



New York Sexual Harassment Summary Sheet

Application

The new laws apply to ALL employers in the State of New York, regardless of size.

Who is Protected?

The new laws protect independent contractors, consultants, vendors, subcontractors, and persons providing services pursuant to a contract.

New Legal Standards

- These new standards expand upon the existing [New York State Sexual Harassment Laws](#) as of April 2019.
- Plaintiffs no longer need to show that the behavior was severe or pervasive; instead, they only need to show that they were subjected to “inferior terms, conditions or privileges of employment” because of their membership in a protected class.
- The newly enacted elements necessary to prove a violation of the law apply to all protected categories recognized in the state.
- The law no longer requires that plaintiffs identify a comparator to prove liability.
- The law now allows plaintiffs who win their cases to recover attorneys fees and punitive damages (against private employers).

Complaint Process

Although plaintiffs are still encouraged to file internal complaints of misconduct, the fact that a plaintiff failed to do so will not be a determinative factor to create liability.

Policy Distribution

An employer must distribute their sexual harassment prevention policy at the time of hire and every annual harassment prevention training session.