

Sexual Harassment Hotline Announced: 1-800-HARASS-3(1-800-427-2773)

Earlier this year, Governor Kathy Hochul signed a law amending the New York State Human Rights Law requiring the establishment of a state-wide, toll-free, confidential hotline to for New York based employees to call about complaints of workplace sexual harassment. On July 19, 2022, Governor Hochul announced the launch of this new hotline and the associated number—1-800-427-2773.

Any employee calling this number with a complaint of workplace sexual harassment will receive free legal counseling and guidance regarding how to submit a complaint regarding the alleged harassment. The hotline will operate during regular business hours (9am-5pm) and will be staffed by a team of pro bono attorneys working for the New York State Division of Human Rights (“SDHR”). The attorneys or SDHR staff will provide the caller with information about how to file a sexual harassment complaint and, if the caller is interested, will connect the caller with the name and contact information of a pro bono attorney. This hotline process is meant to provide complainants with speedy resources, but is not intended to replace current SDHR processes. Notably, currently employees do not need attorneys to proceed with claims to the SDHR or the equal Employment Opportunity Commission.

The statute passed in March provided that the SDHR would be working with the NYS Department of Labor (“NYS DOL”) to include the hotline with any materials the NYSDOL currently requires employers to post.

The SDHR currently has a Sexual Harassment Prevention Poster available at <https://www.ny.gov/combating-sexual-harassment-workplace/employersdivision>, but as of July 21, 2022 that poster has not been updated to include the hotline. Employers would be wise to supplement current postings with an addition of the hotline number. Some employers already have their own hotline or have begun working on adding an internal hotline for sexual harassment and other forms of unlawful workplace harassment and discrimination. Although there is currently no requirement to add information about the hotline and the number to sexual harassment policies, it is expected that the SDHR and/or NYSDOL will update its sample policies and annual sexual harassment training materials to include hotline information. Employers should consider proactively adding the hotline number and information about the hotline to existing sexual harassment policies and to sexual harassment training programs. As employers are making these policy and training updates, it would also be a good time for employers to ensure that they are up to date with their annual sexual harassment prevention training for all employees.

We anticipate that with the implementation of this new hotline, employers will see an increase in the number of sexual harassment and discrimination claims before the Division of Human Rights and in state courts. We are here to help.