



Special Considerations For:
NEW YORK and NEW YORK CITY

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State Protected Classes

Height, Weight, Race, Color, National Origin, Religion, Sex (including pregnancy, childbirth, and related medical conditions), Disability (physical or mental), Age (18 and older), Genetic Characteristics, Marital Status, Familial Status (being pregnant, caring for a child under 18, or seeking to adopt a child under 18), Sexual Orientation (includes perceived sexual orientation), Gender Identity, Lawful Use of Any Product or Lawful Recreational Activities When Not at Work, Military Status or Service, Observance of Sabbath, Political Activities, Use of Service Dog, Prior Arrests or Criminal Accusation, Prior Convictions (unless certain requirements have been met) and Domestic Violence Victim Status.

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New York City Protected Classes

Age, Immigration or citizenship status, Color, Disability, Gender (including sexual harassment), Gender Identity, Marital status and partnership status, National origin, Pregnancy and Lactation Accommodations, Race, Religion/Creed, Height and Weight, Sexual orientation, Status as a Veteran or Active Military Service Member.

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New York State Harassment Law

New York law defines sexual harassment as “unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment . . .

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New York State Harassment Law

Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient’s job performance . . .

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New York State Harassment Law

Quid pro quo sexual harassment occurs when a supervisor or other person with authority makes an employee’s submission to a sexual demand a condition of his or her employment.

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Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, (**Quid Pro Quo**)
- b) Submission to or rejection of the conduct by an individual is used as the basis for employment decisions affecting that individual, (**Quid Pro Quo**) or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. (**Hostile Environment**)

(Applies to men and women equally.)



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Conduct online and through social media can constitute sexual harassment even when it occurs "off the clock," "off-site," or even "out of state." Online sexual harassment includes using e-mail, cell phone texts, internet posting, online comments, blog posts, and social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat) to send communications of a sexual nature.



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Sexual harassment may include a range of explicit and even subtle unwelcome behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these unwelcome behaviors may include, but are not limited to ...



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- > Making offensive comments about someone's sexual orientation or gender identity
- > Making sexual comments about appearance
- > Inappropriate touching, leaning over, massaging shoulders, or purposefully brushing up against another person
- > Asking sexual questions about preferences, history, or fantasies
- > Sexual teasing, jokes, or remarks
- > Displaying inappropriate sexual images or videos
- > Pressure to go out on a date or for sexual favors
- > Sexual looks or gestures or whistling at someone
- > Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- > Referring to another as a "babe," "honey," or "tootsie", etc.
- > Kissing sounds, howling and smacking lips
- > Turning work discussions to sexual topics
- > Spreading rumors or telling lies about a person's sex life
- > Indecent exposure
- > Actual or attempted rape or sexual assault



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New York State: Need Not Be Severe or Pervasive

Sexual harassment need not be severe or pervasive to be unlawful, and can be any sexually harassing conduct that consists of more than petty slights or trivial inconveniences.



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New York State: Need Not Be Severe or Pervasive

A person is guilty of harassment in the first degree when he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury.



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New York State: Need Not Be Severe or Pervasive

A hostile work environment in New York is characterized by persistent, pervasive, and unwelcome discriminatory behavior that undermines your ability to perform your job effectively. Harassment is also against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment based on their protected class.

The harassment need not be severe or pervasive in order for the employer to be liable.

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New York State: Need Not Be Severe or Pervasive

It is not a requirement that an individual tell the person who is sexually harassing them that the conduct is unwelcome.

In fact, the Human Rights Law now provides that even if a recipient of sexual harassment did not make a complaint about the harassment to the employer, the failure of the employee to complain shall not be determinative of whether the employer is liable.

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Federal Remedies

Complainants who prevail in federal court may receive an order awarding remedies allowed by Title VII to make the employee "whole."

Remedies may include:

back pay, lost benefits, clearing of a personnel file, compensatory and punitive damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney's fees and costs.

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Federal Compensatory & Punitive Damages

Fifteen or more and fewer than 101 employees:	\$ 50,000
More than 100 and fewer than 201 employees:	\$100,000
More than 200 and fewer than 501 employees:	\$200,000
More than 500 employees:	\$300,000

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State Law Recovery

- Cease and Desist Orders,
- Compensatory Damages,
- Emotional Distress Damages,
- Punitive Damages,
- Medical and Psychiatric Expenses and
- Hiring, Promotion or Reinstatement.

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State & Federal Law

Plaintiffs can recover attorney's fees




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Retaliation

It is against the law for anyone to retaliate against you because you:

- Opposed an unlawful discriminatory practice,
- Made a charge or filed a complaint of discrimination with any local, state or federal authority, your employer, or any other agency or
- Testified, assisted, or participated in an investigation, proceeding, or hearing relating to something prohibited by the law.

The law protects you against retaliation as long as you have a reasonable good faith belief that the persons' conduct is illegal, even if it turns out that you were mistaken.




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LIABILITY NEW YORK STATE

Individuals who engage in acts of illegal harassment may be subject to civil and criminal penalties.



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REMEDIES

Victims may also obtain cease and desist orders, hiring, promotion or reinstatement, compensatory damages, and back pay.



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What Should A SUPERVISOR Do If He or She Is Accused Of Illegal Harassment?



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**Take a few minutes to look at your own
Internal Policy
&
Internal Complaint Process**



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REPORTING A CHARGE OF ILLEGAL HARASSMENT

1. Inform Your Employer: Start by informing your employer about the harassment you're facing. This step is crucial because your employer should have an opportunity to address the situation internally.



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REPORTING A CHARGE OF ILLEGAL HARASSMENT

2. File a Harassment Complaint with the New York State Division of Human Rights.

To file a complaint, visit the Division's website,
at WWW.DHR.NY.GOV
or
call 1-888-392-3644.




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REPORTING A CHARGE OF ILLEGAL HARASSMENT

3. File a Harassment Complaint with the New York City Commission on Human Rights (NYCCHR).

New Yorkers can report harassment in the workplace by calling 212-416-0197
or at they can go online and file a charge at
<https://www.nyc.gov/site/cchr/about/report-discrimination.page>




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REPORTING A CHARGE OF ILLEGAL HARASSMENT

3. Contact the Equal Employment Opportunity Commission (EEOC)

General information about the laws
the EEOC enforces and filing a charge:


1-800-669-4000
1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)
1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers)
or
info@eeoc.gov




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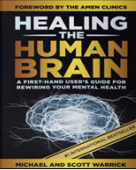
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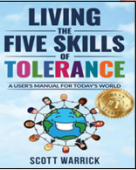




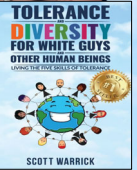
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