

CLIENT ALERT: New York Establishes Hotline for Sexual Harassment Complaints and Expands Prohibition on Retaliation

In March 2022, New York amended the New York State Human Rights Law (the “NYSHRL”) to require the New York State Division of Human Rights (“Division”) to establish a statewide, toll-free confidential hotline to provide counsel and assistance to employees with complaints of workplace sexual harassment ([Senate Bill S812B](#)). On July 19, 2022, Governor Kathy Hochul announced the launch of this confidential hotline. Employees may now call 1-800-HARASS-3 to receive information about filing a sexual harassment complaint with the Division, and, if interested, the hotline will provide the caller with contact information regarding pro bono attorneys who may be able to assist. The new law requires that employers include information about the hotline in all sexual harassment materials disseminated to their employees, including in the employee handbook, policies, and other postings.

In addition, New York amended the NYSHRL to broaden its definition of retaliation ([Senate Bill S5870](#)). Under the amended law, actionable retaliation now includes the disclosure of an employee’s personnel file because the employee opposed unlawful discrimination, filed a complaint, or testified or assisted in a legal proceeding. The law includes an exception in which employers can disclose the employee’s personnel file in the course of an administrative or judicial complaint. The law is aimed at preventing employers from using an employee’s personnel file to disparage or discredit an alleged victim or witness of discrimination or harassment. Although the law does not expressly require employers to revise their retaliation policies to include the prohibition on personnel file disclosure, employers should review their policies relating to how they manage employee personnel files.

Employers should contact their MBJ attorney to discuss any necessary or recommend changes to their policies to ensure all policies and practices comply with these amended laws.

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