

Testimony of Dana Sussman
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New York City Commission on Human Rights
Before the Committee on Consumer Affairs and Business Licensing
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Good afternoon Chair Espinal and members of the Committee on Consumer Affairs and Business Licensing. I am Dana Sussman, Deputy Commissioner for Policy and Intergovernmental Affairs at the New York City Commission on Human Rights, and I am pleased to be here today with my colleague from the Office of Nightlife, Senior Executive Director Ariel Palitz, to discuss the work of the Commission and the administration in combatting sexual harassment.

Because the Commission has not had the opportunity to appear before the Committee on Consumer Affairs previously, I'll briefly describe the work of the agency. By statute, the Commission has two main functions. The first is as a civil law enforcement agency, enforcing the City's anti-discrimination law, called the City Human Rights Law, one of the most comprehensive anti-discrimination and anti-harassment laws in the country. The Commission's Law Enforcement Bureau investigates complaints of discrimination from the public, initiates its own investigations on behalf of the City, and utilizes its in-house testing program to help identify entities breaking the law. The law includes 24 categories of protection, most of which protect against discrimination and harassment in practically all areas of City living – employment, housing, public accommodations, on the streets, in transit, and other spaces.

The second main function of the Commission is to perform community outreach and provide education on the City Human Rights Law and human rights-related issues, which is why the Commission also has a Community Relations Bureau comprised of Community Service Centers in each of the City's five boroughs. The Community Relations Bureau provides free workshops on individuals' rights and businesses, employers' and housing providers' obligations under the City Human Rights Law, and creates engaging programming on human rights and civil rights-related issues.

Combatting sexual harassment, particularly in the workplace, but also across all areas of jurisdiction, has been a core focus of the Commission's work since Commissioner Carmelyn P. Malalis took the helm of the agency. For example, in 2015, the Commission issued its highest civil penalty in the history of the Commission in a sexual harassment case, \$250,000 – the maximum allowable under the statute – with an additional over \$400,000 in damages to the complainant.

In December 2017, the Commission held a City-wide public hearing on sexual harassment in the workplace. We heard testimony from a diversity of industries, from construction workers, domestic workers, and restaurant workers to the modeling, fashion, and film industries; and we heard from workers, advocates, and government officials about what we, as government, could do differently or do better to combat sexual harassment. It was a powerful night where over 100 people converged from across the boroughs, some even traveling up from Washington, D.C., to

listen to people's experiences enduring, fighting, challenging, and overcoming sexual harassment. In April, the Commission issued a report reflecting on the themes of the testimony and making specific policy recommendations on how New York City and the Commission can better combat sexual harassment across industries, sectors, and communities of workers. In June, the Mayor signed a package of bills that strengthens the City Human Rights Law's already broad protections with respect to sexual harassment in the workplace and creates additional responsibilities for employers with respect to educating and training staff on their rights. The Commission will also be launching a dedicated gender-based harassment unit, with attorneys who specialize in gender-based harassment cases.

The Commission engages in strategic business outreach so that businesses know their obligations and responsibilities under the City Human Rights Law. With respect to these new requirements, the Commission is currently visiting every business improvement district in New York City (representing over 85,000 businesses) to distribute the mandated know-your-rights materials, created by the Commission, to as many businesses as possible. The Commission has worked with Small Business Services to distribute information about the new laws to their BID listserv and has provided information about the new legislation to Chambers of Commerce and other business associations throughout the City. Commission staff regularly speak before business associations, employers, and bar associations on the new legal requirements. The Commission has a dedicated webpage with fact sheets, FAQs, and materials for employers on the new sexual harassment requirements. If an employer or business owner has a question about compliance or best practices, they can email us directly and a member of the policy team will respond to them within 24 hours. The Commission is working in collaboration with the Office of Nightlife to make this information available to the nightlife industry and to ensure these businesses know how to access the Commission and its resources.

In addition, the Commission provides a free, live training on sexual harassment in the workplace and offers it to businesses, non-profit organizations, and other associations upon request. And the Commission will launch a free, online, interactive training on sexual harassment in the workplace in 2019 that will meet both State and City requirements for mandated sexual harassment training.

It is important to note that sexual assault and sexual harassment are two distinct and separate things, although they can overlap. Sexual harassment is a concept most commonly rooted in the principle of gender discrimination in the workplace, which is addressed through civil rights laws, and through civil legal actions. By contrast, sexual assault is, most commonly, addressed through criminal law enforcement. Sexual harassment and sexual assault may occur at the same time, or sexual harassment may lead to a sexual assault, but sexual harassment does not always involve a sexual assault.

The Administration's commitment to addressing these issues is also reflected in Executive Order 36, which Mayor de Blasio signed in September, and which expanded the authorities and responsibilities of the Mayor's Office to Combat Domestic Violence (OCDV) and changed its name to the Office to End Domestic and Gender-Based Violence (ENDGBV). The new Office will continue to develop and coordinate a Citywide response to intimate partner and family

violence and now has the expanded authority to address gender-based violence, which includes sexual assault, stalking, and trafficking. By creating this Office, we are continuing to respond as a City to the voices of survivors and advocates, and recognizing the need for a system-wide coordinated approach to these issues.

The new Office will seek to implement best practices and policies, develop and strengthen services and intervention initiatives, enhance coordination across agencies and disciplines and employ methods for data and information sharing. The Office will continue to operate the NYC Family Justice Centers and the Domestic Violence Fatality Review Committee and will also now operate the Advisory Committee to review individual case-level data on domestic and gender-based fatalities.

The Commission, along with the support of ENDGBV and the Office of Nightlife, is deeply committed to combating and addressing sexual harassment in the workplace and to educating businesses on their responsibilities in creating harassment-free spaces. For these reasons, we support the goals of Intros. 1185 and 1186 and look forward to working with the City Council to ensure they align with or enhance our current efforts.