

STATE OF NEW YORK

1253--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. ROZIC, SEAWRIGHT, SIMON -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring employers to annually report to the division of human rights the number of settlements with employees and other individuals performing services in the workplace regarding claims of discrimination on the basis of sex, including verbal and physical sexual harassment; requiring the division of human rights to provide an annual report to the governor and the legislature; and to make conforming technical changes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 300 and 301 of the executive law are renumbered
2 sections 308 and 309.

3 § 2. The executive law is amended by adding a new section 300 to read
4 as follows:

5 § 300. Reporting of workplace sexual harassment claims. 1. Each
6 employer subject to the provisions of this article shall annually report
7 to the division the total number of settlements reached with employees
8 and non-employees regarding the resolution of claims of discrimination
9 on the basis of sex, including verbal and physical sexual harassment in
10 an anonymized, aggregated fashion.

11 2. Settlements required to be reported under this section shall
12 include any agreement or arrangement where anything of value is
13 conferred to the individual raising the claim in return for such indi-
14 vidual declining to further pursue the claim, and any internal mediation
15 or other workplace resolution that results in the individual declining
16 to further pursue the claim.

17 3. Claims of discrimination on the basis of sex include, but are not
18 limited to, claims of the following:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (a) inappropriate or unwanted touching;

2 (b) verbal comments about sex or of a sexual nature, which may include
3 comments to an individual about the individual's body or sexual or
4 romantic activity or the body or sexual or romantic activity of the
5 individual making the comments;

6 (c) referring to another individual by a name or nickname of a roman-
7 tic, demeaning, or sexual nature;

8 (d) inappropriate gestures of a sexual nature;

9 (e) unwanted proposals for sexual activity;

10 (f) showing another individual photos or other images that are sexual-
11 ly explicit or are otherwise of a sexual nature; and

12 (g) undue attention to or questions about a person's sexual relation-
13 ships, sexual history, sexual orientation, or gender identity.

14 4. Reports required to be submitted pursuant to this section shall be
15 on forms and according to such procedures as the division shall estab-
16 lish.

17 5. It shall be an unlawful discriminatory practice for any person
18 engaged in any activity to which this section applies to retaliate or
19 discriminate against an individual because the individual has:

20 (a) inquired about an employer's compliance with the provisions of
21 this section;

22 (b) complained about an employer's lack of compliance with the
23 provisions of this section; or

24 (c) reported an employer's lack of compliance with the provisions of
25 this section to the division or to another agency, including law
26 enforcement agencies.

27 6. (a) Nothing in this section shall be construed to interfere with
28 the right of an employee or non-employee to enter into a confidentiality
29 or non-disclosure agreement with their employer with respect to a claim
30 of discrimination on the basis of sex, including verbal and physical
31 sexual harassment, the investigation of such a claim, or the out-of-
32 court settlement of such a claim.

33 (b) An employer may not use a confidentiality or non-disclosure agree-
34 ment described in paragraph (a) of this subdivision as a basis for fail-
35 ing or refusing to submit to the division the information required by
36 subdivisions one and two of this section.

37 (c) A confidentiality or non-disclosure agreement as described in
38 paragraph (a) of this subdivision shall not be construed as prohibiting
39 any party to such agreement from cooperating with law enforcement inves-
40 tigations into any claims of discrimination on the basis of sex, includ-
41 ing verbal and physical sexual harassment.

42 7. As used in this section:

43 (a) "employer" includes all employers within the state; and

44 (b) "non-employee" means a person other than an employee who provides
45 services pursuant to a contract or other agreement in the workplace,
46 including but not limited to, a vendor, consultant, free-lancer or
47 employee of a temporary or staffing agency.

48 § 3. Section 295 of the executive law is amended by adding a new
49 subdivision 19 to read as follows:

50 19. Annually, on or before April first, the division shall submit to
51 the governor and to the legislature, and shall make available to the
52 public on its website, a report containing the following information
53 relating to claims of discrimination on the basis of sex, including
54 verbal and physical sexual harassment:

55 (a) the number of settlements that were reported to the division as
56 defined by and reported pursuant to this section;

1 (b) the number of charges alleging discrimination on the basis of sex
2 that were reported to the division, from any source, including verbal
3 and physical sexual harassment made directly to the division;

4 (c) a summary of any action taken by the division based upon any such
5 charges or complaints collected pursuant to this section, such as liti-
6 gation or settlements facilitated by the division pertaining to discrim-
7 ination on the basis of sex, including verbal and physical sexual
8 harassment, including a brief description of any outcome of such
9 actions; and

10 (d) the number of settlements that were reported to the division shall
11 be categorized by the industry of the employer, as classified pursuant
12 to the North American Industry Classification System (NAICS) as adopted
13 by the United States Office of Management and Budget.

14 § 4. This act shall take effect on the first of January next succeed-
15 ing the date upon which it shall have become a law. Effective immediate-
16 ly the addition, amendment and/or repeal of any rule or regulation
17 necessary for the implementation of this act on its effective date are
18 authorized to be made and completed on or before such date.