

Client Alert

April 2019

New York City Anti-Sexual Harassment Training Law Takes Effect on April 1, 2019

Today, New York City's anti-sexual harassment training law goes into effect. Under the new law, private employers must provide annual "interactive" sexual harassment training to their entire workforce, including some independent contractors and part-time employees. The NYC law is similar—but not identical—to a recently enacted New York state law mandating sexual harassment training.

The laws are a part of a flurry of legislation enacted in New York City on May 9, 2018, when, in response to the #MeToo movement, Mayor de Blasio signed 11 bills to combat workplace sexual harassment. According to Mayor de Blasio, New York City is "taking action to protect workers against sexual harassment and saying loudly and clearly that anyone who harasses a co-worker will face justice."

Do these laws apply to my business? The state law applies to employers of any size. The city law applies to employers with 15 or more employees in the previous calendar year.

When must we conduct the training? Under the state law, training must be completed by October 9, 2019. Under the city law, training must be completed by March 31, 2020. Thus, NYC employers should aim to complete the training between April 1, 2019, and October 9, 2019, to meet the requirements of both laws.

Will our typical anti-harassment training be sufficient to meet the new requirements? Probably not. Existing harassment training will have to be updated to satisfy state and city requirements, as applicable. This includes, but is not limited to, a discussion of applicable laws, remedies, forums for adjudicating complaints and bystander intervention training. Moreover, one of the key components is that the training must be "interactive." A presentation—live or online—without participation from the trainees will not suffice under either law.

What should city employers do to satisfy both laws? City employers should develop a single training that meets the requirements of both the city and state laws.

I am an employer based in New York City, but also have employees who only work outside of the city. Do they also need to be trained? Employees who work or will work in New York City need to be trained. Additionally, if an individual works a portion of their time in New York City or interacts with employees in New York City, even if they're based elsewhere, then he/she must be trained.

How often must employees receive this training? Annually.

Is there a recordkeeping requirement? Yes, under the city law, a record of all trainings, including a signed employee acknowledgment, must be retained for three years. The state law does not have a recordkeeping requirement, but we strongly recommend that employers keep similar records.

Are there any other requirements that we should be aware of? Yes. More details to specific state and city requirements are located [here](#).

Please feel free to contact the firm for assistance with implementing legally compliant training and employment policies.

Contacts

Ryan M. Bates
rbates@HuntonAK.com

Amber M. Rogers
arogers@HuntonAK.com