**FAQs**

For Workers

**Q1. I think I’ve been sexually harassed. What should I do?**

A1. If you believe that you have been sexually harassed, you should report the conduct to your employer, temporary agency or placement agency. If your employer is your harasser, or you do not trust how your employer will react, you may contact the New York State Division of Human Rights.  The Division of Human Rights can take complaints and investigate.

You can also, simultaneously or subsequently, file a complaint with the New York State Division of Human Rights. Please note: a complaint must be filed with the Division of Human Rights within one year of the alleged discriminatory act. For more information, see the Division’s brochure entitled “[Sexual Harassment](https://dhr.ny.gov/sites/default/files/pdf/sexual-harassment.pdf).”

**Q2. How can I file a complaint with the Division of Human Rights?**

A2. There are several ways to file a complaint with the Division:

* For information on how to file a complaint, visit: www.dhr.ny.gov/complaint
* You can call 1-888-392-3644
* You can visit a Division of Human Right office and file a complaint in person: https://dhr.ny.gov/contact-us

**Q3. Can my employer retaliate against me if I complain?**

A3. New York’s Human Rights Law prohibits retaliation for making an internal complaint to your employer, or for filing a complaint with the Division of Human Rights. If you feel you are being retaliated against, you should contact the Division and file a complaint.

**Q4. Is my employer covered by the Human Rights Law?**

A4. Yes. The Human Rights Law requires ALL employers in New York State, regardless of the number of employees, to provide a workplace free from sexual harassment.

**Non-Employees in a Workplace**

**Q1. I am not directly employed by the company where I was harassed, am I still covered?**

A1. As of April 12, 2018, non-employees, such as contractors, subcontractors, vendors, consultants or anyone providing services in the workplace, are also protected from harassment at a location where they are working. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services provided pursuant to a contract with the employer.

**Q2. I work for a maintenance contractor and I clean the offices of a business. An employee of the building, who is not employed by the business I clean for, is asking me repeatedly for dates. I don’t like this behavior. What can I do?**

A2. Your employer and the business that operates in your worksite are both required to provide you a harassment-free workplace. You should report the conduct to the worksite business, and also to your own employer. Both are responsible to address the problem. If your employer is your harasser, or you do not trust how your employer will react, you may also file a complaint with the Division of Human Rights.

**Q3. The copier repair person always makes sexual jokes which are upsetting to me. My boss says that she can’t do anything about it.**

A3. Your employer is required to provide a workplace free from sexual harassment, regardless of who the harasser is. Your employer is required to take appropriate action based on your complaint. If you do not trust how your employer will react, you should file a complaint with the Division of Human Rights.

**Q4. A temporary worker tells me sexually explicit stories about his “dates” regularly. I complained, but my supervisor says he doesn’t have any authority over the temps.**

A4. Your supervisor is required to take your complaint to someone who can investigate and take corrective action. You can complain to another supervisor or manager at your employer, or you can file a complaint with the Division of Human Rights, or you can do both.

**Q5. I perform work as an independent contractor, and much of my work is performed off the premises of the business. However, when I come into the office to meet with the person who oversees my work, he tries to start an unwelcome sexual relationship with me. He is the only person at the business that I have any contact with, and I don’t know how to complain.**

A5. Employers are encouraged to post and make available their Sexual Harassment Prevention policies.  You can complain to a supervisor or manager at the employer, file a complaint with the Division of Human Rights, or both.