



NEW YORK STATE SENATOR

Catharine Young

2018-19 State Budget Includes Landmark Sexual Harassment Law

CATHARINE YOUNG March 30, 2018

| ISSUE: **SEXUAL HARASSMENT, HUMAN RIGHTS, WOMEN'S ISSUES**



Albany, NY – Calling it a victory for victims and a defining moment for New York, Senator Catharine Young (R,C,I – 57th District) heralded sweeping new protections included in 2018-19 state budget to combat the problem of sexual harassment in the workplace. The framework of the new law adheres closely to a comprehensive initiative that Senator Young introduced in December while also incorporating elements supported by the Governor and Democratic members of the Senate and Assembly.

“With this law, New York is embracing the call to action demanded by the many courageous voices who have brought the issue of sexual harassment out of the darkness and into the light. Victims will no longer be silenced and abusers will no longer be protected by antiquated laws and by a culture that has too often looked the other way,” said Senator Young.

“The provisions in this law target sexual harassment from every angle. We clear the path to justice by prohibiting mandatory arbitration clauses for sexual harassment and expanding protections to freelance and contract workers who previously had no recourse. We lift the veil of anonymity that has protected serial abusers with new limitations on secret settlements. We protect taxpayers from shouldering the financial burden of sexual harassment settlements involving public employees. And we provide consistency and clarity to all employers and employees – public and private – by mandating adoption of strong new standards set by the state.”

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 judgements.** 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 judgement by enabling the public entity to recoup taxpayer money.

“My thanks go out to the Governor and my colleagues on both sides of the aisle for the dialogue, input and support that has made this achievement possible and especially, to all the victims who shared their stories and their pain to help spur action on this issue. Their bravery and demand for change is at the heart of this victory.”