

Publications

Labor and Employment Alert: New York Issues Its Model Sexual Harassment Policy and Training

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CLIENT ALERT | 10.2.2018

As we [previously reported](#), New York State recently enacted expansive changes to its sexual harassment law. In brief, the new law:

- Prohibits employers from using a mandatory arbitration provision in an employment contract in relation to sexual harassment;
- Requires that nondisclosure agreements can only be used when the condition of confidentiality is the explicit preference of the victim; and
- Amends the Human Rights Law to protect contractors, subcontractors, vendors, consultants, or others providing services in the workplace from sexual harassment in the workplace.
- Establishes minimum standards for sexual harassment prevention policies and sexual harassment training. All employers operating in New York State must either adopt and use the State's model policy and training as-is or use the models as a basis to establish their own policy and training.

On October 1, 2018, the state released its model training and policy materials, which include a model sexual harassment policy, a model complaint form, a model training program (with both a script and PowerPoint presentation), [sexual harassment prevention toolkit](#) for employers (with hyperlinks to policies and FAQs), and a sexual harassment prevention policy poster. Additionally, the State has listed the minimum standards for sexual harassment prevention policies and training. All of this information is available on the state's [website](#).

The law requires all employers to adopt and provide a copy of their sexual harassment prevention policy to all employees **by October 9, 2018**. Employers must adopt the state's sexual harassment prevention policy or use a similar policy that meet or exceeds the law's minimum standards.

Employers also must begin to provide sexual harassment training to their employees and can use either the state's model training or their own – substantially similar – training. All employees working in New

York State must receive sexual harassment training by or before October 9, 2019. Contact your Vorys lawyer if you have questions about New York's new requirements or workplace training in general.