



Expect Changes To New York Sexual Harassment Laws In 2018

Insights

1.26.18

Following national attention on the #metoo movement, New York Governor Andrew Cuomo announced plans as part of his State of the State address earlier this month to strengthen New York's laws on sexual harassment in the workplace, an effort that he called a "long overdue reckoning." Governor Cuomo unveiled a multi-pronged agenda, including several legislative initiatives that he intends to advance, which he hopes will impact both public and private employers.

What's In Store For 2018?

One such measure backed by Governor Cuomo would **void forced arbitration policies or clauses** in employee contracts, which he contends would "help bring justice to victims of sexual harassment." Additionally, the governor seeks to implement **mandatory annual reporting** for any companies that do business with the state which would require them to disclose the number of sexual harassment adjudications and nondisclosure agreements executed by that company.

In the public sector, Governor Cuomo intends to advance legislation that would prevent the use of taxpayer money to fund the cost of sexual harassment settlements against public officials. Additionally, for public entities and branches of government, he aims to ban confidentiality agreements relating to sexual assault or harassment unless at the express preference of the victim. Finally, Governor Cuomo proposes a uniform code of sexual harassment policies for all branches of state and local government, as well as an independent and anonymous whistleblower process for bringing complaints.

Already, New York lawmakers on both sides of the aisle have introduced legislation to curb sexual harassment in the workplace. On the Republican side, Senators Catherine Young and Elaine Phillips proposed bills late last year that, in addition to banning confidential settlements, would codify the definition of sexual harassment in state law and expand harassment protections for independent contractors. Not to be outdone, Democratic Senator Liz Krueger has unveiled a plan to ensure that employees of small businesses can bring claims against their employers. Additionally, Krueger proposes codifying a standard for sexual harassment claims so that even a single severe incident would be considered sufficient to sue for damages.

This flurry of proposed legislation with bipartisan support suggests that changes will be coming to New York, but the exact contours remain unknown. At this stage, many of the governor's proposals are light on details, lacking the accompanying legislative language. Despite the unknowns, increased accountability for employers is a sure thing. Therefore, New York employers are advised

increased accountability for employers is a sure thing. Therefore, New York employers are advised to take stock of their current harassment policies to ensure compliance with existing laws and be prepared for changes to come. A good place to start might be following our firm's five-step plan to address growing harassment concerns, which can be found [here](#).

For more information on reviewing your workplace's harassment policies or about how this proposed legislation could affect your workplace, contact any attorney in our [New York City office](#) at 212.899.9960, or your regular Fisher Phillips attorney.

This Legal Alert provides information about proposed state legislation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Related People



Melissa Camire
Partner
212.899.9965
[Email](#)

Service Focus

Employment Discrimination and Harassment
Litigation and Trials

Related Offices

New York