

**Testimony of Hillary Scrivani
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Before the Committee on Women and Gender Equity and the Committee on Governmental
Operations, State & Federal Legislation
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Introduction

Good afternoon Chair Louis, Chair Restler, and committee members. I am Hillary Scrivani, Senior Policy Counsel at the New York City Commission on Human Rights. Joining me today for questions is Michael Griffin, Policy Counsel. Thank you for convening today's hearing on the critical issue of sexual harassment. The Commission has been a leader in the fight against sexual harassment for decades. Our agency enforces the New York City Human Rights Law – one of the broadest anti-discrimination laws in the country. The New York City Human Rights has robust protections, and the Commission vigorously enforces the Law's gender-based harassment provisions. I will share a brief overview of the work of the Commission, the Human Rights Law's strong gender-based harassment protections, and our persistent efforts to prevent and address sexual harassment.

The Commission on Human Rights

To fulfill the Commission's dual mandate of enforcement and education, the Commission's two largest units are the Community Relations and Law Enforcement bureaus. The Community Relations Bureau sits at the center of our prevention efforts, and is responsible for outreach, education, and training. This work is done through a wide array of partnerships with community groups, sibling agencies, and individual stakeholders. The Community Relations Bureau's outreach and education efforts are complemented by our communications campaigns and public facing resources, which distill the provisions of the Human Rights Law.

The Law Enforcement Bureau conducts testing, launches investigations, initiates complaints, enters settlements, and takes cases to trial to address violations of the Human Rights Law. Individuals in New York City who believe they have experienced discrimination or harassment and want to seek redress have two paths to vindicate their rights. The Human Rights Law specifies that individuals have the option to come to the Commission, or they can file a complaint in court.¹ When a report is made to the Commission, those claims are assessed by staff in the Law Enforcement Bureau.

Cases that are investigated by the Law Enforcement Bureau are often resolved by settlement agreements between the Commission and a covered entity. Matters that are not settled or mediated may be referred to trial at the Office of Administrative Trials and Hearings. New Yorkers who choose to file a complaint at the Commission may be entitled to emotional distress damages and compensatory damages. Settlements and final decisions after a trial can also require employers, housing providers, and businesses to undertake policy changes, agree to trainings, and take other steps that aim to prevent future discrimination and harassment. Covered entities may also have to pay civil penalties of up to \$250,000 where the commission finds that an unlawful discriminatory practice was the result of the respondent's willful, wanton or malicious act.²

The Commission's settlements and Decisions and Orders demonstrate how the agency seeks to eliminate gender-based harassment and remedy the resulting harms. Before turning to those I will briefly discuss the Human Rights Law and several provisions that resulted from the 2018 Stop Sexual Harassment in NYC Act.

The Human Rights Law and Gender-Based Harassment

The New York City Human Rights Law prohibits gender-based harassment in the areas of employment, housing, and places of public accommodation. The legal term gender-based harassment includes sexual harassment under the Human Rights Law. The Human Rights Law's provisions, including the prohibitions against gender-based harassment are designed to be interpreted expansively.³

CCHR's Focus on Combatting and Preventing Sexual Harassment

The Commission has long been committed to combatting sexual harassment through education and robust enforcement. Implementation of the Stop Sexual Harassment in NYC Act reinforced and amplified these efforts, by making six amendments to the Human Rights Law. The Commission works diligently so that New Yorkers understand their rights and can vindicate them through implementation of these amendments. I will now turn to some of these efforts.

The Stop Sexual Harassment in NYC Act included several amendments to the Human Rights Law's anti-discrimination and harassment provisions by placing an emphasis on the pervasive challenge of gender-based harassment in the workplace. Local Law 99 added language underscoring that gender-based harassment threatens the terms, conditions, and privileges of employment. Local Law 98 extended the Human Rights Law's protections against gender-based harassment to all employees, regardless of the size of the employer, and Local Law 100 extended the statute of limitations for filing claims of gender-based harassment with the Commission from one year to three years. Each of these remain in effect.

The Stop Sexual Harassment in NYC Act was not only about changes to the law; it was also about raising awareness of individual rights and obligations. Several of the bills focused on ensuring that information about New Yorkers' rights and obligations is easily accessible, and that work is central to the Commission's mandate. Pursuant to Local Law 94, the Commission has built out an extensive website that has a multitude of free resources that explain that sexual harassment is a violation of the Human Rights Law, provide concrete examples of what behaviors constitute illegal harassment, and explain that retaliation against individuals that report discrimination or that cooperate in an investigation into such allegations is illegal. These resources highlight how to redress sexual harassment as well, providing information about bystander intervention, and steps to take if facing sexual harassment. Consistent with Local Law 95, the Commission created a downloadable poster and a fact sheet regarding workplace sexual harassment. These resources include specific examples, and information on the venues where individuals can file claims – at the federal, state and local levels. Employers are required to post the poster and disseminate the fact sheet in English and Spanish. The companion fact sheet is available in ten languages to ensure that employees know their rights regardless of the language they speak. These written resources are complemented by a free, interactive training, as required by Local Law 96. This Law requires most employers to provide their employees with this training or a training with similar components annually.

Our training is available on our website in eleven languages and satisfies New York State’s sexual harassment prevention training requirements.⁴ Thus far in Fiscal Year 2024, the training has already been downloaded or viewed over 1 million times.

The Commission’s staunch efforts to eradicate sexual harassment have long included public engagement. Reflecting this, the agency launched an extensive City-wide campaign on workplace sexual harassment in print and on social media in April 2018. This included how to report to the Commission and messaged that any and all sexual harassment is against the law – there is no level that is tolerated in New York. The campaign had ads in bus shelters, and across community, ethnic, digital, and social media. The Commission worked with community-based organizations, lawyers, employee advocates and business associations, to expand the visibility and reach of the campaign.

The focus on sexual harassment prevention is not just part of written resources and our online training. Many of the Commission’s live, facilitated trainings contain discussion of sexual harassment protections. This includes our fundamental Human Rights Law 101 training, our Human Rights Law in employment training, and our training on domestic workers’ protections. These trainings are available to the public and all cover the Human Rights Law’s anti-sexual harassment protections. In Fiscal Year 2023, our Community Relations Bureau conducted 313 trainings that include the Human Rights Law’s anti-sexual harassment protections, and so far in Fiscal Year 2024, we have conducted 257.

CCHR also intentionally conducts direct outreach to small businesses, to make sure information on employee rights is available and accessible to all workplaces. For example, the Commission conducts business corridor outreach, and the Commission has made presentations to the Chamber of Commerce, Business Improvement Districts, and small business taskforces across the five boroughs.

Human Rights Law Enforcement

In addition to the specific efforts to implement the Stop Sexual Harassment in NYC Act, the Commission has reached strong settlements and issued a recent Decision and Order holding employers accountable for sexual harassment.

After receiving a complaint, the Law Enforcement Bureau’s investigation into a multinational fashion company uncovered persistent sexual harassment, retaliation, and failure of the company to take any action when they were made aware of employee allegations. The settlement included \$330,000 in damages as well as penalties, revised policies that include clear definitions of sexual harassment, gender-based discrimination, and retaliation; and describe the internal complaint procedure. This settlement will be monitored by the Commission.

Another notable settlement resulted from a commission-initiated investigation of a large news network where reports alleged a culture of pervasive sexual harassment and retaliation. The network agreed to pay \$1,000,000 in civil penalties, and for a four-year period, waive forced arbitration in agreements executed with its employees, talent, and contributors for any claims brought under the New York City Human Rights Law. The agreement requires the network to

hold regular, Commission-approved sexual harassment prevention and bystander training for all its New York City employees, including executives, and to implement a new policy and complaint procedure for discrimination and harassment complaints that allows for multiple levels of reporting.

The Commission also resolved sexual harassment cases against a transportation company, a clothing manufacturer, and a real estate management company in this past year. In addition to payment of damages and fines, the businesses in each of these cases agreed to attend trainings and either create or update their policies.

Additionally, in a 2023 Decision and Order, the Commission held an employer liable for gender-based harassment in the form of continuous sexual harassment, as well as retaliation. After a trial, the complainant in that case was awarded \$275,000 in emotional distress damages, along with additional compensatory damages. The Commission also imposed a civil penalty of \$250,000 on the employer. The Commission further required the employer to undergo training on human rights and sexual harassment prevention, post notices of rights, and develop written policies consistent with the New York City Human Rights Law.

Those are just some examples of the Commission's enforcement.

Conclusion

In closing, the Commission remains deeply committed to preventing and combating sexual harassment in New York City and ensuring that individuals who experience harassment know their rights and have venues for redress. We appreciate the Council's attention and commitment to addressing this issue, and we welcome your questions.