

**STRENGTHENING SEXUAL  
HARASSMENT PROTECTIONS  
FOR NEW YORK WOMEN  
IN THE WORKPLACE**



## Webinar on Sexual Harassment Law October 11, 2019 | 9:00 - 10:00AM

### PROGRAM

- + **Beverly Neufeld** President, PowHer New York
- + **Senator Alessandra Biaggi** Sponsor of S.6577/A.8421
- + **Commissioner Angela Fernandez** New York State Division of Human Rights
- + **Miriam Clark** President, NELA/NY
- + **Dana Sussman** Deputy Commissioner, Policy and Intergovernmental Affairs, NYC  
Commission on Human Rights
- + **Rita Pasarell** Co-Founder, Sexual Harassment Working Group
- + **Angie Jean-Marie** Director of Advocacy and Engagement, TIME'S UP



# Q & A

Please submit a question and desired respondent via one of the options below. Unanswered questions will be forwarded to speakers.

- + **If on a computer:** Submit a question via the Chat Box
- + **If via phone:** Email [info@powherny.org](mailto:info@powherny.org)

# Senator Alessandra Biaggi



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# Commissioner

# Angela Fernandez

NYS Division of Human Rights



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# Miriam Clark

President, NELA/NY



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# Dana Sussman

Deputy Commissioner, Policy and Intergovernmental Affairs,  
NYC Commission on Human Rights



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# NYC Commission on Human Rights

Dana Sussman,  
Deputy Commissioner,  
Intergovernmental Affairs and Policy

# ***Women Begin to Speak Out Against Sexual Harassment at Work***

**New York Times, August 19, 1975 (page 38 of the Family/Life section)**

“For years, many women accepted it as a job hazard. Now, with raised consciousness and increased self-assurance, they are speaking out against the indignities of work-related sexual advances and intimidation, both verbal and physical.”

## ***Williams v. New York City Housing Authority (2009):***

Even “a single comment that objectifies women . . . made in circumstances where that comment would, for example, signal views about the role of women in the workplace [may] be actionable.”

The relevant determination, then, is whether the conduct has the effect of treating an individual less well because of their gender, and amounts to more than “petty slight or trivial inconveniences.”

December 2017: Public Hearing on Sexual Harassment in the Workplace

April 2018: Commission Report published

Spring 2018: Stop Sexual Harassment in NYC Act passed

January 2019: Gender-Based Harassment Unit launched

April 1, 2019: Online, interactive sexual harassment prevention training launched

October 2019: Training completed nearly 200,000 times in 11 languages

# Rita Pasarell

Co-Founder, Sexual Harassment Working Group





# New York State 2019 Discrimination and Sexual Harassment Laws: Worker Impact

- Background
  - Sexual harassment is a form of sex-based discrimination
  - It's also discrimination if a employee is harassed based on their age, race, color, national origin, sexual orientation, gender identity, disability, or other protected classes
- What's new?
  - Comprehensive discrimination and sexual harassment law with multiple added statewide protections
    - Examples - Additional employees are protected from discrimination and sexual harassment, employees have longer to file a sexual harassment complaint, non-disclosure agreement protections
- How were the laws created?
  - Trauma-informed legislation
    - In 2019, NYS held the first two public legislative sexual harassment hearings in over 27 years

Sexual Harassment Working Group  
[www.HarassmentFreeAlbany.com](http://www.HarassmentFreeAlbany.com)

@Harassment\_Free

# Focus Longer timeframe, NDAs, and Workplace Complaints

## Extended Timeframe (Applies to Sexual Harassment)

- 3 year timeframe to file a sexual harassment complaint with the New York State Division of Human Rights -- increased from 1 year
- Important because of how trauma works, and workplace power dynamics

## Non-disclosure Protections (Applies to all Discrimination)

- Non-disclosure agreements cannot prohibit a employee from participating in an agency investigation, or disclosing facts necessary to receive unemployment or other public benefits
- Confidentiality provision must be in English and employee's primary language

## Employee Choice not to make Complaint to Employer is Not Determinative (Applies to all Discriminatory Harassment)

- The new protections apply even if a employee did not make a complaint of harassment to their employer
- Important because many employees fear retaliation, or may have other reasons they don't report harassment to the employer

## Further Protections

- And many more! See S6577/A8421 and S6594/A8424 for all of the new protections. Search on <https://nyassembly.gov/leg/>



# Angie Jean-Marie

Director of Advocacy and Engagement, TIME'S UP



*Know Your Rights,*  
**New York**

A dark teal silhouette of the state of New York, including Long Island, is positioned on the right side of the slide, partially overlapping the text.

Download the Toolkit:  
**Text NYSAFE to 30644**

**#NYSAFETYAGENDA**

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**==UP**  
FOUNDATION

## NEXT STEPS

- + Check Out TIME'S UP Toolkit to be shared via email after this call
- + Share the information via social media
- + To get updates on other issues impacting New York women sign up for email updates from PowHer New York at [powherny.org](http://powherny.org).



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