

STOP SEXUAL HARASSMENT ACT NOTICE

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the poster requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, require the violator to undergo training, and mandate other remedies such as community service.

Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak

out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 718-722-3131 or visit NYC.gov/HumanRights to learn how to file a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law, where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.

AVISO SOBRE LA LEY PARA DETENER EL ACOSO SEXUAL

Todos los empleadores deben proporcionar un aviso por escrito sobre los derechos de los empleados de conformidad con la Ley de Derechos Humanos de la Ciudad de Nueva York mediante un afiche exhibido y una hoja de información distribuida a cada empleado en el momento de la contratación. Este documento cumple con el requisito del afiche.

La Ley de Derechos Humanos de la Ciudad de Nueva York

La Ley de Derechos Humanos de la Ciudad de Nueva York, una de las leyes más rigurosas contra la discriminación del país, protege a todas las personas contra la discriminación debido al género, lo que incluye el acoso sexual en el lugar de trabajo, la vivienda y espacios públicos, como tiendas y restaurantes. Quienes infrinjan esta ley pueden ser responsables de sanciones civiles de hasta \$250,000 en el caso de una infracción intencionada. La Comisión también puede evaluar concederle a la víctima una indemnización por daños y perjuicios debido a angustia emocional y otros recursos, exigirle al infractor asistir a una capacitación y ordenar otras medidas, como servicio comunitario.

El acoso sexual según la ley

El acoso sexual, una forma de discriminación en función del género, es el comportamiento físico o verbal no deseado en relación con el género de una persona.

Algunos ejemplos de acoso sexual

- Tocar a los empleados o clientes de manera inapropiada.
- Amenazar o actuar de manera adversa luego de que una persona rechaza una insinuación sexual.
- Hacer comentarios lascivos o sexuales sobre el aspecto, cuerpo o la forma de vestir de una persona.
- Condicionar ascensos u otras oportunidades en función de favores sexuales.
- Mostrar imágenes, dibujos o grafitis pornográficos en computadoras, correos electrónicos, teléfonos celulares, tableros de anuncios, etc.
- Hacer comentarios sexistas o despectivos en función del género.

La ley prohíbe las represalias

Es contrario a la ley que un empleador tome medidas en su contra por oponerse o expresarse en contra del acoso sexual en el lugar de trabajo. La Ley de Derechos Humanos de la Ciudad de Nueva York prohíbe a los empleadores tomar represalias o discriminar “de cualquier forma a una persona” por oponerse a una práctica discriminatoria ilegal. Las represalias pueden manifestarse a través de acciones directas, como descensos o despidos, o a través de comportamientos más sutiles, como un aumento en la carga de trabajo o la transferencia a un lugar menos deseable. La Ley de Derechos Humanos de la Ciudad de Nueva York protege contra las represalias a las personas que creen de buena fe que el comportamiento de su empleador es ilegal, incluso si resultan estar equivocadas.

Denuncie el acoso sexual

Si cree que es víctima de acoso sexual, infórmele lo antes posible a un gerente, al representante de igualdad de oportunidades laborales de su lugar de trabajo o al Departamento de Recursos Humanos.

Denuncie el acoso sexual ante la Comisión de Derechos Humanos de la Ciudad de Nueva York. Llame al 718-722-3131 o visite NYC.gov/HumanRights para saber cómo presentar una queja o denunciar un acto de discriminación. Usted puede presentar una queja de forma anónima.

Recursos del gobierno estatal y federal

El acoso sexual también es ilegal en virtud de la ley estatal y federal.

Para presentar una queja ante la División de Derechos Humanos del Estado de Nueva York, visite el sitio web de la División en **www.dhr.ny.gov**.

Para presentar cargos ante la Comisión para la Igualdad de Oportunidades en el Empleo (EEOC)

STOP SEXUAL HARASSMENT ACT FACTSHEET

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Engage PEO Client Alert:

New York State/City: Harassment Training Requirements

Starting on October 9, 2018, private employers in New York will be required to provide annual sexual harassment training to employees. New York City (NYC) also has a similar requirement, which goes into effect on April 1, 2019. Both the state and city have committed to provide training modules to assist with compliance.

As part of our HR services, Engage will offer this training to your teams on an annual basis. To schedule your training, please work directly with your Engage HR Consultant.

Learn more about the new laws, below.

New York City Law

All NYC employers

The new law makes it illegal for any employer - regardless of size/number of employees - to harass an employee based on gender.

A poster has been created by the City and must be conspicuously displayed in a common area by September 6, 2018. Download the *Stop Sexual Harassment Act Notice* [here](#).

In addition, **new hires must also receive a factsheet by the same date.** Download the *Stop Sexual Harassment Act Factsheet*, [here](#). (Same content as the poster except for the title).

NYC employers with 15 or more employees:

Beginning on April 1, 2019, NYC employers who have at least 15 employees will be required to provide annual sexual harassment training for all employees, which includes interns and management employees. The training for managers must also highlight their specific responsibilities.

All new hires must receive the training within 90 days of their initial hire date. Employees who work at least 80 hours a year on a full or part time basis must receive the training.

The law also requires that employers keep a record of all trainings including acknowledgments signed by the attendees; this coincides with best practice.

Importantly, the statute of limitations for claims of gender-based harassment under the NYC Human Rights Law has been extended from one (1) year to three (3) years.

As a reminder, to combat discrimination against protected groups, NYC has also made it illegal to ask

about an applicant's salary history during the hiring process. An employer can ask an employee what salary they desire, but not about their previous salary. **The Engage Employment Application Form is compliant and can be downloaded [here](#).**

New York State Law

New York State has created a similar mandate beginning October 9, 2018 which will require annual training for all employees. It is also recommended that employers redistribute their harassment policies and have employees acknowledge these important policies again at that time.

The New York law makes clear that it now covers all individuals in the workplace from sexual harassment, including contractors, vendors, consultants or others who provide services pursuant to a contract in the workplace. Employers may face liability if the employer knew or should have known the person was being sexually harassed in the employer's workplace and did not take appropriate action to correct and remedy it.

An important update to the law includes settlements and agreements. These can no longer include a non-disclosure clause relating to claims of sexual harassment unless the individual is afforded a consideration and revocation period.

If an employer includes a non-disclosure clause in a settlement or other agreement:

1. All parties must be provided with the terms
2. The employee must have 21 days to review and consider the non-disclosure conditions, and
3. The person must also be allowed a seven (7) day revocation period after signing the agreement.

This applies to all agreements regardless of whether they are made as part of or in anticipation of litigation. Mandatory arbitration clauses will also be prohibited for litigation under this specific law.

If you have any questions, please contact your Engage HR Consultant.