliant sexual harassment policy by October 9, 2018. According to the NYS’s draft FAQ’s, no signed acknowledgement is *required*, but employers are *encouraged* to obtain a signed acknowledgement.

Each employee must receive training on an annual basis, starting October 9, 2018. According to the NYS’s draft FAQ’s, all employees must complete sexual harassment prevention training by January 1, 2019, and all new employees who start after January 1, 2019 must complete the training within 30 calendar days of starting their job. Going forward, employees must be trained at least once per year. The FAQ’s confirm that it is the employer’s responsibility to ensure that all employees receive the training, even if the employer must take “administrative remedies to ensure compliance”.

Additionally, New York City has issued the following publications in connection with the 2018 NYC Stop Sexual Harassment in NYC Act (the “NYC Act”):

- Sexual harassment legal notice, in English and in Spanish
- Sexual harassment fact sheet



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These publications can be found at:

<https://www1.nyc.gov/site/cchr/law/stop-sexual-harassment-act.page>.

The NYC Act requires every employer to display the sexual harassment legal notice, in English and in Spanish, in employee breakrooms or another common area beginning September 6, 2018. Employers must also distribute the fact sheet on sexual harassment to employees at the time of hire, beginning September 6, 2018. Like the NYS model policy, the NYC fact sheet may function best as a separate stand-alone policy or appendix to an employee handbook.

Note that employers with 15 or more employees are required to conduct annual anti-sexual harassment training effective April 1, 2019; however, NYC has yet to publish its anti-sexual harassment training.

For additional information on these two new sexual harassment laws, see our May 2018 client alerts here: <https://www.deborahbuyerlaw.com/news--resources.html>.

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