Engage PEO Client Alert:

New York State/City: Harassment Training Requirements

Starting on October 9, 2018, private employers in New York will be required to provide annual sexual harassment training to employees. New York City (NYC) also has a similar requirement, which goes into effect on April 1, 2019. Both the state and city have committed to provide training modules to assist with compliance.

As part of our HR services, Engage will offer this training to your teams on an annual basis. To schedule your training, please work directly with your Engage HR Consultant.

Learn more about the new laws, below.

New York City Law

All NYC employers

The new law makes it illegal for any employer - regardless of size/number of employees - to harass an employee based on gender.

A poster has been created by the City and must be conspicuously displayed in a common area by September 6, 2018. Download the *Stop Sexual Harassment Act Notice* **here.**

In addition, **new hires must also receive a factsheet by the same date.** Download the *Stop Sexual Harassment Act Factsheet*, **here**. (Same content as the poster except for the title).

NYC employers with 15 or more employees:

Beginning on April 1, 2019, NYC employers who have at least 15 employees will be required to provide annual sexual harassment training for all employees, which includes interns and management employees. The training for managers must also highlight their specific responsibilities.

All new hires must receive the training after 90 days of their initial hire date. Employees who work at least 80 hours a year on a full or part time basis must receive the training.

The law also requires that employers keep a record of all trainings including acknowledgments signed by the attendees; this coincides with best practice.

Importantly, the statute of limitations for claims of gender-based harassment under the NYC Human Rights Law has been extended from one (1) year to three (3) years.

As a reminder, to combat discrimination against protected groups, NYC has also made it illegal to ask

about an applicant's salary history during the hiring process. An employer can ask an employee what salary they desire, but not about their previous salary. **The Engage Employment Application Form is compliant and can be downloaded here.**

New York State Law

New York State has created a similar mandate beginning October 9, 2018 which will require annual training for all employees. It is also recommended that employers redistribute their harassment policies and have employees acknowledge these important policies again at that time.

The New York law makes clear that it now covers all individuals in the workplace from sexual harassment, including contractors, vendors, consultants or others who provide services pursuant to a contract in the workplace. Employers may face liability if the employer knew or should have known the person was being sexually harassed in the employer's workplace and did not take appropriate action to correct and remedy it.

An important update to the law includes settlements and agreements. These can no longer include a non-disclosure clause relating to claims of sexual harassment unless the individual is afforded a consideration and revocation period.

If an employer includes a non-disclosure clause in a settlement or other agreement:

1. All parties must be provided with the terms
2. The employee must have 21 days to review and consider the non-disclosure conditions, and
3. The person must also be allowed a seven (7) day revocation period after signing the agreement.

This applies to all agreements regardless of whether they are made as part of or in anticipation of litigation. Mandatory arbitration clauses will also be prohibited for litigation under this specific law.

If you have any questions, please contact your Engage HR Consultant.