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New York State Launches Workplace Sexual Harassment Complaint Hotline: 1-800-HARASS-3

As we previously reported, earlier this year Governor Kathy Hochul signed into law S812A which required the New York State Division of Human Rights (the "Division') to establish a state-wide, toll-free, confidential hotline for complaints of workplace sexual harassment. That hotline is now live. New York employees are now permitted to call 1-800-HARASS-3 to discuss a complaint, receive free legal counseling, and submit a complaint to the Division.

Callers may contact the Division during regular business hours and speak with a staff member of the Division's Office of Sexual Harassment Issues (OSHI) about their complaint. OSHI staff will provide information to the caller about filing a sexual harassment complaint with the Division and then provide the contact information for a pro bono attorney to discuss their case. The referral to a pro-bono attorney will not replace the Division's normal complaint processing procedures which do not require representation by counsel.

Importantly, the law requires all employers to inform their employees about the hotline. The Division is required to work with the New York State Department of Labor "to ensure that information on the hotline is included in any materials employers must post or provide to employees regarding sexual harassment." Further guidance is anticipated regarding any potential penalties for an employer's failure to comply with this requirement.

Main Takeaways:

- New York's hotline for workplace sexual harassment complaints is now live.
- Callers may be connected with a pro-bono attorney to review their case.
- All employers in New York State must advise their employees about the Hotline and provide the Hotline phone number. Not only is this statutorily required, but it is anticipated that the failure to comply by an employer may be used by complaining employees to portray their employer as apathetic towards workplace harassment.
- Employers should update their employee handbooks, workplace postings, training materials and other sexual harassment policies to include the Hotline number. Employers are reminded that all employees should be trained annually on sexual harassment prevention, complaint reporting, and complaint investigation procedures.

KD IS HERE TO HELP

The experienced labor and employment law attorneys at Kaufman Dolowich & Voluck are available to assist you and your business in curtailing the risk of sexual harassment in the workplace and defending against sexual harassment claims. Contact Keith J. Gutstein, Esq. (KGutstein@kaufmandolowich.com); Solomon Abramov, Esq. (SAbramov@kaufmandolowich.com), or any other member of KD's Labor & Employment Law Practice Group.

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