



LYONS MCGOVERN LLP LABOR & EMPLOYMENT ALERT

ARE YOU READY?

NEW YORK STATE AND NEW YORK CITY LOOK TO FURTHER THE #METOO MOVEMENT BY ADOPTING SIGNIFICANT LEGISLATION AIMED AT ADDRESSING AND PREVENTING SEXUAL HARASSMENT IN THE WORK PLACE

In response to the #MeToo movement and increased attention being given to workplace sexual harassment issues, state and local legislatures throughout the country have taken steps to extend protections beyond employees to independent contractors and consultants, to eliminate the use of non-disclosure provisions unless requested by the complainant, and to mandate anti-harassment policies and sexual harassment prevention training. Here is an overview of some of the recent changes in New York:

NEW YORK STATE:

On April 12, 2018 Governor Andrew Cuomo signed legislation which contains new laws aimed at addressing and preventing sexual harassment in the workplace. The new legislation imposes rigorous requirements on employers to provide training and requirements for employee separation agreements.

- **Effective Immediately:** Under the New York State Human Rights Law, employers will be liable for sexual harassment experienced by non-employees, including contractors, vendors, consultants, and others providing services pursuant to a contract in the workplace.
- **Effective July 11, 2018:** Employers are prohibited from including a non-disclosure provision in any settlement agreements of sexual harassment claims unless the claimant requests confidentiality. A complainant who requests confidentiality must be given 21 days to consider the terms and 7 days to revoke the agreement, and the condition must be memorialized in the agreement. The new law also prohibits the use in any contracts, including letters of employment, of mandatory arbitration for claims of sexual harassment.
- **Effective October 9, 2018:** Employers will be required to distribute written anti-harassment policies in the workplace and to conduct training of all of its employees on an annual basis. The New York State Department of Labor will provide a model sexual harassment prevention policy and a model sexual harassment prevention training program for employers to adopt or make their own with equal or additional protections.

NEW YORK CITY:

On May 9, 2018, New York City Mayor Bill de Blasio signed into law the Stop Sexual Harassment in NYC Act. The Act provides:

- **Effective Immediately:** The Act amends the New York City Human Rights Law to permit claims of sexual harassment by employees against any employers, regardless of the size of the employer. Additionally, the statute of limitations for

filing gender-based complaints with the New York City Commission on Human Rights is extended from one year to three years after the alleged harassing conduct occurred.

- **Effective September 6, 2018:** Employers will be required to display conspicuously an anti-sexual harassment rights and responsibilities poster and distribute a sexual harassment information sheet to new employees at the time of hire. The poster and information sheet will be made available by the New York City Commission on Human Rights on its website.
- **Effective April 1, 2019:** Employers with 15 or more employees will be required to conduct annual anti-sexual harassment training for all employees employed in New York City. The training must be interactive and must include definitions of sexual harassment, education on bystander intervention, and explanations on how to file complaints internally and with federal, state and city administrative agencies. The City Commission on Human Rights will create and post on its website an online interactive training module for employers to use so long as employers supplement the module with information about the employer's internal complaint process and procedures.

At Your Service

The attorneys at Lyons McGovern LLP are available to provide assistance with guidance on both New York State and New York City anti-harassment requirements, including ensuring that employers have the necessary policies in place regarding anti-harassment in the workplace and procedures to effectively respond to complaints. Lyons McGovern also provides anti-harassment training tailored to your company's specific business and needs.

Disclaimer: This Client Advisory is for educational purposes and does not constitute legal advice or an opinion. Lyons McGovern, LLP uses periodic Client Advisories to inform our clients issues which may affect them or their businesses.

Visit our Website

Lyons McGovern LLP | Phone (914) 631-1336 | Fax (914) 631-1161 | contact@lyons-mcgovern.com

STAY CONNECTED

