



PROTECT

Training to reduce workplace risk.



PROTECT | NYS Sexual Harassment Prevention Compliance Checklist:

Critical Date | October 9, 2019: New York State requires that all employees complete initial sexual harassment prevention training. Employees must then complete the training on an annual basis.

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes reference to an official complaint form along with where it can be found for employees to report alleged incidents of sexual harassment. An employer that does not adopt the model policy must ensure that the policy that they adopt meets or exceeds the following minimum standards.

Policy Requirements Checklist: This is a checklist of the information, rules, definitions and procedures your policy must cover.

Policy Requirement	Yes	No
Prohibit sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights		
Provide examples of prohibited conduct that would constitute unlawful sexual harassment		
Include information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws		
Include a complaint form		
Include a procedure for the timely and confidential investigation of complaints that ensures due process for all parties		
Inform employees of their rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially		
Clearly state that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue		
Clearly state that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful		
Included complaint form in policy manual		

To assist you with compliance, the following information can be found at <https://www.nysra.org/servsafe-sexual-harassment-prevention-ny.html> :

1. Sample Policy Manual
2. Sample Complaint Form
3. Sexual Harassment Prevention Poster (English & Spanish)
4. Sexual Harassment Prevention Fact Sheet

Training Requirements Checklist: This is a checklist of items that must be found in the training offered to employees.

Every employer in New York State is required to provide employees with sexual harassment prevention training. An employer that does not use the model training developed by the Department of Labor and Division of Human Rights must ensure that the training that they use meets or exceeds the following minimum standards.

Training Requirement	Yes	No
Be interactive (allow employees to ask questions during the training, or the training asks the employees questions)		
Include an explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights		
Include examples of conduct that would constitute unlawful sexual harassment		
Include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment		
Include information concerning employees' rights of redress and all available forums for adjudicating complaints		
Include information addressing conduct by supervisors and any additional responsibilities for such supervisors		

ServSafe Workplace: Sexual Harassment Prevention, New York meets all training requirements outlined above. NYSRA members receive a 15% discount on ServSafe training.

Each employee must receive training by October 9, 2019. Training must be done on an annual basis.

NEW Additional Statewide Requirements:

Every employer in New York will be required to provide employees with a notice containing the employer's sexual harassment prevention policy **at the time of hiring and at every annual sexual harassment prevention training**. The notice also must reiterate the information presented at the employer-provided sexual harassment training program in both English and each employee's primary language.

Additional NYC-Specific Requirements:

- Under **Local Law 96 of 2018**, employers with 15 or more employees are required to conduct annual anti-sexual harassment training for all employees.
- Under **Local Law 95 of 2018**, all employers in the City are required to conspicuously display anti-sexual harassment rights and responsibilities **notices** in both English (**Legal size, Letter size**) and Spanish (**Legal size, Letter size**) and distribute a **factsheet** to individual employees at the time of hire which may be included in an employee handbook.
- **NYC Local Law 96 (2018)** requires that employers keep a record of all trainings for at least three years. Such records must be made available for Commission inspection upon request. This record may be a certificate or a signed employee acknowledgement. The records may be paper or electronic.