

Insights

NEW YORK AMENDS THE DEFINITION OF “EMPLOYER” UNDER THE HUMAN RIGHTS LAW AND EXPANDS WORKPLACE PROTECTIONS FOR WORKERS

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On March 16, 2022, New York Governor Kathy Hochul signed a package of legislation to address workplace discrimination, harassment and retaliation.

On March 16, 2022, Senate Bill S5870/Assembly Bill A7101 went into effect. It amends the New York Human Rights Law (“Human Rights Law”) and prohibits the release of personnel records to disrepute complainants of workplace discrimination. The law provides that disclosing personnel files of employees who complain or assist in proceedings involving unlawful discriminatory practices by employers may count as a retaliatory action except in cases where such release is necessary to respond to a complaint, civil or criminal action, or judicial or administrative proceeding. The Attorney General may commence an action upon belief that an employer has violated or is about to violate the law.

Senate Bill S3395A/Assembly Bill 2483B, also went into effect on March 16, 2022. It closes the loophole that left state employees vulnerable to workplace discrimination, harassment and retaliation. The law amends the definition of “employer” to include all public employers, for the purpose of the Human Rights Law. Under the law, New York State is considered the direct employer of elected and appointed officials, and their staff, of the New York State executive, judiciary, and legislative branches; and a city, county, town, village or other political subdivision of the State is considered the employer of elected and appointed officials, and their staff, of such locality’s executive, judiciary, and legislative branches.

On July 14, 2022, Senate Bill S812B/Assembly Bill A2035B goes into effect. It requires the New York State Division of Human Rights (“Division of Human Rights”) to establish a toll-free confidential legal hotline for complainants of workplace sexual harassment. The hotline will connect complainants to attorneys who will make them aware of their legal rights and advise them on the specifics of their individualized cases. The Division of Human Rights will work with the New York State Department of Labor to disseminate information about the hotline and will partner with legal organizations to recruit pro bono attorneys, experienced in providing advice related to sexual harassment matters, to answer hotline calls.

There are a number of additional bills making their way through the state legislature that address various aspects of New York employment law. Senate Bill S766 would bar “no rehire” clauses in settlement agreements for employees and independent contractors who are natural persons and have filed a claim against their employer. If such a release is found to be unenforceable under this proposed law, the employer would still be bound by all other provisions in the settlement agreement, including the obligation to pay the full consideration to the employee.

Senate Bill S849A and Senate Bill S566A would expand the statute of limitations for workplace discrimination, harassment and retaliation matters. Senate Bill S849A would extend the statute of limitations for actions based upon unlawful discriminatory practices in employment from three years to six years, while Senate Bill S566A would extend the administrative statute of limitations for filing complaints related to any alleged unlawful discriminatory practices with the Division of Human Rights from one year to three years.

Bryan Cave Leighton Paisner LLP has a team of knowledgeable lawyers and other professionals monitoring developments about these bills and will provide updates should they become law. If you or your organization would like more information on this or any other employment issue, please contact any attorney in our [New York City office](#) or the [Employment and Labor practice group](#).

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