

STATE HARASSMENT PREVENTION TRAINING REQUIREMENTS

Effective Date: October 9, 2020

Covered Employers	All employers with New York-based employees
Covered Employees	All employees
Notice/Policy	<p>Under state law, all employers in the State of New York are required to:</p> <ul style="list-style-type: none"> • Adopt a written sexual harassment prevention policy; and • Distribute the written policy to employees both at hire and again every year when training is provided. <p>To comply with the law’s written policy and training requirements, employers may adopt the model policy issued by New York State’s Department of Labor (NYDOL) or their own policies; at minimum, the law requires an employer’s written policy to include:</p> <ul style="list-style-type: none"> • A statement that sexual harassment is prohibited and examples of prohibited conduct that would constitute unlawful sexual harassment; • Information about federal and state statutory provisions relating to sexual harassment and remedies available to victims of sexual harassment, along with a statement that there may be applicable local laws; • A standard complaint form; • A procedure for timely and confidential investigation of complaints that ensures due process for all parties; • Information about employees’ rights of redress and all available forums for adjudicating complaints; • A clear statement that sexual harassment is a form of employee misconduct and that sanctions will be enforced against both those who engage in sexual harassment and any supervisory and managerial personnel who knowingly allow it to continue; and • A clear statement that retaliation against individuals who complain of sexual harassment or who testify or assist in any proceeding under the law is unlawful.
Timing/Frequency	<ul style="list-style-type: none"> • Employers must provide sexual harassment prevention training to each new employee as quickly as possible after hire. • Employers must also provide written copies of the training program information (in both English and the employee’s primary language) to each employee both at hire and again every year.
Type of Training	<p>The training may be presented to employees individually or in groups, in person, via phone or online, or via webinar or recorded presentation as long as the employer’s training program is “interactive” and includes:</p> <ul style="list-style-type: none"> • An explanation of sexual harassment and examples of conduct that would be unlawful; • Information about federal and state statutory provisions relating to sexual harassment and remedies available to victims; • Information about employees’ rights of redress and all available forums for adjudicating sexual harassment complaints; and • Information about conduct by supervisors and additional responsibilities for supervisory personnel. <p>The New York Department of Labor’s (NYDOL’s) model training program defines the term “interactive” as requiring some level of feedback by those being trained. While having a live trainer is a best practice, in-person training is not required.</p>
Training Content	<p>The training program must include:</p> <ol style="list-style-type: none"> 1. An explanation of sexual harassment with guidance issued by the DOL in consultation with the Division of Human Rights; 2. Information concerning the federal and state statutory provisions that would constitute unlawful sexual harassment; 3. Examples of conduct that would constitute unlawful sexual harassment; 4. Information concerning employees’ rights of remedies and all available forums for adjudicating complaints; and 5. Information addressing conduct by supervisors and any additional responsibilities of such supervisors.
Record-Keeping	No requirements
Additional Resources	For more information, please visit the New York State Department of Labor (NYDOL) website or the New York State Human Rights Division website . To learn more about HR Knowledge’s Turn-Key Sexual Harassment Prevention Solution, please contact us at info@hrknowledge.com.