

New York State Releases Sexual Harassment Prevention Training Videos

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As we [have previously reported](#), New York State has recently enacted several significant measures regarding sexual harassment in the workplace. Effective October 9, 2018, all New York State employers are required to adopt written sexual harassment prevention policies and institute annual anti-harassment training for employees. According to the [final guidance](#) issued by the State, all New York employees must complete sexual harassment prevention training that meets or exceeds the [minimum standards](#) under the law by no later than **October 9, 2019**, after which training must be provided on an annual basis. Also, new employees should complete training as soon as possible after their start date.

To satisfy the training requirements, employers may either: (1) adopt the State's model training [script](#), [slides](#) and/or [case studies](#); or (2) provide other live training or interactive online/video training that meets or exceeds the law's minimum standards. To that end, the State has recently published two sexual harassment prevention training videos, which are available for download or viewing on YouTube and which track the State's model training script, slides and case studies. Each video runs approximately 20 minutes.

The [first video](#) includes explanations regarding: (1) what constitutes sexual harassment and sex stereotyping; (2) individuals and conduct covered by the law; (3) retaliation; (4) the responsibilities for supervisors and managers, including the duty to report any harassing (or suspected harassing) behavior; (5) the investigation procedure and possible corrective action; (6) external remedies and legal protections; and (7) an overview of other forms of harassment based on other protected characteristics under federal and state law. The [second video](#) presents the State's model case studies and poses "true or false" questions to employees about topics relating to sexual harassment in the workplace, along with explanations about the correct answer and the reasoning behind the answer.

Importantly, utilizing the training videos alone will not satisfy the law’s “interactivity” requirements for sexual harassment training. If an employer is using the State’s videos to satisfy its training requirements, it must also: (i) ask questions of employees as part of the program; (ii) accommodate questions asked by employees, with answers provided in a timely manner; or (iii) require feedback from employees about the training and the materials presented. The State has also advised employers to be prepared to address questions raised by employees that are specific to their industry, questions about how the organization’s reporting process works, and how hypothetical cases would be handled.

In addition to the new training videos, the State has also released a [webinar](#) for employers that provides an overview of the recent changes in the law. The 8-minute video summarizes the requirements with respect to implementing sexual harassment prevention policies and training (including a review of the minimum requirements for compliance), and provides information regarding the State’s website and model documents. If using the State’s model training materials, the video suggests that such materials be modified to reflect the policies and practices of the particular employer and/or industry.

As always, Proskauer attorneys are standing by to provide guidance and answer questions you may have regarding these requirements.

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