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Labor & Employment Alert

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New York to establish workplace sexual harassment toll-free hotline

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The New York State Division of Human Rights will establish a confidential hotline to assist employees throughout the State with complaints of workplace sexual harassment.



What's the Impact?

- / Employees will be able to dial a toll-free hotline to receive counsel and assistance in connection with complaints of workplace sexual harassment
- / The Division will recruit attorneys experienced in sexual harassment matters to provide free legal assistance through the hotline
- / Employers will be required to notify their employees of the hotline

Effective July 14, 2022, New York employees will be able to obtain real-time counsel and assistance over the phone in connection with claims of workplace sexual harassment. This newly enacted law requires the Division to establish a hotline to assist employees with complaints of workplace sexual harassment, and to operate the hotline during regular business hours. The law also requires the Division to work with the New York Department of Labor to ensure public knowledge of this hotline.

Pro bono legal assistance

Notably, the law requires the Division to work with attorney organizations, such as the New York State Bar Association, to recruit attorneys experienced in handling sexual harassment matters to provide free legal assistance through the hotline. Consistent with the Rules of Professional Conduct, the law prohibits these attorneys and their agents from soliciting further representation of any individual calling into the hotline.

Implications

This law piggy-backs off of the 2019 amendments to the New York State Human Rights Law, which incentivized employees to pursue harassment claims. The 2019 amendments lowered the standard of liability, made punitive damages and attorneys' fees available for the first time, and removed certain affirmative defenses for employers. The availability of real-time legal assistance will likely further encourage employees to pursue their workplace harassment claims.

Looking ahead

This new law provides an additional incentive for employees to report workplace sexual harassment, and likely will increase the number of formal complaints filed. Employers should work with their counsel to ensure that they have robust sexual harassment prevention policies in place, and that they are compliant with the law's requirements regarding notice of the hotline.

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