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Mayor de Blasio Signs Stop Sexual Harassment in NYC Act Into Law

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On May 9, 2018, New York City Mayor Bill de Blasio signed into law the Stop Sexual Harassment in NYC Act (the "Act"), which, as we previously reported, is a package of bills aimed at addressing and preventing sexual harassment in the workplace.

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

- Effective immediately – The New York City Human Rights Law ("NYCHRL") is amended to permit claims of gender-based harassment by all employees, regardless of the size of the employer. Previously, the anti-discrimination provisions of the NYCHRL apply only to employers with four or more employees. In addition, the statute of limitations for filing complaints with the NYC Commission on Human Rights ("City Commission") of "claim[s] of gender-based harassment" under the NYCHRL is extended from one year to three years after the alleged harassing conduct occurred.
- Effective July 8, 2018 – City contractors will be required to include their practices, policies, and procedures "relating to preventing and addressing sexual harassment" as part of an existing report required for certain contracts pursuant to the City Charter and corresponding rules.
- Effective September 6, 2018 – Employers will be required to conspicuously display an anti-sexual harassment rights and responsibilities poster and distribute an information sheet on sexual harassment to new hires, both of which will be promulgated by the City Commission.
- Effective April 1, 2019 – Employers with 15 or more employees (including interns) will be required to conduct annual anti-sexual harassment training for all employees, including supervisory and managerial employees. As discussed in our previous posts, the required training must be "interactive" (though it need not be live or conducted in-person) and must cover a number of topics, including definitions and examples of sexual harassment, education on bystander intervention, and explanations of how to bring complaints both internally and with the applicable federal, state and city administrative agencies. The City Commission

will be required to develop publicly available online sexual harassment training modules for employers' use, the use of which will satisfy the requirements of the Act so long as the employer supplements the module with information about the employer's own internal complaint process to address sexual harassment claims.

New York City employers should also take note of the recently signed New York State budget, which includes several significant mandates aimed at addressing sexual harassment in the workplace, including a statewide requirement for annual sexual harassment training. To the extent that the requirements under the state and city laws overlap, NYC employers must ensure they are meeting the requirements of both laws.

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

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