

Employment Counseling & Litigation

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New York Addresses Sexual Harassment in the Workplace

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Significant changes lie ahead for New York employers. As part of its annual budget process, **New York State** has amended its laws and rules to target sexual harassment in the workplace. Some of the major changes include:

- Employers may be held liable for **sexual harassment of non-employees** in the workplace, including contractors, subcontractors, vendors, consultants, etc.
- Employers may not have employees sign **mandatory arbitration clauses** which cover claims of sexual harassment (effective July 11, 2018)
- Employers may not have employees sign **nondisclosure agreements** covering claims of sexual harassment, *unless* it is the employee's preference and specific procedures are followed (effective July 11, 2018)
- Employers must have a written **sexual harassment prevention policy** and provide it to all employees (effective Oct. 9, 2018)
- Employers must conduct **sexual harassment prevention training** on an *annual basis* (effective Oct. 9, 2018)

Additionally, **New York City** is on the verge of enacting the "Stop Sexual Harassment in NYC Act," which would require

employers to conduct **annual anti-sexual harassment training** for all employees, including interns. Under the proposed *New York City* law, these mandatory annual trainings would be "interactive" and involve "participatory teaching," and would have to achieve the following objectives:

- Explain that sexual harassment is a form of unlawful discrimination
- Educate employees about retaliation being prohibited
- Encourage bystanders to intervene and take action
- Identify specific examples of conduct that constitute sexual harassment
- Inform employees how they can make complaints about sexual harassment

New York employers should promptly review their employment documents, policies, and procedures, and prepare to conduct annual anti-sexual harassment training to ensure compliance with the new law(s). We at Lowenstein Sandler routinely review employer policies and present anti-sexual harassment trainings, and would be pleased to assist as needed.

*New York Bar Admission Pending

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