MAKING PROGRESS Sexual harassment protections are strengthened in our city and state



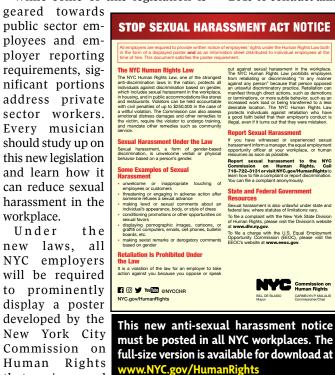
Harvev Mars is counsel to Local 802. Legal questions from members are welcome. E-mail them to HsmLaborLaw@HarveyMarsAttorney. **com**. Harvey Mars's previous articles in this series are archived at www. HarveyMarsAttorney.com. (Click on "Publications & Articles" from the top menu.) Nothing here or in previous articles should be construed as formal legal advice given in the context of an attornev-client relationship.

S MANY READERS remember, the December 2017 issue of Allegro featured a courageous cover story by Local 802 member Camille Thurman, who wrote about overcoming sexual harassment as a female musician. In my own article in that same issue, I wrote about how New York City Law attempts to provide some protections against sexual harassment. In 2005, the New York City Administrative Code was strengthened in this regard, and over the years, favorable judicial decisions have increased its protections.

I am now happy to report further positive developments. New legislation in New York will extend the reach of both the remedies and the protections afforded to workers in New York City and

New York State. Earlier this year, Mayor Bill de Blasio signed into law a package of legislation known as the "Stop Sexual Harassment in NYC Act" (Local Laws 95 and 96), which extends the legal protections afforded to employees far beyond what is available in other states. This progressive law became effective on Sept. 6.

While some of this legislation is



that reviews and highlights what sexual harassment is, what legal remedies there are for it and how an affected employee may pursue those remedies. The poster is required to be displayed in common work areas in both English and Spanish. (The English version is reproduced above.)

workplace.

Under

Further, New York City employers are now required to distribute to all employees a fact sheet detailing the new law, which parallels the information contained in the poster.

The new laws also require employers who have 15 or more employees (including interns, supervisors and managerial employees) as of April 1, 2019 to conduct annual anti-sexual ha-

> rassment training. The training must cover topics such as the definition of sexual harassment and how to bring a sexual harassment complaint both internally and through administrative agencies such as the NYC Commission on Human Rights. While this training is meant to be interactive, it need not be conducted in person by a live instructor. The commission is currently developing an online version.

The training must be conducted on an annual basis for current employees. New employees who work 80 hours a year on a full or part-time basis in New York City must receive training within the first 90 days of their employment. Employers are required to obtain from

each employee a signed acknowledgement that they attended the training. This acknowledgement may be provided electronically. Employers will also be required to maintain documentation and records related to the trainings they have conducted.

Finally the law amends the New York City Human Rights Law to permit claims of gender-based harassment by all employees regardless of how many employees their employer has. Prior to the amendment, the law did not apply to employers that employed less than five employees. The law also extends the statute of limitations for claims of sexual harassment to three years (from the previous one year).

New York State has added a provision to the New York State Human Rights Law prohibiting sexual harassment of non-employees in the workplace, meaning that state law will now prohibit discrimination (including sexual harassment) against "contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplaceor an employee of any of these." Furthermore, as of July 11, New York State prohibits settling sexual harassment cases with non-disclosure agreements (agreements that require the terms and existence of a settlement to be held in confidence) unless the claimant affirmatively prefers non-disclosure.

This new legislation places New York far ahead of other municipalities in its effort to eradicate workplace sexual harassment. It serves as a welcome addition to the panoply of other progressive legislation that New York has sponsored and brought to fruition.