



NEW YORK STATE SENATOR

Roxanne J. Persaud

Senator Persaud Announces Legislation to Combat Sexual Harassment In The Workplace

SENATOR ROXANNE J. PERSAUD January 2, 2018

| ISSUE: **SEXUAL HARASSMENT, LEGISLATION, DISCRIMINATION**

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(Brooklyn, NY) Senator Roxanne J. Persaud today announced support for a package of bills to combat workplace sexual harassment. With recent revelations of ongoing, systemic sexual harassment in both the public and private sector, the need for strong action from state government is clear. The proposals supported by Senator Persaud will address this crisis and help ensure employees in private and public sector offices are treated with respect and equality.

“No one should be forced to endure harassment at their workplace. Sexual harassment is inappropriate and must be confronted by state government,” Senator Persaud said. “That is why I am proud to join with my colleagues to advance common sense bills to protect public and private sector workers from sexual harassment. I urge the Senate Majority to work with us and pass these bills immediately so we can send a strong message that this behavior will not be tolerated in New York State.”

The legislation advanced by the Senate Democratic Conference includes bills that will:

Make State Legislators Personally Liable for Settlements of Claims of Sexual Harassment made Against Them: This bill, S.7196, would ensure that any settlement amounts provided by a house of the State Legislature to the victims of sexual harassment perpetrated by a member of the State Assembly or State Senate be reimbursed by the offending legislator. This would ensure that taxpayer money is not spent to resolve findings of wrongdoing by public officials.

Hold Public Officers to a Higher Standard: This bill, S.6975, will add provisions to the Public Officers Law explicitly prohibiting acts of sexual harassment. Additionally, this legislation would recognize that sexual harassment would constitute a breach of the ethical Code of Conduct and subject any offending public officer to a civil penalty of up to \$10,000.

Strengthen Anti-Retaliation Provisions: This bill, S.7192, will ensure employees who report incidents of sexual harassment to the State Division of Human Rights are guaranteed job security and shielded from retaliation. This bill will also mandate that employers prove that any adverse employment activity made against claimants have no connection whatsoever with the reporting of allegations of sexual harassment.

Crack Down on Sexual Harassment in the Private Sector: This bill, S.7193, will codify sexual harassment as an unlawful discriminatory practice and ensure that employees of small businesses may bring a claim of sexual harassment/gender discrimination against their employer. This bill will also lower the standard for a sexual harassment case to make sure that one incident of harassment is severe enough to sue for damages. By distributing model policies and better information about anti-harassment laws, this legislation will support better practices by small businesses and corporations.

Provide Fairness in Arbitrations and Limit Confidentiality: This bill, S.6382-A, will void most confidentiality agreements for settlements of sexual harassment cases. This legislation will also bar contracts from denying workers' procedural rights in arbitration agreements as a condition for employment.

Crack Down on Sexual Harassment in the Public Sector: This bill, S.7195, will require the adoption of a strong managerial policy against harassment by all Executive agencies and the State Legislature. These policies will outline clear rights for employees facing harassment, including interns and fellows, and will make provisions to hold supervisors accountable for bad conduct they knew of and allowed to continue. This bill will also require that Legislative investigations be concluded within 60 days, a recommendation of action must be completed within 30 days of the investigation conclusion, and findings will be posted online with personal information redacted. Public sector employees will be required to have 2 hours of annual training on harassment in the workplace and an additional hour of training for supervisors. Similar policies and training procedures will also be applied for large state contractors.