

LABOR & EMPLOYMENT

>>ALERT

STOP SEXUAL HARASSMENT ACT POSTER AND INFORMATION SHEET ISSUED BY NYC COMMISSION ON HUMAN RIGHTS

Beginning September 6, 2018, New York City employers must post a mandatory anti-sexual harassment rights and responsibilities poster and provide an information sheet to all new hires under the Stop Sexual Harassment in New York City Act (the “NYC Act”).

The poster can be found and downloaded in [English](#) and [Spanish](#) on the website of the New York City Commission on Human Rights (the “Commission”). This poster must be conspicuously displayed “in employee breakrooms or other common areas” no later than September 6, 2018. The poster must be sized to 8.5 x 14 inches with 12 point font at a minimum and every employer is required to display the poster in both English and Spanish.

The employee information sheet, which can be found and downloaded [here](#), must be provided, beginning September 6, 2018, to all new employees at the time of hire. Alternatively, the information sheet may be included in an employee handbook given to new hires.

In addition to the posting and information sheet requirements, the NYC Act also contains mandatory employee training requirements that will go into effect on April 1, 2019.

Under the NYC Act, all private employers with fifteen (15) or more employees in New York City must

THE BOTTOM LINE

To prepare for the new sexual harassment prevention requirements imposed by New York City law, employers should post the mandatory anti-sexual harassment rights and responsibilities poster in both English and Spanish. Employers should also incorporate the mandatory information sheet, either as a stand-alone document or in an employee handbook, as part of their onboarding packet for all new hires.

In addition, companies with employees in New York City and other jurisdictions are advised to consult with counsel on training options, strategies for incorporating both New York State and New York City anti-harassment training requirements into annual training programs, and recommended timing for rolling out training to current and new employees.

provide anti-sexual harassment training to employees on an annual basis. This training requirement covers all employees, including interns, who work at least 80 hours in a calendar year. New employees must also be trained after 90 days of initial hire. However, employees who received training within the required training cycle at a prior employer are not required to receive additional training at their new employer until the next training cycle.

Similar to New York State’s recently enacted sexual harassment prevention legislation, which we discussed in

a [prior alert](#), the NYC Act requires “interactive” annual training. The law defines interactive training as participatory teaching where employees are engaged in “trainer-trainee interaction.” This may include the use of audio-visuals, computer, or online training programs or other participatory forms of teaching. However, the training does not have to be live or facilitated by an in-person instructor.

The NYC Act provides that annual training must cover the following topics at a minimum:

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- 1) An explanation of sexual harassment as a form of unlawful discrimination under New York City law;
- 2) A statement that sexual harassment is also a form of unlawful discrimination under state and federal law;
- 3) A description of what sexual harassment is, using examples;
- 4) Any internal complaint process available to employees through their employer to address sexual harassment claims;
- 5) The complaint process available through the Commission, the New York State Division of Human Rights and the U.S. Equal Employment Opportunity Commission, including contact information;
- 6) The prohibition of retaliation under New York City law, including examples of retaliation;
- 7) Information concerning bystander intervention, including resources that explain how to engage in bystander intervention;
- 8) The specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation and measures that supervisors and managers may take to appropriately address sexual harassment complaints.

The Commission is expected to develop a training module that will be made publicly-available online. This training module may be utilized by employers for their workforce as long as employees are informed of the employer's internal complaint process that is available to address sexual harassment claims.

Employers are required to maintain records of employee training for at least three years, including signed employee acknowledgements of attendance. These records may be maintained in electronic form.

Significantly, the NYC Act has also extended the statute of limitations for bringing gender-based harassment claims with the Commission from one year to three years. And, the New York City Human Rights Law prohibition on gender-based harassment claims also now applies to employers with fewer than four employees.

FOR MORE INFORMATION

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