



Preventing Workplace Sexual Harassment **Tough New State Laws Coming**

All employers in New York should be aware that the 2018 enacted New York State budget includes multiple laws intended to stop workplace sexual harassment. The laws include provisions that:

- Prohibit mandatory arbitration clauses for workplace sexual harassment claims, unless part of a collective bargaining agreement.
- Prohibit non-disclosure clauses in settlement agreements for such claims, unless the complainant explicitly prefers there to be one. This requires the complainant to be granted 21 days to accept or reject such a clause, as well as 7 days to revoke consent even after it has been signed.
- Require employers to provide written anti-harassment policies.
- Require employers to train their employees annually about harassment.
- Hold an employer responsible for harassment by contractors and other non-employees providing services to that employer, where the employer or its management knew or should have known about the harassment and failed to act.

The State's [Department of Labor](#) and [Division of Human Rights](#) will jointly develop model harassment prevention policies and employee training programs. Employers must either adopt those models or create similar ones of their own.

While effective dates for these laws vary, employers should immediately begin developing and implementing compliance plans for them to avoid costly investigations and lawsuits down the road. Additionally, bidders for certain state contracts on or after January 1, 2019, will be required to certify their compliance with the written policy and employee training requirements.

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