

REMINDER ABOUT YOUR ANNUAL SEXUAL HARASSMENT TRAINING OBLIGATIONS

Hodgson Russ Labor & Employment Alert
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Remember that even in the midst of the Coronavirus pandemic crisis, employers still have an obligation to provide their employees with annual sexual harassment training in New York (and with special considerations for employees in New York City).

The training requirements are as follows:

- interactive program;
- include an explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- include examples of conduct that would constitute unlawful sexual harassment;
- include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- include information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- include information addressing conduct by supervisors and any additional responsibilities for such supervisors.

After each mandatory annual sexual harassment training, the employer must provide employees with a copy of its sexual harassment policy and the information presented at the training in English *and* the primary language of each employee if the State publishes translations of its model policy and training documents in that language. The Department of Labor Q&A regarding training materials indicate that these materials can be provided electronically. See New York State Department of Labor, Combating Sexual Harassment: Frequently Asked Questions, available [HERE](#) for employers.

It is important to note that training can be done electronically, both for employees who are working from home (in whole or in part) and for employees of essential businesses who are still reporting to the worksite. The interactive component of the training and distribution of the employer's policy and training materials can all be accomplished using the same types of technologies that many are using to conduct regular business during the pandemic, such as through Zoom, WebEx, and on

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internet platforms. Accordingly, now – while NY PAUSE is still in effect and business volume may be reduced – may be a good time to efficiently get all of your employees trained and satisfy this important compliance obligation for the year. For employers with a workforce that is currently working from home (or partially from home for essential businesses), it may be a good time to consider completing your annual training using an electronic format. Even employees who are still reporting to work can complete the training electronically. Accordingly, as the Governor lifts the PAUSE order and re-opens businesses in phases, and you have some employees working onsite and others at home, electronic training can be a good alternative to efficiently get all of your employees trained.

Hodgson Russ can assist you with setting up the necessary technology to provide training. Our attorneys can also provide the interactive training electronically to your staff. We can also help to guide your human resource staff through the process if they will be providing training and help them to understand any of the requirements when providing training using this alternate method. If you are using a pre-formatted electronic training program, we can also review to ensure the training complies with the legal requirements for the training (since not all trainings are created equal). Of course, we can review your sexual harassment policy if you have any questions about whether it is sufficient to comply with New York State and/or New York City requirements. As more workers begin the transition to work onsite, we can also assist if your business determines that in-person live training is the preferred method.

If you have questions, please reach out to Elizabeth D. McPhail (716.848.1530), Kinsey A. O'Brien (716.848.1287), Glen P. Doherty (518.433.2433) or Charles H. Kaplan (646.218.7513), and we can assist you.

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