

## NY Employers: Mandatory Sexual Harassment Prevention Policy and Training

**May 31, 2019**

Effective October 9, 2018, New York Labor Law § 201-G requires all New York state employers—including nonprofit organizations—to maintain a sexual harassment prevention policy and conduct an interactive sexual harassment prevention training program that meets certain minimum standards set forth in models provided by the Department of Labor. Employers may adopt the models promulgated by the Department, or establish a sexual harassment prevention policy and training program that equals or exceeds the minimum standards provided by such models.

Under the new law, the model sexual harassment prevention policy shall, among other things,

- prohibit sexual harassment consistent with guidance issued by the Department of Labor;
- provide examples of prohibited conduct that would constitute unlawful sexual harassment;
- include information about applicable law concerning sexual harassment and remedies available to victims;
- include a standard complaint form and procedure for investigation of complaints;
- clearly state that sanctions will be enforced against both perpetrators and supervisory personnel who knowingly allow sexual harassment to continue; and
- clearly state that retaliation against a complainant or individuals that assist in any proceeding under the law is unlawful.

In addition, the model sexual harassment prevention training program shall be interactive (though the term is not defined) and include, among other things,

- an explanation of sexual harassment consistent with guidance issued by the Department of Labor;
- examples of conduct that would constitute unlawful sexual harassment;
- information concerning applicable law, remedies available to victims, and employees' rights of redress; and
- information addressing conduct by supervisors and any additional responsibilities for such supervisors.

The sexual harassment prevention policy must be provided to all employees in writing, and sexual harassment prevention training must be provided to all employees on an annual basis.

The Department of Labor has released a model policy that employers may utilize in their adoption of a sexual harassment prevention policy required under the new law (available [here](#)), as well as a model sexual harassment prevention training program (available [here](#)).

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