

### Introduction

New York State is a national leader in the fight against sexual harassment and is partnering with employers across the state to further our commitment to ending sexual harassment in the workplace.

This toolkit will provide you step-by-step guidance to implementing the required training and sexual harassment prevention policy, directing you to resources available through New York State and the relevant state agencies.

These resources are available on the State's Combating Sexual Harassment in the Workplace website: [www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace)

### What's in this Toolkit?

1. Employer Requirement Checklist
2. Sexual Harassment Minimum Policy Standards
3. Employer Step by Step Guide to Adopting Prevention Policy
4. Sexual Harassment Training Standards
5. Step-by-Step Guide to Instituting Annual Employee Training

### Employer Requirement Checklist:

All employers must provide:

- Sexual harassment & workplace discrimination prevention policy
- Annual sexual harassment and discrimination prevention training
- Copy of sexual harassment policy to employees\*
  - One copy must be provided on paper or by email at the time of hiring
  - A second copy must be provided every year at the annual sexual harassment training

\*Please note, you must provide employees with this notice, policy, and training information in English **and** in an employee's primary language if the language is Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali, French, Urdu or Italian. Starting May 31, 2023, the policy will also need to be provided in Japanese, Hindi, Albanian and Greek if that is the employee's primary language. Model templates in all these languages are available on New York State's Combating Sexual Harassment in the Workplace website: [www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace)

## **Sexual Harassment Prevention Policy: Minimum Standards Checklist**

New York State passed legislation that included minimum standards for any policy related to sexual harassment and discrimination. The New York State Department of Labor (NYSDOL) and State Division of Human Rights (NYS DHR) have developed a model policy (available at <https://www.ny.gov/programs/combating-sexual-harassment-workplace>) that meets these requirements.

An employer that does not wish to use the state model policy must ensure their policy meets or exceeds the following minimum standards:

- Prohibit sexual harassment consistent with guidance issued by NYSDOL in consultation with NYS DHR;
- Provide examples of prohibited conduct;
- 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 a fair experience 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; and
- 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;
- Be provided to employees, in writing, at the time of hiring and at every annual training; and
- Be provided in English and in an employee's primary language if it is Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali, Italian, French or Urdu. Model templates are available online. By May 31, 2023, Japanese, Hindi, Albanian and Greek must also be provided.

## **Employer Step By Step Guide:**

### **Step One: Adopt a Prevention Policy**

Employers may adopt the State's model policy, or adopt a policy of their own creation, as long as it meets the State's minimum standards.

If you wish to adopt the State's model policy::

- Download the model policy at [www.ny.gov/programs/combating-sexual-harassment-workplace](http://www.ny.gov/programs/combating-sexual-harassment-workplace). The model policy is available as a Word document making it possible for employers to personalize the text.
- The model policy contains fields to personalize with your business name. Wherever **[Employer Name]** appears in the model policy, delete the highlighted text and replace it with the name of your business or organization.
- Wherever you see **[name of appropriate person]**, delete the highlighted text and replace it with the name of the staff member in charge of receiving sexual harassment complaints, for example a Human Resources Director or Equal Employment Officer.
  - If you are a small organization without a designated HR staff person, you are encouraged to list the manager or leader of the organization.
  - You may also simply list "your manager" or "your supervisor" if you wish to delegate reporting amongst leadership.
- Modify the policy with business branding/logos, if desired.
- Modify the policy to reflect the work of your organization. An important way to do this would be to include examples of harassment or retaliation that are specific to your industry.
- Do NOT delete anything from the policy. The model policy is meant to be a minimum standard.
- Distribute the policy to all employees in person or electronically.
- Post a copy of the policy where employees can easily access it either in the office or online.
- Employers are encouraged to have employees acknowledge receipt of the policy.
- Employers are also encouraged to provide the policy and training to non-employees providing services in the workplace.

If you already have a policy and do NOT want to adopt the State's model policy:

- Use the checklist on page 2 of this toolkit to ensure your model policy meets New York State's minimum standards
- Ensure your complaint form is up-to-date and included in the policy.
  - If you do not have a complaint form, there is a model New York State complaint form available.
- Review online FAQ for Employers.

**Step 2: Distribute Policy to Employees**

Employers are required to provide employees with a copy of their sexual harassment prevention policy when an employee is hired and again every year as part of the annual sexual harassment prevention training.

- Include a copy of the sexual harassment prevention policy in onboarding materials. Policy can be provided in print or electronically via email.
  - Employers are encouraged to have employees acknowledge receipt of the policy.
- Post policy in a place where employees can easily access it, such as physically in a common space and/or electronically on an organization's shared network.
- Employers are encouraged to share the policy and training with non-employees providing services in the workplace.

**Step 3: Adopt an Annual Sexual Harassment Training Method**

All employers are required to provide a sexual harassment prevention training. Employees must complete this training at least once per year. This may be based on a calendar year, anniversary of each employee's start date, or any other date the employer chooses. There is no deadline by which new employees need to be trained by, but employees should be trained as quickly as possible.

If you already have a training and do NOT wish to use the State's model training:

- Use the checklist on page 6 of this toolkit to ensure your training meets or exceeds the required minimum standards.
- If it does not, update the training to include all listed elements.

- As an alternative, you may provide a supplemental training with the missing elements to ensure all employees are receiving a training that meets the minimum requirements.

If you want to adopt the State's model training:

- Determine how you would like to administer the annual training. There are two options available on the New York State Combatting Sexual Harassment website:
  - Option 1: Employees may take the training online on an individual basis.
  - Option 2: Employers may present the training with a model slide deck and script to employees in a group setting.
  - Please see page 7 for more details
- For those pursuing providing the training in person, customize the training documents and modify them to reflect the work of your organization, including industry specific scenarios or best practices. The training should detail any internal process employees are encouraged to use to complain and include the contact information for the specific name(s) and/or office(s) with which employees alleging harassment should file their complaints.

**Step 4: Provide Training Annually:**

Every employee must receive sexual harassment training annually. Please follow guidance on page 7 regarding how to present training annually.

During this annual training, employers **MUST** also provide employees a notice that contains:

- The employer's sexual harassment policy
- A copy of the information presented at the sexual harassment prevention training

Employers must provide employees with this notice, policy, and training information in English AND in an employee's primary language if it is Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali, French, Urdu, or Italian. As of May 31, 2023, these languages will expand to include Hindi, Albanian, Japanese, and Greek. Model templates are available on the New York State Combatting Sexual Harassment website.

## **Sexual Harassment Training: Minimum Standards Checklist**

An employer does not have to use the New York State model training developed by NYSDOL and NYS DHR. If an employer decides to use a different training, they must ensure the training meets or exceeds the minimum standards below.

### **The training **must**:**

- Be interactive
- Include an explanation of sexual harassment consistent with the guidance issued by NYSDOL in consultation with NYS DHR;
- Include examples of unlawful sexual harassment;
- Include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to targets of sexual harassment;
- Include information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- Include information addressing conduct by supervisors and additional responsibilities for supervisors.

## **Training Guidance Chose your Own Adventure:**

There are two ways an employer can decide to execute the annual sexual harassment training using the model training materials provided by NYSDOL and NYS DHR.

### **In-Person Group Training**

This training can be provided in person or online through a virtual meeting platform

- Download model training slide deck [on](#) the New York State Combating Sexual Harassment webpage.
- Download model training script that accompanies slide deck.
- Personalize training script and slide deck to include company name as well as any additional organization specific information.
- Using the script, present the slide deck to employees.
- Employers are encouraged to keep a record of those employees that attended training.
- Training should happen annually during normal working hours.

### **Individual Training:**

- Provide employees the link to online model training found on the New York State Combating Sexual Harassment website.
- Provide employees the link to the fillable PDF answer sheet which accompanies the video. The answer sheet will be needed for employees to record the answers to the questions asked during the video.
- When asking employees to complete the training independently, employers should provide time during the work day for employees to do so.
- Upon completion of the training, employees should share the answer sheet with their supervisor and keep a copy of the answer sheet as proof of having taken the training.
- Employers are encouraged to check in with employees and keep track of when they have completed the training. Employers are encouraged to provide a deadline for training completion to make follow up easier.