

New York City Employers Beware: New Posting and Training Requirements on Sexual Harassment

There has recently been a lot of talk about [New York State's new sexual harassment policy and training requirements](#) that will be taking effect state-wide on October 9, 2018. But New York City employers must also beware of new requirements specific to New York City, some of which will be taking effect on September 6, 2018.

Earlier this year, New York City Mayor Bill de Blasio signed the Stop Sexual Harassment in NYC Act, which amends the New York City Human Rights Law in several respects and places additional obligations on New York City employers. The key changes and new obligations are as follows:

- Coverage of the NYC Human Rights Law has been expanded with respect to the prohibition of gender-based harassment, including sexual harassment. Previously the law only applied to NYC employers with four or more employees with regard to all forms of discrimination, including gender/sexual harassment. Now, the law applies to every NYC employer regardless of how many employees it has when it comes to claims of gender/sexual harassment. Employees also now have three years (up from one year) to file claims of gender/sexual harassment with the NYC Commission on Human Rights.
- As of September 6, 2018, NYC employers will have to post two versions -- one in English, and one in Spanish -- of an anti-sexual harassment rights and responsibilities notice that has been issued by the NYC Commission on Human Rights. The English version of this notice is available [here](#), and the Spanish version is available [here](#).
- As of September 6, 2018, NYC employers will also have to distribute an anti-sexual harassment fact sheet to every new employee when hired, unless all of the information in the fact sheet is included within the employee handbook or a separate anti-harassment policy that is given to new employees. The fact sheet is available [here](#).
- As of April 1, 2019, NYC employers with 15 or more employees (including interns) will have to provide annual anti-sexual harassment training for all employees based on a model anti-sexual harassment training program that will be developed by the NYC Commission on Human Rights.

If employers do not want to utilize the Commission's model training program, they will be able to utilize their own training so long as it provides the following information to employees:

1. an explanation that sexual harassment is a form of unlawful discrimination under the New York City Human Rights Law, state law (the New York State Human Rights Law) and federal law (Title VII of the Civil Rights Act of 1964);
2. a description, using examples, of what constitutes sexual harassment under the applicable laws;
3. a description of the internal complaint procedure that employees can utilize to report possible sexual harassment to their employer;
4. a description of the external complaint procedure that is available to employees to report possible sexual harassment to the NYC Commission on Human Rights, the New York State Division of Human Rights, and the U.S. Equal Employment Opportunity Commission, and contact information for each of those three agencies;

5. an explanation that retaliation is prohibited and a description, using examples, of what constitutes retaliation; and
6. a discussion of the responsibilities specific to supervisory and management level personnel in preventing sexual harassment and retaliation in the workplace, and what the appropriate actions are for supervisory and management level personnel to take to address sexual harassment complaints.

Although this training will have to be interactive, it does not necessarily have to be conducted live, and can be conducted in alternate formats so long as the format utilized allows for interaction between the presenter and employee audience. Employers will also be obligated to maintain records demonstrating that this training has been provided to all employees, including a signed acknowledgement from each employee that he or she has received this training. It is also important to note that this training could be conducted in conjunction with the anti-sexual harassment training that is being required by New York State, provided the training that is given covers all of the topics listed above.

If you have any questions about this Information Memo, please contact [Jessica C. Moller](#), 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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