

New York City Legislation Would Mandate Sexual Harassment Training, Expand Employer Coverage under Human Rights Law

The New York City Council has introduced a package of legislation aimed at preventing sexual harassment in the workplace and strengthening the City's anti-sexual harassment policies.

The legislation, introduced on March 7, 2018, would require most private employers in the City to conduct mandatory annual sexual harassment training for employees. Additionally, it would expand employer coverage for claims of sexual harassment under the New York City Human Rights Law (NYCHRL). The package of legislation also would extend the statute of limitations to file harassment claims with the New York City Commission on Human Rights from one year to three years from the time of the alleged conduct. Further, all employers in the City would be required to post anti-sexual harassment posters and provide information sheets to employees individually at hire.

Mandatory Sexual Harassment Training

Int. 1463, sponsored by Council Member Laurie A. Cumbo, would require employers with at least 15 employees to

conduct annual sexual harassment training starting in September 2018.

The bill states that the training must include, but need not be limited to, the following:

1. An explanation that sexual harassment is a form of unlawful discrimination under federal, state, and local law;
2. A description of sexual harassment (using practical examples);
3. A description of the internal complaint process for employees to use if they experience sexual harassment in the workplace;
4. A description of the complaint process, along with contact information, under federal, state, and local law;
5. A statement that retaliation is prohibited and examples of such; and
6. A statement regarding the importance of bystander intervention.

Covered employers also would need to provide supervisory and managerial personnel with additional annual sexual harassment training that covers their responsibilities in preventing such conduct and the appropriate complaint procedures for employees. Employers also would be required to maintain records of compliance with the law.

Employers may face potential civil penalties for failing to maintain records.

NYCHRL Employer Coverage

Int. 1466, sponsored by Council Member Keith Powers, would expand the NYCHRL coverage of sexual harassment cases to include employers with fewer than four employees, thus aligning the NYCHRL with the New York State Human Rights Law's coverage of sexual harassment claims.

Longer Statute of Limitations

Int. 1474, sponsored by Council Member Helen K. Rosenthal, would lengthen the statute of limitations for filing harassment claims arising under the NYCHRL. The bill would amend the City code to allow harassment claims "based on unwelcome conduct that intimidates, interferes with, oppresses, threatens, humiliates or degrades a person ... based on such person's gender" to be filed with the Commission three years from the time the alleged conduct occurred. Currently, the limit is one year.

Notice and Posting Requirements

Int. 1462, sponsored by Robert E. Cornegy, Jr., would require all employers in New York City to post an anti-sexual

harassment rights and responsibilities poster. Employers also would be required to provide an information sheet on sexual harassment to each employee at the time of hire. The poster and information sheet would be created and made available by the Commission. The bill also provides for civil penalties if employers fail to comply with the posting or notification requirements.

The prevention of sexual harassment in the workplace is also being targeted at the state level.

Please contact a Jackson Lewis attorney with any questions about this legislative package, best practices related to harassment policies, training and other preventive practices, or government relations.

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