



NEW YORK STATE SENATOR

Elaine Phillips

Senator Phillips Announces 2018-2019 Budget Includes Landmark Sexual Harassment Law

ELAINE PHILLIPS March 30, 2018



Senator Elaine Phillips announced today that landmark protections to combat sexual harassment have been included as part of the final state budget – providing new safeguards for all workers in New York. The foundation of these sweeping changes adhere closely to a comprehensive package of bills Senator Phillips introduced in December in response to the nationwide #MeToo movement.

“The days when women in the workforce would endure whatever the boss pleased are over,” Senator Phillips said. “There is no place in our workforce, or society as a whole, for sexual assault or harassment. This breakthrough legislation provides New Yorkers with the protections and safeguards they deserve by prohibiting secret settlements and mandatory arbitration for sexual harassment complaints, as well as protecting contract and freelance workers. Now, employers will be required to adopt a model of sexual harassment policy, and taxpayer funds will not be used for individual sexual harassment settlements.”

The major reforms would:

- Prohibit secret settlements unless the victim requests confidentiality. Lifting the veil of anonymity from abusers would help prevent their ability to engage in serial predatory behavior.
- Prohibit mandatory arbitration for sexual harassment complaints. Mandatory arbitration clauses are often used by employers to force sexual harassment victims into private arbitration proceedings, which precludes their ability to seek legal action.
- Protect contract employees and freelance workers. Currently, individuals who are not employees but are present in the workplace on a contract basis cannot file complaints against their harassers. The legislation would close this loophole by extending to contract workers the same right to file sexual harassment complaints to the state Division of Human Rights as individuals who are directly employed by the company or entity.
- Require adoption of a model sexual harassment policy by all public and private employers. The Department of Labor, in consultation with the state Division of Human Rights, would be required to establish the policy which would be a minimum requirement for all employers.
- Protect taxpayer funds from being used 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.

“It has been inspiring to see the movement of women across our country coming forward, sharing their personal stories, and overcoming the stigma and shame brought on by the inappropriate actions of others. Because of them, we were able to advance this landmark legislation and I thank my colleagues for their support,” Senator Phillips said.