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GOVERNOR ANDREW M. CUOMO

GOVERNOR CUOMO RELEASES FINALIZED MATERIALS AND GUIDANCE ON NEW YORK'S SEXUAL HARASSMENT PREVENTION LAWS

*Nation-Leading Sexual Harassment Package a Signature Initiative
from 2018 Women's Agenda for New York: Equal Rights, Equal Opportunity*

*All Employees Working in New York State Must Receive Sexual Harassment
Training*

Governor Andrew M. Cuomo today announced the [release](#) of finalized materials and guidance on New York's new sexual harassment prevention laws, following a public comment period that [began](#) August 23. The state received and reviewed hundreds of constructive and substantive comments from a wide range of individuals, advocates, industries, worker groups, employers and business organizations.

"While the federal government repeatedly ignores the voices of women speaking out against the scourge of sexual violence, in New York we are taking action," **Governor Cuomo said**. "We are doing everything in our power to crack down on sexual harassment and ensure inappropriate workplace conduct is addressed swiftly and appropriately. These common sense policies will help employees and employers know their rights and responsibilities and help enforce the strongest anti-sexual harassment package in the nation."

"The images of Anita Hill flashed before the nation this week were a stark reminder that for far too long, women have endured workplace harassment," **said Lieutenant Governor Kathy Hochul**. "As a rare woman in elected office, I know more can be done to change the culture and create an environment where women can come forward and be believed. That's what we are doing in New York with these nation-leading initiatives that will ensure the security of victims and a safe environment for all employees in the workplace. These guidelines and training programs will be made available to employers across the state, building on our efforts to strengthen equal opportunity in the workplace."

Secretary to the Governor and Chair, New York State Council on Women and Girls, Melissa DeRosa said, "Across the nation, women are bravely stepping up and

speaking out about sexual harassment and abuse. In New York, we are listening, and we are leading the way forward. New York's sexual harassment laws are the strongest in the nation to combat sexual harassment and take direct aim at the culture of secrecy, dominance and power inequality that allowed sexual harassment to thrive."

On April 12, Governor Cuomo signed into law the FY 2019 New York State Budget, which includes the nation's strongest and most comprehensive sexual harassment package. This package was a signature proposal from his 2018 Women's Agenda for New York: Equal Rights, Equal Opportunity. The new law

- Prohibits employers from using a mandatory arbitration provision in an employment contract in relation to sexual harassment;
- Requires officers and employees of the state or of any public entity to reimburse the state for any state or public payment made upon a judgment of intentional wrongdoing related to sexual harassment;
- Ensures that nondisclosure agreements can only be used when the condition of confidentiality is the explicit preference of the victim; and
- Amends the Human Rights Law to protect contractors, subcontractors, vendors, consultants or others providing services in the workplace from sexual harassment in the workplace.
- Establishes minimum standards for sexual harassment prevention policies and training. All employers operating in New York State are required to either adopt and use the State's model policy and training as-is, or to use the models as a basis to establish their own policy and training. All employees working in New York State must receive sexual harassment training by or before October 9, 2019.

The following items are being released today:

- Updated website with resources for employers, employees, state contractors and targets of sexual harassment
- Updated model sexual harassment prevention policy
- Updated model sexual harassment complaint form
- Updated model training (script book and PowerPoint presentation)
- Updated minimum standards for sexual harassment prevention policies and trainings
- Updated FAQs

Toolkits for employers and employees and a sexual harassment prevention policy poster are also being made available.

The training and policy materials are being made available in Word and PowerPoint, where applicable, to allow for employer customization. Additionally, the State will be translating these materials into Spanish, Chinese, Korean, Russian, Italian, Polish, and

Haitian-Creole, and creating a video training, all of which will be released in the near future online at: www.ny.gov/programs/combating-sexual-harassment-workplace.

The state will offer both in-person and webinar training sessions to help employers understand the new requirements. A schedule of these events will also be announced in the near future online at: www.ny.gov/programs/combating-sexual-harassment-workplace, where visitors may add their name to the list to receive future updates about the state's sexual harassment prevention policy.

These actions build on the Governor's record of increasing ensuring equal opportunity in the workplace. In April, the Governor [advanced](#) legislation designed to put New York on track to close the gender wage gap by prohibiting all public and private employers who do business in New York State from asking prospective employees about their salary history and compensation. That legislation built on two [executive orders](#) signed by the Governor last year which prohibited state entities from evaluating candidates based on wage history and required state contractors to disclose data on the gender, race and ethnicity of employees - leveraging taxpayer dollars to drive transparency and advance pay equity statewide.

In 2017, Governor Cuomo directed the Department of Labor to study the causes, scope and economic impact of the gender pay gap in New York State and issue policy recommendations to help close it. The report, available [here](#), outlines the state of the gender pay gap in New York, including its scope across the economic spectrum and throughout each region of the state.

"Sexual harassment comes in many forms - both blatant and insidious. And since any conduct of a sexual nature that makes an employee uncomfortable has the potential to be sexual harassment, we must constantly be exploring ways to prevent it," **said New York State Labor Commissioner Roberta Reardon.** "By developing this robust package of guidelines we are building on New York State's record of ensuring equal opportunity in the workplace and improving the lives of all workers."

Division of Human Rights Commissioner Helen Diane Foster said, "Now public and private employers have concrete guidance on how to approach sexual harassment complaints. But more importantly, sexual harassers can no longer hide behind mandatory arbitration and non disclosure agreements."

For additional information and resources, please visit: www.ny.gov/programs/combating-sexual-harassment-workplace.

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