

New York State Division of Human Rights Model Anti-Harassment Policy Updates

The New York State Division of Human Rights (“DHR”) has recently updated its [model](#) anti-harassment policy and model training materials for New York employers. As a refresher, [since 2018](#), all New York employers have been required to have written anti-harassment policies and provide annual training to all employees. While New York employers are not required to adopt wholesale the DHR’s model policy, doing so ensures compliance with the [minimum standards](#) to which all employer anti-harassment policies must adhere. The updates to the model policy focus on fortifying worker protections in the following areas:

1. **Transgender and non-binary rights and gender issues.** The new model policy adds language defining gender and gender identity-related terms and provides specific guidance for protecting transgender rights, including using preferred pronouns.
2. **Retaliation protections.** The new model policy expands upon existing anti-retaliation language from the prior model, including by providing specific examples of prohibited retaliation.
3. **Harassment in remote work environments.** The new model policy includes specific provisions clarifying the applicability of anti-harassment provisions outside of the physical office, including in remote work settings.
4. **Bystander intervention.** The new model policy adds new provisions on how witnesses to harassment can intervene to stop the harassment, including by interrupting the harassment or asking a third-party to do so.

New York employers should update their policies, particularly with respect to the above-listed categories, to keep pace with DHR’s priorities, and be sure to provide all employees with a copy of the updated policy (though the model policy language need not be adopted verbatim). Employers should also bear in mind that harassment protections now extend to non-employees, including interns, independent contractors, and others performing services in an employer’s workplace, and take appropriate steps to address any complaints made by or about such non-employee workers.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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