

**FACT SHEET:**

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## **NEW YORK CITY'S STOP SEXUAL HARASSMENT IN THE WORKPLACE ACT**

On April 11, 2018 New York City passed the “Stop Sexual Harassment in NYC Act,” a package of eleven bills designed to combat sexual harassment within city agencies and private workplaces.<sup>1</sup> This legislation will take effect at various points over the coming months and we will continue to update this fact sheet. For information about recent updates to New York State law regarding sexual harassment, see our New York State fact sheet [here](#).

### **Anti-Sexual Harassment Training Requirements for Private Employers & City Agencies**

*All city agencies, and private employers with 15 or more employees, will be required to conduct annual anti-sexual harassment training for employees. The trainings must meet certain standards described below.*

- **Annual Anti-Sexual Harassment Training for Private Employers (Int. 632-A)**
  - Beginning April 1, 2019, all employers with 15 or more employees must conduct annual anti-sexual harassment training for all employees, including supervisory and managerial employees and interns, who are employed within New York City.
  - The training must take place after 90 days of the employee’s initial hire and must be conducted for employees who work more than 80 hours in a calendar year, including full-time or part-time employees.
  - The training must be interactive, meaning it must be participatory, and must include, but is not limited to:
    - An explanation that sexual harassment is illegal under local, state, and federal law, and examples of behavior that constitutes sexual harassment;
    - Information about any internal complaint processes available through the employer as well as the complaint processes available through the Commission, State Division of Human Rights, or Equal Employment Opportunities Commission;
    - Information about the prohibition against retaliation under New York City law;
    - Information and resources on bystander intervention and how to engage in bystander intervention;
    - Information about the specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures employees can take to address sexual harassment complaints.
  - Employers must keep a record of the trainings for at least three years, including signed employee acknowledgements.

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<sup>1</sup> For text of the various bills see <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=601320&GUID=5B1F9068-B844-4C1E-999A-31CCD7824E21&Options=info&Search=>.

- The law also mandates that the Commission on Human Rights create an interactive training module that employers may use to satisfy the training requirement, provided that employers also inform employees about any internal complaint processes available. Employers are also permitted to conduct more frequent or additional anti-sexual harassment training.
- **Annual Anti-Sexual Harassment Training for City Employees (Int. 612-A)**
  - All employees, including interns, of city agencies and the offices of the borough presidents, comptroller and public advocate, must receive annual anti-sexual harassment training.
  - The training must be interactive, meaning it must be participatory, and must include similar information to that required for private employees (see above).
  - The Department of Citywide Administrative Services is also tasked with keeping a record of the trainings for at least three years and reporting agency compliance to the Mayor and City Council Speaker.
  - This provision will take effect 120 days after the Mayor signs it into law.

### Expanding the Scope of Sexual Harassment Claims under NYC Human Rights Law

*The council also passed several pieces of legislation that will expand the number of employees in the City who may file claims of gender-based harassment as well as the time within which an employee can file a complaint.*

- **Lowering the Employee Threshold for Sexual Harassment Claims (Int. 657-A)**
  - The New York City Human Rights Law prohibition on gender-based discrimination now applies to all employees, regardless of employer size.
    - Prior to this law, only those employees who worked at a workplace with four or more employees were covered by the New York City Human Rights Law.
  - This provision will take effect immediately after the Mayor signs it into law.
- **Extending the Statute of Limitations for Filing a Claim of Gender-Based Harassment with the Commission (Int. 663-A)**
  - The Council extended the statute of limitations for filing a complaint of gender-based harassment with the Commission on Human Rights from one year to three years.
    - The Council also passed a law amending the Commission's policy statement to make explicit that "gender-based harassment threatens the terms, conditions, and privileges of employment." (Int. 660-A)
  - Both of these provisions will take effect immediately after the Mayor signs them into law.

### Increased Access to Information about Sexual Harassment for Employees

*Two of the laws in the package focused on increasing accessibility to information about gender-based harassment, including a requirement that employers display a poster about sexual harassment in the workplace.*

- **Anti-Sexual Harassment Rights and Responsibilities Poster (Int. 630-A)**
  - All employers in New York City will be required to display a poster designed by the Commission in a conspicuous place in the workplace (e.g. breakrooms or common areas) that includes:
    - An explanation that sexual harassment is illegal under local, state, and federal law, and examples of behavior that constitutes sexual harassment;
    - The complaint process available through the Commission, State Division of Human Rights, or Equal Employment Opportunities Commission;
    - The prohibition against retaliation under New York City law.
  - Employers are also required to disseminate to all employees upon hire an information sheet on sexual harassment including, at minimum, the information described above.
  - This provision will take effect 120 days after the Mayor signs it into law.
  
- **Online Access to Information about Sexual Harassment (Int. 614-A)**
  - The City Commission on Human Rights must post simple and understandable information and resources about sexual harassment on its website. The information must include, but is not limited to:
    - An explanation that sexual harassment is illegal under local law, and examples of behavior that constitutes sexual harassment as well as behavior that constitutes retaliation for filing complaints;
    - A list of all the government agencies that accept sexual harassment claims;
    - Education around bystander intervention;
    - An interactive tool describing the Commission's complaint process.
  - This provision will take effect 90 days after the Mayor signs it into law.

## **Contractor Reporting & Increased Research and Reporting on Sexual Harassment within City Agencies**

*One of the new laws requires some additional reporting on the part of city contractors and three of the laws in the Act include requirements on city agencies to more closely collect and assess data related to sexual harassment in the City workplace, including assessing risk factors related to harassment, reporting on the number of complaints filed within city agencies, and surveying employees' knowledge of the City's Equal Employment Opportunity policy.*

- **Expanding Reporting Requirements for City Contractors (Int. 693-A)**
  - City contractors must now include information about their policies, practices, and procedures related to preventing and addressing sexual harassment in the employment report they are required to submit to their contracting agency. The contracting agency must then send the report to the Commissioner of Small Business Services who must then assess if the contractor is in compliance with executive order, local, state, and federal EEO requirements.
  
- **Annual Reporting on Workplace Sexual Harassment in City Agencies (Int. 653-A)**

- City agencies, including the offices of the borough presidents, comptroller, and public advocate must annually report all filed complaints of sexual harassment to the Department of Citywide Administrative Services.
    - Each agency must include information about the number of complaints filed, resolved, substantiated, not substantiated, and closed due to the reporting individual withdrawing the complaint.
      - This includes complaints filed by applicants for jobs or internships, current or former employees, interns, independent contractors, and volunteers.
  - This provision will take effect 180 days after the Mayor signs it into law.
- **Ongoing Assessment of Risk Factors in City Agencies Related to Sexual Harassment (Int. 613-A)**
- City agencies, including the offices of the borough presidents, comptroller, and public advocate must conduct and periodically submit to the Department of Citywide Administrative Services, an ongoing assessment of risk factors associated with sexual harassment at each agency, until January 31, 2022.
  - The risk factors that agencies must assess must include, but are not limited to:
    - The homogeneity and diversity within the workforce;
    - Language differences in the workplace;
    - The power disparities that exist in the workplace;
    - The level of isolation within the workplace;
    - The geographic dispersal or decentralized nature of the workplace.
  - This provision will take effect immediately after the Mayor signs the legislation into law.
- **Climate Surveys within City Agencies (Int. 664-A)**
- The Department of Citywide Administrative Services must develop a climate survey to be made available for dissemination by September 31, 2018 to assess city employees' knowledge of the City's Equal Employment Opportunity policy.
    - The survey is not mandatory for employees and responses will be anonymous.
  - The Department must then analyze the surveys and submit a report to the Mayor and City Council Speaker by February 28, 2019 with the results of the survey.
  - By December 31, 2019, the Department must create an action plan with each agency to identify any issues elucidated in the climate survey and incorporate recommendations from the Department's report. Each action plan must then be reported to the Mayor and City Council Speaker by March 31, 2020.
  - The climate survey must be re-distributed on or before July 31, 2020, with a report due to the Mayor and City Council Speaker by December 31, 2021 and updated action plans due by December 31, 2022.
  - On or before July 31, 2024, the Department must re-distribute the survey and must do so every four years thereafter, with the Department's report due to the Mayor and City Council Speaker by December 31 of the following year (e.g. December 21, 2025).
  - This provision will take effect 90 days after the Mayor signs it into law.