

# Client Alert

April 2019

## New York City Sexual Harassment Law Takes Effect

On April 1, 2019, Local Law 96–New York City’s “Stop Sexual Harassment in NYC” Act—took effect. It requires that NYC employers with 15 or more employees (which includes independent contractors) conduct anti-sexual harassment training to all employees on an annual basis and maintain signed acknowledgments from those who attended. While the city has created web-based training which can be provided to [employees](#), employers can tailor their own training, as long as it covers the following topics:

- An explanation of sexual harassment as a form of unlawful discrimination under local law;
- A statement that sexual harassment is also a form of unlawful discrimination under state and federal law;
- A description of what sexual harassment is, using examples;
- Any internal complaint process available to employees through their employer to address sexual harassment claims;
- The complaint process available through the New York City Commission on Human Rights, the New York State Division of Human Rights and the United States Equal Employment Opportunity Commission (EEOC), including contact information;
- The prohibition on retaliation, including examples;
- Information concerning bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention; and
- The specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures that such employees may take to appropriately address sexual harassment complaints.

### attorney

Michael J. Passarella  
mpassarella@olshanlaw.com  
212.451.2322

### practice

Employment Practices

On October 9, 2018, New York State's own sexual harassment law, also with an annual (but slightly different) training requirement, went into [effect](#). The training to fulfill the New York State requirement must include an interactive component, which cannot be satisfied solely through watching a web-based or video presentation. It also must address the additional responsibilities and obligations of supervisors.

Nationally, the EEOC has released preliminary data on fiscal year 2018. The data showed that sexual harassment lawsuits filed by the EEOC increased more than 50% and sexual harassment charges increased more than 12%. Given the uptick in litigation, the increased focus of sexual harassment generally, the greater effectiveness of live training, and the differing requirements of the state and city laws, we recommend that employers provide one live training to meet the requirements of both the city and state laws. If one training is provided, it should take place prior to October 9, 2019 to fall within the twelve-month period of each effective date.

Olshan Frome Wolosky LLP can assist employers with compliance under each law and conduct or review customized training. For more information, please contact the Olshan attorney with whom you regularly work or the attorney listed on the left.

[attorney](#)

Michael J. Passarella  
mpassarella@olshanlaw.com  
212.451.2322

[practice](#)

Employment Practices

This publication is issued by Olshan Frome Wolosky LLP for informational purposes only and does not constitute legal advice or establish an attorney-client relationship. In some jurisdictions, this publication may be considered attorney advertising.

Copyright © 2019 Olshan Frome Wolosky LLP. All Rights Reserved.