



IMPORTANT UPDATES TO THE NEW YORK STATE HUMAN RIGHTS LAW

On August 12, 2019, Governor Cuomo signed legislation that strengthened protections against discrimination and harassment in the New York State Human Rights Law. The provisions of this law will go into effect at various times between August 2019 and August 2020. A brief description of these provisions, and their effective dates, is provided below.

Effective August 12, 2019:

- The Human Rights Law is to be liberally construed, under New York State law, without reference to any federal law that may lead to a more restrictive result.

Effective October 11, 2019:

- The Human Rights Law now explicitly includes protection in employment from harassment based on any protected class. In addition, domestic workers are now also protected from harassment on all bases. A list of all protected classes can be found in the adjoining section.
The Human Rights Law now protects victims of harassment, including sexual harassment, in important new ways:
Harassment is against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment.
The harassment need not be severe or pervasive in order for the employer to be liable. (However, the employer may raise a defense that the actions were not more than petty slights or trivial inconveniences).
In order to establish liability, the complainant does not have to identify a similarly situated person/employee that was treated more favorably.
A complainant does not have to complain to their employer or file a formal grievance in order to establish liability.
Non-employees working in the workplace are protected from all discrimination. The protections extend to contractors, subcontractors, vendors, consultants or others providing services in the workplace.
Punitive damages may be awarded against private employers.
Attorney's fees may be awarded in all employment cases.
Under New York law, settlements of employment discrimination claims can only include the conditions of confidentiality if it is the complainant's preference and agreements regarding nondisclosure must be in writing to all parties in plain English, and, if applicable, the primary language of the complainant.

Effective January 1, 2020:

- Under New York law, settlements of employment discrimination claims cannot prevent complainants from speaking to an attorney, the New York State Division of Human Rights, the U.S. Equal Employment Opportunity Commission, local human rights commissions, or any other form of law enforcement.

Effective February 8, 2020:

- The Human Rights Law will apply to all employers within New York State, even those with fewer than four employees. See adjoining section for more on the Law's protections.

Effective August 12, 2020:

- The one-year statute of limitations for filing with the Division will be extended to three years for sexual harassment in employment cases only.

Protected Classes

- Age
Creed
Disability
Domestic violence victim status
Gender identity or expression
Familial status
Lawful source of income (in housing only)
Marital status
Military status
National origin
Predisposing genetic characteristics
Pregnancy-related condition
Prior arrest or conviction record
Race/color
Sex
Sexual orientation
Retaliation for opposing unlawful discriminatory practices