



NYC Lawmakers Aim To Curb Sexual Harassment With Sweeping Legislation

Insights

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On the heels of the #MeToo and #TimesUp movements, the New York City Council passed a slate of legislation earlier this week aimed at preventing sexual harassment in the workplace. Entitled the “Stop Sexual Harassment in NYC Act,” the package of 11 separate bills is the first major legislative initiative undertaken by new City Council Speaker Corey Johnson.

The bills confirm that New York City is looking to be a leader as jurisdictions everywhere grapple with combatting sexual harassment in the workplace. Mayor Bill de Blasio is expected to sign the legislation into law in the very near future. Once signed into law, the Stop Sexual Harassment Act will significantly expand the obligations of New York City employers to prevent sexual harassment. What do you need to know to prepare for these laws?

What Does The Legislation Entail?

The Stop Sexual Harassment in NYC Act is comprised of a series of bills intended to protect public and private employees from sexual harassment. The legislation that would directly impact private employers is described below:

Mandatory Yearly Sexual Harassment Training

The Act requires all NYC employers with 15 or more employees to conduct yearly interactive anti-sexual harassment trainings, starting April 1, 2019. The training will need to include:

1. An explanation of sexual harassment as a form of unlawful discrimination under city law, as well as a disclaimer that sexual harassment is also a form of unlawful discrimination under state and federal law;
2. Descriptions and practical examples of sexual harassment;
3. Any internal complaint processes available to employees to address sexual harassment claims;
4. Information on the complaint process available through the New York City Commission on Human Rights, State Division of Human Rights, and the Equal Employment Opportunity Commission (EEOC);
5. The prohibition of retaliation; and
6. The importance of bystander intervention.

Supervisors and managers need to be provided with additional trainings. These sessions must cover, at a minimum, the specific responsibilities that supervisory and managerial employees have when it comes to preventing sexual harassment and retaliation, and measures they may take to appropriately address sexual harassment complaints. New hires must be trained within 90 days of hire.

Expanded NYCHRL Employer Coverage

The Act expands coverage for gender and sexual harassment-based claims under city law to *all* New York City employees. Currently, the New York City Human Rights Law (NYCHRL) only applies to employers with four or more employees, but this bill eliminates the employee threshold with respect to gender-based harassment claims.

This measure mirrors a 2015 amendment to state law, which expanded coverage of the sexual harassment protections under the New York State Human Rights Law to all New York employers, regardless of the number of employees.

Lengthened Statute Of Limitations

Under current city law, there is a one-year statute of limitations for filing claims under the NYCHRL directly with the Commission, and a three-year statute of limitations for filing a lawsuit alleging violations of the NYCHRL. The Act extends the statute of limitations for filing complaints directly with the Commission to three years after the alleged conduct occurred for claims of gender-based harassment.

Notice Requirement

The legislation requires all NYC employers to conspicuously display an anti-sexual harassment rights and responsibilities poster to be designed by the Commission. The poster will include:

1. An explanation of sexual harassment as a form of unlawful discrimination under city law, with a disclaimer that sexual harassment is also a form of unlawful discrimination under state and federal law;
2. Descriptions and practical examples of sexual harassment;
3. Information on the complaint process available through the Commission, State Division of Human Rights, and EEOC and directions on how to contact these agencies; and
4. The prohibition of retaliation under City law.

In addition to the poster, employers will need to distribute an information sheet on sexual harassment to be developed by the Commission, covering the same information as the posting.

Reporting Requirements For City Contractors

The Act will expand reporting obligations for city contractors, and will require such contractors to report their practices, policies, and procedures related to preventing and addressing sexual harassment.

Miscellaneous Provisions

In addition to the above, the Act amends the policy statement of the NYCHRL to take a stronger stance against sexual and gender-based harassment. Additionally, the Commission will be tasked with including detailed information about sexual harassment on its website.

The City Council also passed a resolution calling on the federal government to sign into law proposed legislation prohibiting pre-dispute arbitration agreements from being valid or enforceable if it requires arbitration of a sex discrimination dispute.

What Should Employers Do Now?

The Stop Sexual Harassment Act in NYC is not binding law, yet—but the Mayor is expected to sign it into law in short order. Employers in New York City must be prepared for strengthened laws aimed at targeting sexual harassment in the workplace.

You should take stock of your current harassment policies to ensure compliance with existing laws and assess what steps will be necessary to comply with the new legislation. 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 about how this 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 an overview of specific city legislation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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Melissa Camire

Partner

212.899.9965

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