

HEALTHCARE ALERT

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RMF
RUSKIN MOSCOU FALTISCHEK P.C.
Counselors at Law

UPDATE

Sexual Harassment Law Written Policy Requirement Effective October 9

As previously reported, by October 9, 2018 all employers in New York State are required to adopt a written sexual harassment prevention policy that must include the following:

- a statement prohibiting sexual harassment consistent with guidance issued by the Department of Labor in consultation with the New York State Division of Human Rights (DHR)
- an explanation of examples of prohibited conduct that would constitute unlawful sexual harassment
- information concerning the federal and state statutory provisions concerning sexual harassment, remedies available to victims of sexual harassment, and a statement that there may be applicable local laws
- a complaint form
- a procedure for the timely and confidential investigation of complaints that ensures due process for all parties
- remedies and rights of redress and all available forums for adjudicating sexual harassment complaints administratively and judicially
- a statement that sexual harassment is considered a form of employee misconduct and that sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue
- a statement that retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful.

The DHR has prepared a model policy and compliant form that employers can use which can be found at <https://www.ny.gov/programs/combating-sexual-harassment-workplace>. The model policy must be personalized for that employer.

As for the requirement that all employees must complete training by January 1, 2019 our law firm is working together with the Suffolk County Medical Society on creating a training program that would help its members meet the laws' training requirement. We expect to send out information about the training program within the week.

For more information on the new sexual harassment laws or any employment law related matters, please contact Jay Silverman, Esq. at (516) 663-6606 or jsilverman@rmfpc.com

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