

NEW YORK EMPLOYEES MUST CONDUCT SEXUAL HARASSMENT TRAINING ON OR BEFORE OCTOBER 9

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New York Employees Must Conduct Sexual Harassment Training On or Before October 9

By Law Office of Kristine A. Sovo

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A new law requires all New York employers to conduct mandatory sexual harassment training beginning October 9, 2018.

The law requires employers to provide sexual harassment training every year. At a minimum, the training program must:

- Be interactive
- Explain what constitutes sexual harassment
- Provide examples of conduct constituting unlawful sexual harassment
- Provide information on remedies available to victims under federal and state laws concerning sexual harassment
- Provide information on employees' rights and all available forums for adjudicating sexual harassment complaints

By the October 9 deadline, employers must also implement a policy on sexual harassment, which must meet certain minimum requirements outlined in the new law.

The law also contains several other measures to combat sexual harassment, including:

- Effective immediately, expanding the New York State Human Rights Law ("NYSHRL") to provide for employer liability for sexual harassment of non-employees, such as contractors, subcontractors, vendors, consultants or other individuals providing services under a contract in the workplace. This is a significant expansion of the NYSHRL, which previously protected only employees.
- Effective July 11, 2018, prohibiting nondisclosure or confidentiality provisions in agreements that seek to settle claims relating to sexual harassment, unless it is the complaining party who seeks confidentiality and provided that the complaining party has 21 days to consider the nondisclosure provision and 7 days to revoke his/her acceptance of the nondisclosure provision.
- Effective July 11, 2018, prohibiting mandatory arbitration for sexual harassment claims, unless such arbitration clauses are contained in collective bargaining agreements.

New York employers who operate in New York City are also expected to comply with the Stop Sexual Harassment in New York City Act, which was passed by the New York City Council on April 11, 2018 and is expected to be signed by Mayor de Blasio. The law contains its own training requirements aimed at sexual harassment prevention and applies to employers with at least 15 employees.

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