

NYC JOINS THE #METOO MOVEMENT WITH SWEEPING ANTI-SEXUAL HARASSMENT LEGISLATION

Labor and Employment Alert
May 15, 2018

On May 9, 2018, New York City Mayor DeBlasio signed the Stop Sexual Harassment in NYC Act (the “Act”), designed to combat sexual harassment in the workplace. Not to be outdone by the Governor’s budget bill, the Act imposes stringent anti-sexual harassment requirements for New York City employers.

1. Coverage: The Act will Apply to all NYC Employers

The New York City Human Rights Law applies to employers with four or more employees in New York City. The Act, however, will apply to all employers, regardless of number of employees. Thus, even an employer with one employee working in New York City will be required to comply with the Act’s requirements.

This provision of the Act is effective immediately.

2. Notice and Poster Requirements

The Act directs the New York City Human Rights Commission to develop a poster explaining rights and responsibilities related to sexual harassment. The poster must be “conspicuously” displayed by all employers in employee breakrooms or other common areas. Employers must also give a handout containing the same information to new employees at the time of hire, which will also be developed by the City’s Human Rights Commission.

This requirement will take effect on September 6, 2018.

3. Mandatory Sexual Harassment Training

All employers with 15 or more employees will be required to conduct annual sexual harassment training for all New York City employees, including interns and management. Such training shall be required after 90 days of initial hire for employees who work more than 80 hours in a calendar year who perform work on a full-time or part-time basis.

The training must contain the same information in the handout and poster, with additional information regarding managers’ specific responsibilities. The training must be “interactive.” It may be done online, and the New York City Human Rights

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Commission will develop an “online interactive training module.” Employers must keep a record of all trainings, including signed employee acknowledgements, for at least three years. The training required by the Act is similar, but not identical, to the sexual harassment training requirement created by the State’s budget bill. Compliance with the City’s training requirements, which appear to be more stringent, will most likely also satisfy the State’s training requirements.

This requirement will be effective April 1, 2019.

4. Extension of Statute of Limitations for Sexual Harassment Claims

The Act amends the New York City Human Rights Law to extend the statute of limitations for filing “gender-based” claims against employers from one year to three years.

This amendment to the City Human Rights Law is effective May 9, 2018.

If you have questions about the Act, or if you would like our attorneys to provide harassment and discrimination training to your workforce, please contact any one of our Labor and Employment attorneys.