

New York Employers Must Provide Sexual-Harassment Training

Effective October 9, 2018, New York employers will have to provide an interactive forum to satisfy the new law requiring yearly training to prevent sexual harassment. New York employers will likely be able to choose between in-person and computer-based training, as long as it is interactive.

The Training Must Provide

- An explanation of sexual harassment and specific examples of inappropriate conduct
- Detailed information concerning federal, state and local laws and the remedies available to victims of harassment.
- An explanation of employees' external rights of redress and the available administrative and judicial forums for bringing complaints.

Prevention Policy

In addition to providing training, New York employers must adopt a written sexual-harassment prevention policy and distribute it to employees. As with the training, state agencies will provide a model policy that employers may elect to use.

The policy must include:

- A statement prohibiting sexual harassment and providing examples of what constitutes sexual harassment.
- Information about federal and state sexual-harassment laws and the remedies that are available to victims—and a statement that there may be additional local laws on the matter.
- A standard complaint form.
- Procedures for a timely and confidential investigation of complaints that ensures due process for all parties.
- An explanation of employees' external rights of redress and the available administrative and judicial forums for bringing complaints.
- A statement that sexual harassment is a form of employee misconduct and that sanctions will be enforced against those who engage in sexual harassment and against supervisors who knowingly allow such behavior to continue.
- A statement that it is unlawful to retaliate against employees who report sexual harassment or who testify or assist in related proceedings.

NEW YORK CITY

- In addition to the statewide law, employers in New York City with 15 or more employees will have to comply with new citywide harassment-prevention training requirements—including that such training discuss the importance of bystander intervention to stop harassment
- Update existing anti-retaliation policies, as well as other applicable policies, to incorporate the provisions of this law.
- New York City’s law specifically states that training is not required to be live or facilitated by an in-person instructor.
- Managers and supervisors will need to be provided with additional training which must cover:
 - The specific responsibilities that supervisory and managerial employees have when it comes to preventing sexual harassment and retaliation.
 - The measures they may take to appropriately address sexual-harassment complaints.
- Employers must keep training records for at least three years, as well as signed acknowledgement forms from the employees who attended.

HOW WILL PEAR HELP ME, REGARDING THESE CHANGES?

Call your Karen Seibert, Stephanie Rufa or Pamela Clark for more information.

● PEAR HR SOLUTIONS ●
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