

New York City Sexual Harassment Law

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Welcome to this special section on sexual harassment prevention, designed specifically for businesses operating in New York City. I'm Karen Cedillos, and in this lesson, we'll be discussing some of the additional protections, requirements, and resources that New York City businesses need to know about.

As you learned earlier in this course about New York State's sexual harassment laws and the regulations created by the Equal Employment Opportunity Commission, sexual harassment includes unwelcome conduct of a sexual nature or directed at an individual because of that individual's sex, with

- A. The purpose or effect of interfering with an individual's work performance or creating an intimidating or offensive work environment;
- B. Such conduct made a term of employment, either explicitly or implicitly; and
- C. One's response to this conduct used as the basis for employment decisions.

Everything you covered in learning about state requirements and regulations still applies for businesses operating in New York City, plus the additional topics we'll be discussing in this lesson above and beyond the state requirements. New York City Human Rights law is one of the strongest anti-discrimination laws in the United States, and it extends these protections to both housing and public accommodations such as stores and restaurants.

Reporting Harassment

Let's talk about some of the options available for you in New York City when you are the victim of sexual harassment. You can refer back to our previous lesson on following company policy for reporting incidents of harassment, as well as an outline of the investigation process. At the state level, you can file a complaint with the New York State Division of Human Rights within three years of the alleged harassment, or you can file with the EEOC within 300 days of the incident. Remember that if you file a complaint with DHR, they will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Now, here in New York City, if you are sexually harassed or discriminated against based on a protected category under the law in New York City, you can report the incident to the New York City Commission on Human Rights. You can file a report by calling (718) 722-3131, or visiting the commission's webpage at www.NYC.gov/HumanRights to fill out an online complaint form. You can file complaints anonymously.

To learn more about the reporting process, go to the Commission on Human Rights' website. There you can find a Complaint Process Flowchart walking you through each step of the Commission's



work investigating acts of discrimination in New York City. A link to this document is provided in your lesson transcript.

Complaint Process – Flowchart: <https://www1.nyc.gov/site/cchr/enforcement/complaint-process-flowchart.page>

Bystander Intervention

Now we're going to approach incidents of sexual harassment from a different direction. What if, instead of being the victim of workplace sexual harassment, you are a witness, a bystander? Victims are often discouraged from speaking out, whether out of fear, shame, or other social stigma. Individual bystanders must learn to recognize and intervene in instances of sexual harassment. Bystanders who take action often play an important role in disrupting sexual harassment and improving the overall work environment.

So what should you do to help prevent harassment as a bystander? Here are five simple steps.

1. Notice the event. Step in and ask if the person needs help.
2. Identify it as an emergency. Don't leave.
3. Take responsibility. Have a buddy system, and let your coworker know if you're worried about them.
4. Decide how to help. Distract the perpetrator so there's time to intervene. And finally,
5. Act to intervene. Find or call a company representative.

For more resources and information about bystander intervention, you can visit www.ihollaback.org.

Retaliation

Next, let's talk about retaliation protections. As discussed earlier, retaliation is any action taken to alter an employee's terms and conditions of employment because that individual engaged in a protected activity. Protected activities are things like making a complaint to a supervisor about harassment, assisting another employee who is complaining of harassment, or providing information during a workplace investigation of harassment.

In New York City, there are additional protections against retaliation. New York City Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Individuals are also protected by law against retaliation for believing, in good faith, that their employer's conduct is illegal, even if it turns out that they were mistaken.

Penalties

Anyone guilty of violating harassment law can be held accountable with civil penalties of up to \$250,000, in the case of a willful violation. The New York City Commission on Human Rights can also assess emotional distress damages and other remedies to victims without limit, can require the violator to undergo training, and can mandate other remedies including community service.



Training, Notices, and Record-Keeping Requirements

Proper training is a key part of sexual harassment prevention. New York City Local Law Employers with 15 or more employees must conduct an interactive anti-sexual harassment training for all employees within the city of New York every year. This requirement includes supervisory and managerial employees. This training is required after 90 days of initial hire for employees working more than 80 hours in a calendar year, on either a full-time or part-time basis.

NYC Local Law 96 of 2018 requires that employers keep a record of all trainings, including a signed employee acknowledgement, for at least three years. These records must be made available for Commission inspection upon request. The signed acknowledgment may be electronic.

Further, employers must post required notices in conspicuous locations accessible to all employees, such as breakrooms and other common areas. Notices may be posted virtually on an electronic bulletin board easily accessible to all employees if a convenient physical location is not available, or if electronic posting is the most effective method of reaching employees. For employers with multiple worksites, the notice must be posted at all sites. For employers with remote workers, you may provide the notice via email. Notices must be posted in both English and Spanish. You can find links to the required notices in your course transcript.

English Notice: https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice-8.5x14.pdf

Spanish Notice:

https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Notice8.5x14_spa-US_FINALVERSION.pdf

