



NEW YORK STATE'S UPDATED SEXUAL HARASSMENT PREVENTION POLICY REQUIREMENTS

The New York State Department of Labor (DOL) has finalized updates to New York State's Sexual Harassment Prevention Model Policy (Updated Model Policy). In addition to promulgating the Updated Model Policy, DOL has also updated the materials and documentation for the required annual training. Employers must review the new Updated Model Policy and procedures to ensure that their current sexual harassment prevention policy and program is compliant with State law.

New Model Sexual Harassment Policy

The original model policy was drafted in 2018 pursuant to New York Labor Law § 201-G, and required all employers, regardless of size, to adopt a sexual harassment prevention policy and provide annual training to its employees. The Updated Model Policy remains generally applicable to all employers in the State, and also greatly expands upon topics previously only mentioned, or wholly omitted, under the old model. As previously discussed in RMF's New York State Department of Labor Issues New Model Sexual Harassment Policy blog post, the 2018 model policy only briefly referenced gender identity. The Updated Model Policy now addresses sexual harassment as it pertains to gender identity, bystander intervention, and remote workers. It also acknowledges that discrimination "can be related to or affected by other identities beyond gender," effectively expanding the Updated Model Policy to all cover all forms of legally protected characteristics in the workplace.

If an employer elects to not use the Updated Model Policy, the employer must ensure that its policy meets or exceeds certain minimum policy standards. The State has also provided employers with access to an optional poster that can be used as a means to direct employees and others to the employer's Sexual Harassment Prevention program information.

Training Standards

New York Labor Law § 201-G also requires that that all employers in the State, regardless of size, conduct interactive sexual harassment training on an annual basis. As part of creating the Updated Model Policy, the State also created new interactive training videos and online resources. These materials are intended to assist employers and employees in understanding the requirements of the Updated Model Policy and complying with the mandatory training requirements. An employer that does not wish to use the model training provided by the State must ensure that their training meets or exceeds certain minimum training standards.

Conclusion

Employers should immediately assess, and update as necessary, their current sexual harassment policies and training programs to ensure compliance with New York State's updated requirements. If you have questions about New York's new Updated Model Policy, the required annual training, or any other employment law related issues, please contact:

Kimberly B. Malerba, Esq.
516.663.6679
kmalerba@rmfpc.com

Nicole E. Osborne, Esq.
516.663.6687
nosborne@rmfpc.com