



new york state provides model sexual harassment prevention materials for employers

MSK Client Alert

October 11, 2018

Following its passage of new laws requiring that all New York State employers provide annual sexual harassment prevention training and implement sexual harassment prevention policies, effective on October 9, 2018, New York State has now published final versions of compliance materials for employers on a dedicated website, which includes: (1) a model sexual harassment policy; (2) model training materials; (3) a model complaint form; (4) Frequently Asked Questions ("FAQs") relating to the model materials and new laws; and (5) lists of minimum standards for sexual harassment policies and trainings for employers who wish to prepare their own.

Model Sexual Harassment Prevention Policy:

Employers may choose to distribute the model sexual harassment policy posted to the New York State website, or modify an existing written policy to meet or exceed the State's minimum standards. To meet the minimum standards, the policy must:

- Prohibit sexual harassment consistent with guidance issued by state agencies;
- Provide examples of prohibited conduct that would constitute unlawful harassment;
- Include information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws;
- Include reference to a complaint form;
- Include a procedure for the timely and confidential investigation of complaints that ensures due process for all parties;

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- Inform employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially;
- Clearly state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue; and
- Clearly state that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful.

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