

# LABOR & EMPLOYMENT ALERT

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## **IS YOUR COMPANY IN COMPLIANCE WITH NEW YORK STATE'S NEW WORKPLACE SEXUAL HARASSMENT PREVENTION POLICY?**

New York State's Department of Labor (DOL) and Division of Human Rights (DHR) recently [issued final guidance](#) regarding the state's broad new sexual harassment prevention policy and training requirements.

*Note that the state has made a number of significant modifications to the draft model prevention policy and training materials that it released in August of 2018.*

As of October 9, 2018, every employer in the state is required to adopt and distribute a written sexual harassment prevention policy that meets or exceeds DOL's minimum standards. And by October 9, 2019, employers must train all employees on the sexual harassment prevention policy, and provide training thereafter on an annual basis.

While the state is offering a model policy and training program, employers should consider their own specific needs and circumstances before adopting the materials as-is.

New York State's new law extends beyond requiring employers to implement a sexual harassment prevention policy and training program. The new law covers independent contractors and other non-employees who provide services in the workplace; limits the use of "non-disclosure agreements" to settle claims of sexual harassment; and prohibits inclusion of mandatory arbitration clauses in new employment contracts to resolve claims of sexual harassment, with certain limited exceptions.

**For more information on complying with New York's new laws regarding preventing sexual harassment in the workplace or any other employment law-related matters, please contact any of the attorneys below at (518) 436-0751 or via e-mail:**

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