

## New York Issues Proposed Model Sexual Harassment Policy and Training Guidelines

The New York State Department of Labor and Division of Human Rights issued a [proposed model sexual harassment policy](#) and [training guidelines](#) this afternoon, in order to assist employers in complying with the [new sexual harassment legislation](#) that will become effective on October 9, 2018. [Comments](#) regarding the proposed model policy and training guidelines can be submitted on or before September 12, 2018.

Some notable aspects of the model sexual harassment policy are:

- A statement that the employer has a “zero-tolerance policy” for any form of sexual harassment;
- A description of potential external remedies for addressing alleged sexual harassment (in addition to filing an internal complaint with the employer), such as filing a complaint with the Division of Human Rights, Equal Employment Opportunity Commission, or local agencies such as the New York City Commission on Human Rights;
- A statement that an investigation of an allegation of sexual harassment “should be completed within 30 days”;
- Inclusion of non-employees (as set forth in the new legislation) as individuals who are protected from sexual harassment in the workplace; and
- A statement that reports of sexual harassment can be made verbally or in writing and inclusion of a [model complaint form](#) for written complaints.

The proposed sexual harassment training guidelines require that the annual training be “interactive,” which means that the training must have some level of participation by those being trained. The training must include as many of the following elements as possible: (1) be web-based, with questions asked of employees as part of the program; (2) accommodate questions asked by employees; (3) include a live trainer made available during the session to answer questions; and (4) require feedback from employees about the training and the materials presented.

The [FAQs](#) published along with the model policy and training guidelines provide that employers must complete the model training or a comparable training for all employees that meets the minimum standards by January 1, 2019. Employers must train every employee at least once per year thereafter, which can be based on the calendar year, anniversary of each employee’s start date, or any other date the employer chooses. New employees must complete the sexual harassment training within 30 calendar days of starting their job.

Our firm will be conducting a series of breakfast briefings on this topic in 13 locations across New York State from early October to early November. By that time, the model policy and training guidelines will likely be issued in final form. Here is the registration link for our [11 Upstate briefings](#) and here is the registration link for our [2 Downstate briefings](#), so that you can sign up for the briefing that is most convenient for you.

If you have any questions about this Information Memo, please contact [Subhash Viswanathan](#), any of the [attorneys](#) in our [Labor and Employment Law Practice](#), or the attorney in the firm with whom you are regularly in contact.



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