



NEW YORK STATE SENATOR

Chris Jacobs

Jacobs Votes To Enact Comprehensive Sexual Harassment Reform Bill

SENATOR JACOBS March 14, 2018

| ISSUE: **SEXUAL HARASSMENT, SEXUAL HARASSMENT LAWS, SAFE WORKPLACES**

(Albany, New York) State Senator Chris Jacobs announced passage today of a bill he co-sponsored that represents the most comprehensive response yet to sexual harassment in the workplace. The bill ([S7848A](#)), which passed with overwhelming bi-partisan support (56-2), would prevent individuals from engaging in misconduct that creates a hostile work environment in either the public or private sectors, and encourage victims to come forward.

“The magnitude of sexual harassment in the workplace and the traumatic impact it has on victims has been shocking and demands changes in our laws that will lead to changes in our culture and our behavior,” said Jacobs. “There is no place in society, or in any public or private work environment, for harassment or assault and I am grateful to the courageous victims whose public stories have brought us to the passage of this legislation.”

Major reforms contained in today’s bill include:

Adopting the definition of “Sexual Harassment” into state law - There is currently no definition in statute of what constitutes sexual harassment, leaving litigants subject to varying interpretations by judges, who may improperly dismiss sexual harassment cases at the outset.

This bill creates a clear and specific uniform definition based on federal regulations that will result in more uniform interpretations to protect the rights of victims.

Prohibiting secret settlements unless the victim requests confidentiality - Courts would be prohibited from accepting any sexual harassment settlements that include confidentiality agreements, ensuring that those responsible are held accountable while preventing future harassment.

Prohibiting mandatory arbitration for sexual harassment complaints – Eliminates an employer's use of mandatory arbitration clauses that force sexual harassment victims into private arbitration proceedings, precluding their ability to seek legal action.

Protecting non-employees in the workplace - Currently, individuals who are not employees but are present in the workplace on a contract basis cannot file complaints against their harassers. This bill closes that loophole by extending contract workers the same rights as individuals who are directly employed by a company.

Creating a uniform policy for all branches of state and local government - The New York State Department of Labor would be required to create a strong model policy defining and prohibiting sexual harassment, as would all municipal governments, school districts and other public entities. Policies must include investigation procedures, a standard complaint form, require confidentiality for victims, and must include the prevention of intimidation, retaliation, or coercion to help protect the complainant.

Protecting taxpayer funds from use for individual sexual harassment settlements - When there is a finding or admission of sexual harassment by a state or local employee, this measure holds

the harasser financially accountable for the settlement by enabling the public entity to recoup taxpayer money.

“These reforms are comprehensive and bi-partisan, and will pave the way for a safer workplace for all New Yorker’s,” said Jacobs. “I hope that the Governor and the Assembly will act as swiftly and decisively as my Senate colleagues and I did today,” the Senator concluded.

RELATED LEGISLATION

2017-S7848A

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor
- Signed By Governor
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Enacts into law major components of legislation necessary to combat sexual harassment in the workplace

March 04, 2018

In Assembly Committee

Sponsored by Catharine Young

Do you support this bill?