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Governor Cuomo Signs New York State Budget Anti-Harassment Provisions Into Law

Law and the Workplace Blog on **April 13, 2018**

On April 12, 2018, New York Governor Andrew Cuomo signed into law the New York State budget, which, as we previously reported, includes several significant measures directed at both private and government employers regarding sexual harassment in the workplace.

The signing of the budget bills triggers the countdown to the effective dates of the various provisions, as follows:

- Effective immediately – Expanded protections against sexual harassment under the New York State Human Rights Law to "non-employees," including contractors, subcontractors, vendors, consultants, and other persons providing services pursuant to a contract.
- Effective July 11, 2018 – Prohibitions on the use of nondisclosure clauses in settlements or agreements relating to claims of sexual harassment, unless the condition of confidentiality is the preference of the complainant, as well as prohibitions on mandatory arbitration clauses for claims of workplace sexual harassment.
- Effective October 9, 2018 – Mandatory distribution of written anti-harassment policies in the workplace and annual anti-harassment training for all employees, both based on models to be developed and published by the New York State Department of Labor and Division of Human Rights.
- Effective January 1, 2019 – Requirement that bids on certain state contracts contain language affirming that the bidding entity has implemented a written policy addressing sexual harassment in the workplace and that it provides annual sexual harassment preventing training to all of its employees.

We will continue to report on any further developments with regard to these noteworthy new provisions.

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Related Professionals

- **Allan S. Bloom**
  Partner
- **Laura M. Fant**
  Special Employment Law Counsel