

New York State Department of Labor Releases Updated Model Sexual Harassment Prevention Policy and Training Guidance

The Bottom Line

- Updates to the NYSDOL model sexual harassment prevention policy and training materials emphasize the importance of considering diversity and recognizing the many different forms of sexual harassment in the workplace, whether in person or remote.
- New York employers should consult with legal counsel to ensure that their own policies and training materials are in line with those recently released by the NYSDOL.

The New York State Department of Labor (NYSDOL) recently released its updated model sexual harassment prevention policy and training materials (including a script and slide deck, which can be found [here](#)). Having a legally compliant policy and conducting annual harassment prevention trainings are requirements of New York State Labor Law Section 201-g.

Employers should review the model updates and consult with legal counsel to ensure that their policies and training materials are revised to comply with the updated standards.

Key Revisions

Key revisions to the model policy include:

- Expanding the definition of “covered individuals” protected under the New York State Human Rights Law (NYSHRL) beyond employees, applicants and interns to also protect “anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in [the] workplace, whether or not a direct employee.”
- Emphasizing that sexual harassment does not need to be severe or pervasive to be illegal.
- Highlighting that sexual harassment affects individuals differently and requires employers to assess claims

based on the impact to a reasonable victim of discrimination with the same protected characteristics, rather than the intent of the individual who engaged in the alleged harassing behavior.

- Clarifying that sexual harassment encompasses not only “sex-based” harassment, but also “gender-based” harassment, which includes discrimination based on an individual’s perceived or actual gender identity and/or gender expression, and gender stereotyping.
- Adding a section on bystander intervention and emphasizing the responsibilities of supervisors and managers to address and prevent sexual harassment. This includes, for example, bystanders intervening and disrupting perceived harassing behavior and managers timely reporting any incidents of alleged harassment that they witness, about which they learn, or about which they have reason to be aware.
- Underscoring that harassment can also occur in remote workplaces.

While employers are not required to implement the NYSDOL model policy, they are required to have policies that comply, in sum and substance, with the requirements of the law.

For More Information

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