

NEW YORK CITY AND NEW YORK STATE ENACT SEXUAL HARASSMENT POLICIES

NEW YORK CITY

On May 9, 2018, the Stop Sexual Harassment in New York City Act (The Act) became law which applies to all employers with offices in the five boroughs of the City. The Act requires the CHR to create an information sheet on sexual harassment that employers must provide to all employees at the time of hire. The New York City version permits claims of gender-based harassment by all employees, regardless of the size of the employer. Previously, anti-discrimination provisions of the City's regulations applied only to employers with four or more employees. In addition, the statute of limitations for filing complaints with the CHR of "claim[s] of gender-based harassment" is extended from one year to three years after the alleged harassing conduct occurred. Commencing September 6, 2018, employers will be required to conspicuously display an anti-sexual harassment rights and responsibilities poster in English and Spanish and distribute an information sheet on sexual harassment to new employees, both of which will be distributed by the CHR. Commencing April 1, 2019, employers with 15 or more employees (including interns) will be required to conduct annual anti-sexual harassment training for all employees, including supervisory and managerial employees.

NEW YORK STATE

Governor Andrew Cuomo recently signed a revision to the New York State Human Rights Law (SDHR) which will require all employers in New York State to provide employees with a sexual harassment policy by October 9, 2018. This policy will also include a complaint form which can be completed by an employee who believes he/she is the subject of sexual harassment. The SDHR has released a draft model of a sexual harassment policy, model employer complaint form, and sexual harassment training requirements. In future articles, the draft of these forms will be provided to copy and distribute. SDHR is requesting that the public, employers and employees submit comments regarding these drafts on or before September 12, 2018. By January 1, 2019 employers must also train all of their employees using a program that meets the minimum standards promulgated by the SDHR. After January 1, 2019, all newly hired employees must complete sexual harassment training within 30 calendar days of starting their job.

There is clearly some overlap of both the City and State laws which will need to be refined as we get closer to the enactment dates. Future articles will also address the applicability of these new laws to independent contractors in real estate brokerage firms and therefore the licensees at those firms. It would certainly not stretch the imagination of a reasonable person to assume that the government agencies will extend the protections of these sexual harassment policies to real estate agents as well, so direct yourself accordingly.

Submitted by Alfred M. Fazio, Esq. of Capuder Fazio Giacoia LLP. Visit our website at CFGNY.com for copies of recent articles as well as other areas of interest to the real estate community. If you would like to be added to our mailing list and receive future articles, please click the link below.

<http://visitor.r20.constantcontact.com/d.jsp?llr=qgisqkiab&p=oi&m=1108454482128>