

### New York State #Metoo Legislation

Effective Date	New Legal Standard	What Employers Should Do
April 12, 2018	Independent contractors, consultants, vendors and other third parties entering into service contracts with company are protected from sexual harassment, and company may be held liable for harassment if supervisor or management knew or should have known about harassment and failed to take immediate and appropriate corrective action (previously only employees were protected)	Update sexual harassment policies to include protections for independent contractors, consultants and vendors, and advise supervisors and management level employees as to new company liability and exposure for harassment of non-employees
July 11, 2018	Settlements of sexual harassment claims: (1) may not include non-disclosure requirement, unless claimant requests provision, and (2) claimant must be given at least 21 days to consider agreement, and 7 days to revoke agreement after signing	Ensure that any settlement agreement entered into from July 11, 2018 and on abides by new requirements
July 11, 2018	Mandatory arbitration requirements included in agreements dated July 11, 2018 and later are not enforceable for sexual harassment claims, and requiring arbitration of sexual harassment claims cannot be condition of employment or condition associated with employee's separation package (unless otherwise permitted by law)	Do not include arbitration requirements in employment agreements or in separation agreements dated July 11, 2018 and later (as applicable, unless otherwise permitted by law)
October 9, 2018	Company's sexual harassment prevention policy must comply with standards developed by New York State Department of Labor and New York State Division of Human Rights	Prepare and circulate sexual harassment policy that complies with new standards
October 9, 2018	Companies must implement mandatory annual sexual harassment training program for all employees, in compliance with New York State Department of Labor and New York State Division of Human Rights standards	Implement mandatory sexual harassment training program in compliance with newly issued standards
January 1, 2019	Bids made to New York State, public department or agency must have signed certification that bidder has implemented written sexual harassment policy and provides annual sexual harassment prevention training to all employees	Prepare and distribute written sexual harassment policy, and institute annual sexual harassment training prevention program for all employees

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