

New York State & New York City Sexual Harassment & Discrimination Prevention Training

STOP SEXUAL HARASSMENT ACT

NYC Commission on
Human Rights
NYC.gov/HumanRights



Combating
Sexual Harassment

Manager MUST Know



Combating Sexual Harassment

1. Understand the requirements of the new law
2. Understand Harassment vs. Discrimination
3. Resources available to protect employees
4. Company policy & procedures to handle complaint
5. How to identify issues and concerns
6. Responding to sexual harassment complaint
7. New York City – additional requirements

NYS & NYC Requirements & action at Sarku

1. A Policy in Place & a Complaint Form

- Employee handbook + **New York Addendum**
- Store poster of employee rights
- NYC Fact Sheets – confronting sexual harassment

2. Training of ALL employees – every year

- Newly hired within 30 days after hire
- Train-the-trainers (today)
- Refresher training (by MGR & OS)

■ NEW YORK STATE

■ Sexual Harassment Prevention Training

2023 Edition



Combating
Sexual Harassment

English: <https://www.nyc.gov/assets/cchr/training/english/index.html>

Spanish: <https://www.nyc.gov/assets/cchr/training/spanish/index.html>

Chinese: <https://www.nyc.gov/assets/cchr/training/chinese/index.html>

Case scenario

Video
provided by
NYC
(The Assistant 2019)

The New York City Commission on Human Rights has launched an online training program for employers based in New York City that is compliant with New York State requirements.

NYC Commission on
Human Rights
NYC.gov/HumanRights

Retaliation, Gender Identity, Gender Expression & Sexual Orientation

Video adopted from NYC harassment prevention training

Certificate of completion

NYC online training (45 min)



** Type in your name and the company name
Save / Print in PDF or Screen Shot the certificate once completed

Goals for Today's Training

Sexual harassment & discrimination are unacceptable

Today's training will:

- Help you better understand what is considered sexual harassment & discrimination
- Show you how to report sexual harassment & discrimination
- Show you external reporting options

What is Sexual Harassment?

Sexual Harassment:

- Is a form of gender discrimination and is unlawful
- Includes harassment or discrimination on the basis of sex, gender, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
- Is not limited to sexual contact, touching or expressions of a sexually suggestive nature
- Is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

Two types of sexual harassment

- 1. Quid Pro Quo Sexual Harassment (“this for that”)**
 - Conditions of a job, promotion, or other work benefit in exchange for sex favors
- 2. Hostile work environment**
 - Unwelcome comments or conducts based on sex (gender)
– creates an intimidating, hostile, or offensive work environment

What is Gender Identity?

Understanding gender diversity is essential to recognizing sexual harassment & gender discrimination.

Though there are many gender identities, the three most common ways people identify are:

- **Cisgender:** a person whose gender identity aligns with the sex they were assigned at birth.
- **Transgender:** a person whose gender identity is different than the sex they were assigned at birth.
- **Non-Binary:** a person who does not identify exclusively as a man or a woman. Some may identify as transgender, but not all do

What Can Harassment or Discrimination Look Like?

Any unwelcome conduct, either of a sexual nature or which is directed at an individual because of that individual's gender identity when:

- The purpose or effect of the behavior interferes with an individual's work performance or creates a hostile work environment;
- Employment depends on accepting the unwelcome behavior; or
- Employment decisions are based on an individual's acceptance or rejection of the behavior

When Does Behavior Escalate to Harassment or Discrimination?

Under New York State law, harassment does not need to be “severe or pervasive” to be unlawful.

- Any harassing conduct can be unlawful if it rises above “petty slights or trivial inconveniences.”
- Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered harassing or discriminatory behavior.

Intent does not affect whether behavior is harassment.

Bystander Intervention



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5 Methods of Bystander Intervention

1. Interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior.
2. Ask a third-party to help intervene in the harassment.
3. Record or take notes on the harassment incident to benefit a future investigation.
4. Check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok.
5. Confront the harassers and name the behavior as inappropriate only when you feel safe.

Retaliation



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Protected Activities

Any employee engaged in “protected activity” is protected by law from being retaliated against.

Protected activities include:

- Making a complaint about harassment or suspected harassment
- Providing information during an investigation
- Testifying in connection with complaint

What is Retaliation?

Any action to alter an employee's terms and conditions of employment because that individual engaged in protected activities is retaliation.

Examples include (but are not limited to):

- Sudden changes in work schedule or work location
- Reduced hours or the assignment to less desirable shifts
- Publicly releasing an employee's personnel files

What is Not Retaliation?

A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity.

Employees are still subject to job requirements, but managers should be sensitive to discrimination's impact when assessing job performance.

Supervisor's Responsibilities



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A Supervisor's Responsibility

Supervisors and managers are held to a higher standard of behavior.

Supervisors and Managers are:

- Required to report any harassment reported to them or which they observe.
- Responsible for any harassment or discrimination they should have known about.
- Expected to model appropriate behavior.

Mandatory Reporting

Supervisors must report any harassment that they observe or know of, even if no one is objecting to it.

- Harassment must be promptly reported to the employer.
- Supervisors and managers will be subject to discipline for failing to report suspected sexual harassment.
- Supervisors and managers will also be subject to discipline for engaging in retaliation.

**What should I
do if I am
harassed?**



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What Should I Do If I Am Harassed?

- If you experience or witness harassment or discrimination you are encouraged to report it internally.
- Behavior does not need to violate the law to violate our policy.
- Complaints may be made verbally, through email, or by complaint form.
- All complaints will be treated equally regardless of how they are reported.

What Should I Do If I Witness Sexual Harassment?

Anyone who witnesses or becomes aware of potential instances of sexual harassment should report it to a supervisor, manager, or designee.

It is unlawful for an employer to retaliate against you for reporting suspected sexual harassment or assisting in any investigation.

Investigation and Corrective Action

- Anyone who engages in sexual harassment, discrimination, or retaliation will be disciplined.
- An investigation of any complaint will be commenced promptly and completed as soon as possible.
- The investigation will be kept confidential to the extent possible.
- It is illegal to retaliate against **any** employee for their participation in an investigation.

Investigation Process

- We will conduct a prompt review of the allegations, and take any interim actions.
- Relevant documents, emails, or phone records will be requested, preserved, and obtained.
- Interviews will be conducted.
- The individual(s) who complained and the individual(s) accused of sexual harassment are notified of final determination and that appropriate administrative action has been taken.

Additional Protections and Remedies



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NYS Division of Human Rights (DHR)

A complaint alleging violation of the Human Rights Law may be filed either with DHR or in NYS Supreme Court.

- Complaints may be filed with DHR any time **within three years** of the alleged sexual harassment.
- You do not need to have an attorney to file.
- More information: www.DHR.ny.gov or call **1-800-HARASS-3**

United States Equal Employment Opportunity Commission (EEOC)

- An individual can file a complaint with the EEOC anytime **within 300 days** from the alleged sexual harassment.
- You do not need to have an attorney to file.
- A complaint must be filed with the EEOC before you can file in federal court.
- More information: www.EEOC.gov.



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Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination.

- Contact your county, city or town to find out if laws exist.

Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts.

- Contact the local police department.



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NYC Commission on Human Rights

A complaint alleging violation of the Human Rights Law within NYC may be filed with NYC Commission on Human Rights

- Call 311 & ask for “human rights”
- Call (212) 416-0197, or
- Visit: www.NYC.gov/HumanRights

Summary



**Combating
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Other Types of Workplace Harassment

Discrimination is intersectional and often multiple identities impact our perceptions in the workplace and the treatment of coworkers.

Any harassment or discrimination based on a protected characteristic is prohibited in the workplace and may lead to disciplinary action against the perpetrator.

- Age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity or expression, familial status, predisposing genetic characteristics, and criminal history.

Much of the information presented in this training applies to all types of workplace harassment based on protected characteristics.

Summary

Things you learned:

- How to recognize harassment and discrimination as inappropriate behavior.
- Harassment because of any protected characteristic is prohibited.
- Why workplace harassment is employment discrimination.
- All harassment should be reported.
- Supervisors and managers have a special responsibility to report harassment.

What Should I Do If I Am Harassed?

We will provide you with a complaint form to report harassment and file complaints. Submit it to:

Human Resources at 1-888-352-6283

Email to hr@sarkujapan.com

You may also make reports verbally.



We're here to help!

Report

- Discrimination
- Harassment
- Payroll Concerns

Sarku Japan has a zero-tolerance policy on discrimination and harassment. If you experience/witness something you believe violates the Company's HR policies, please **call the HR Hotline**.

The Company prohibits retaliation against those reporting concerns in good faith. **All information will be kept confidential.**

Reporte

- Discriminación
- Acoso
- Problemas con la nómina

Sarku Japan tiene una política de cero tolerancias con respecto a la discriminación y el acoso. Si experiencia/es testigo de algo que cree que infringe las políticas de HR de la Compañía, **llame a HR Hotline**.

La Compañía prohíbe las represalias contra quienes informan sus inquietudes de buena fe. **Toda la información se mantendrá confidencial.**

投诉

- 歧视
- 骚扰
- 工资单相关问题

Sarku Japan 对歧视和骚扰采取零容忍政策。如果你经历或见到你认为违反公司人力资源政策的事情，**请致电人力资源部 HR Hotline 热线**。

公司禁止报复那些善意举报的人。**所有信息都将保密。**



HR Hotline: 1-888-352-6283

<https://www.youtube.com/watch?v=zOMnxOkKHQg>

Case examples

**Video
provided
by NYS
(21 mins)**



**Combating
Sexual Harassment**

Important Resources

Find the Complaint Form:

**New York Addendum to the
Sarku Japan Employee Handbook**

For additional information, visit:

www.ny.gov/programs/combating-sexual-harassment-workplace

For anyone needing additional support, The New York State Domestic and Sexual Violence Hotline can be reached at:

Phone: 800-942-6906 or Text: 844-997-2121

Know Your Rights and Company Policies
了解您的權利和公司政策
Conozca sus derechos y las políticas de la empresa



Scan the QR Code below to access the following documents
 掃描二維碼下載以下文件
 Escanee el código QR a continuación para acceder a los siguientes documentos



Online copy 在線副本 Copia en línea

- Employee Handbook
- Sexual Harassment Prevention Policy & Complaint Form
- Sexual Harassment Prevention Training Materials & Case Examples
- Employment related posters & notices



Online copy 在線副本 Copia en línea

- 員工手冊
- 性騷擾預防政策與投訴表
- 性騷擾預防培訓材料與案例示例
- 就業相關海報和通知



Online copy 在線副本 Copia en línea

- Manual del Empleado
- Política de Prevención del Acoso Sexual y Formulario de Quejas
- Materiales de Capacitación para la Prevención del Acoso Sexual y Ejemplos de Casos
- Carteles y avisos relacionados con el empleo



HR Hotline: 1-888-352-6283



NEW YORK ADDENDUM TO THE EMPLOYEE HANDBOOK

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Sexual Harassment Policy for All Employers in New York State Combating Sexual Harassment

Introduction

This Policy is a guide to the Sexual Harassment & Workplace Discrimination Prevention Policy of Sarku Japan and all of its affiliated brands (collectively, “SJ” or “Company”) operating in the state of New York.

Purpose and Goals

SJ is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but SJ recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, predisposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of SJ commitment to a discrimination-free work environment.

Goals of this Policy:

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged

STOP SEXUAL HARASSMENT ACT FACTSHEET

All employers are required to provide written notice of employees' rights under the Human Rights Law both in the form of a displayed poster **and** as an information sheet distributed to individual employees at the time of hire. This document satisfies the information sheet requirement.

The NYC Human Rights Law

The NYC Human Rights Law, one of the strongest anti-discrimination laws in the nation, protects all individuals against discrimination based on gender, which includes sexual harassment in the workplace, in housing, and in public accommodations like stores and restaurants. Violators can be held accountable with civil penalties of up to \$250,000 in the case of a willful violation. The Commission can also assess emotional distress damages and other remedies to the victim, can require the violator to undergo training, and can mandate other remedies such as community service.

Sexual Harassment Under the Law

Sexual harassment, a form of gender-based discrimination, is unwelcome verbal or physical behavior based on a person's gender.

Some Examples of Sexual Harassment

- unwelcome or inappropriate touching of employees or customers
- threatening or engaging in adverse action after someone refuses a sexual advance
- making lewd or sexual comments about an individual's appearance, body, or style of dress
- conditioning promotions or other opportunities on sexual favors
- displaying pornographic images, cartoons, or graffiti on computers, emails, cell phones, bulletin boards, etc.
- making sexist remarks or derogatory comments based on gender

Retaliation Is Prohibited Under the Law

It is a violation of the law for an employer to take action against you because you oppose or speak out against sexual harassment in the workplace. The NYC Human Rights Law prohibits employers from retaliating or discriminating "in any manner against any person" because that person opposed an unlawful discriminatory practice. Retaliation can manifest through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. The NYC Human Rights Law protects individuals against retaliation who have a good faith belief that their employer's conduct is illegal, even if it turns out that they were mistaken.

Report Sexual Harassment

If you have witnessed or experienced sexual harassment inform a manager, the equal employment opportunity officer at your workplace, or human resources as soon as possible.

Report sexual harassment to the NYC Commission on Human Rights. Call 212-416-0197 or visit NYC.gov/HumanRights to learn how to file a complaint or report discrimination. You can file a complaint anonymously.

State and Federal Government Resources

Sexual harassment is also unlawful under state and federal law where statutes of limitations vary.

To file a complaint with the New York State Division of Human Rights, please visit the Division's website at www.dhr.ny.gov.

To file a charge with the U.S. Equal Employment Opportunity Commission (EEOC), please visit the EEOC's website at www.eeoc.gov.

停止性騷擾行為情況說明書

所有僱主在僱用僱員時，必須以張貼海報同時輔以向每位僱員分發資訊表的形式，書面告知《人權法》規定的僱員權利。本文件符合該資訊表要求。

《紐約人權法》

作為美國最有力的反歧視法之一，《紐約人權法》旨在保護所有個人不受性別歧視，其中包括在工作場所、住房、以及商店和餐廳等公共場所的性騷擾。如有故意違反者，將追究其最高25萬美元的民事罰款。人權委員會還能評估受害者的精神損害及其他補救措施，可以要求違反者接受教育，並強制要求其他補救措施，如社區服務。

性騷擾的法律定義

性騷擾是一種基於性別的歧視，指基於人的性別作出令人討厭的言語或身體行為。

性騷擾示例

- 令人討厭或不適當地騷擾僱員或客戶
- 提出性暗示被拒絕後，威脅作出或作出不良行為
- 對他人的外表、身體或衣著作出下流或色情的評論
- 要求他人提供性服務以換取升職或其他機會
- 在電腦、郵件、手機、公告板等展示色情圖片、漫畫或塗鴉
- 基於性別作出性別歧視言論或貶損性評論

法律禁止報復行為

若僱主因為你反對或公然抗議工作場所性騷擾而對你採取報復行動，這屬於違法行為。根據《紐約人權法》，僱主不得因他人反對非法歧視行為，而「以任何方式」對其實施報復或歧視。報復可體現為降級或解雇等直接行動，或增加工作量或轉至不甚理想崗位等更為細微的行為。《紐約人權法》保護個人不因其堅信僱主違法而受到報復，即使事實證明僱主並未違法。

舉報性騷擾行為

如果你目睹或經歷過性騷擾，請盡快通知經理、公司的平等就業機會主管或人力資源部。

向紐約人權委員會舉報性騷擾行為。請致電 212-416-0197 或造訪 NYC.gov/HumanRights，瞭解提交投訴或舉報歧視行為的方法。支持匿名投訴。

州立與聯邦政府資源

根據州立與聯邦法律規定，性騷擾同樣為非法行為，但訴訟時效可能有所不同。

如需向紐約州人權署提交投訴，請造訪人權署網站：www.dhr.ny.gov。

如需向美國平等就業機會委員會 (EEOC) 提出檢控，請造訪 EEOC 網站：www.eeoc.gov。



Store# 038
 Store Name STATEN ISLAND

Re: New York State - Sexual Harassment Prevention Training
 纽约州预防性骚扰培训
 Estado de NUEVA YORK - Entrenamiento de Prevención de Acoso Sexual

By signing this document, I acknowledge that I received a copy of the Sarku Japan's Sexual Harassment Prevention Policy and Complaint Form included as a New York Addendum to the Employee Handbook dated June 1, 2024. I acknowledge having received training on sexual harassment prevention and have been provided an opportunity to review the training materials and ask questions. I agree to comply with the contents of the Handbook.

I understand that online copies of the policy, training materials and complaint form are available at the Company's intranet which may be accessed via a QR code on the HR-sign displayed at the store.

通过签署此文件，我确认已收到2024年6月1日《员工手册》中作为纽约附录的Sarku Japan反性骚扰政策和投诉表格。我确认已接受性骚扰预防培训，并有机会审阅培训材料和提出问题。我同意遵守手册的内容。我明白可通过商店展示的人力资源标志上的二维码接驳公司内联网上获取该政策、培训材料和投诉表格的在线副本。

Al firmar este documento, reconozco que he recibido una copia de la Política de Prevención del Acoso Sexual y el Formulario de Quejas de Sarku Japan, incluidos como un Anexo de Nueva York en el Manual del Empleado con fecha del 1 de junio de 2024. Reconozco haber recibido capacitación sobre la prevención del acoso sexual y haber tenido la oportunidad de revisar los materiales de capacitación y hacer preguntas. Estoy de acuerdo en cumplir con el contenido del Manual.

Entiendo que las copias en línea de la política, los materiales de capacitación y el formulario de quejas están disponibles en la intranet de la empresa, a la cual se puede acceder mediante un código QR en el letrero de RR.HH. exhibido en la tienda.

Employee Name	Title	Date	Employee Signature

Sexual Harassment Prevention Training



TRAIN-THE-TRAINER PARTICIPATION FORM

Training date & time	June 17, 2026	Time from: 02:30 pm	Time to: 04:30 pm
Current store	Store # and Name	State New York & New Jersey	
Training conducted by	Name of Trainer Cynthia Lai	Trainer Signature	

I, _____ (Employee # _____), attended this meeting and received training to include topics as listed below: -

1. **The requirements of the law on Combating Sexual Harassment in New York State**
2. **Stop Sexual Harassment Act imposed by the New York City (NYC) Commission on Human Rights**
3. **Employee Handbook & the New York Addendum – discussion on important sections including but not limited to:**
 - 3.1 Anti-Harassment & Diversity Policy
 - 3.2 Sexual Harassment Prevention Policy & the Sexual Harassment Complaint Form
4. **Sexual Harassment Prevention Training**
 - 4.1 An explanation of sexual harassment as a form of unlawful discrimination under local law;
 - 4.2 Sexual harassment is also a form of unlawful discrimination under state and federal law;
 - 4.3 A description of what sexual harassment is, using examples;
 - 4.4 Complaint process available to our employees to address sexual harassment claims;
 - 4.5 The complaint process available through the NYC Commission, the New York State Division of Human Rights and the United States Equal Employment Opportunity Commission, including contact information;
 - 4.6 The prohibition of retaliation including examples;
 - 4.7 Information concerning bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention; and
 - 4.8 The specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures that such employees may take to appropriately address sexual harassment complaints.
5. **Training required to all employees for the topics as listed in 4) above, and annually thereafter.**
6. **The posting requirement at the store & the provision of Handbook & the NY Addendum to all employees**
7. **Mandatory reporting requirements for ALL notices or complaints on sexual harassment or labor law compliance**

As an employee of Sarku Japan, I understand that I am required to comply with the Company's policies, all applicable labor laws and regulations. I have been provided with the Company policy in regard to Sexual Harassment Prevention and the Complaint Form, included in the New York Addendum of the Employee Handbook for review and a training session regarding the topics listed above.

I have been advised to contact my supervisor or Human Resources Department at the Head Office regarding any employee's complaints or issues. For any possible violation of the Company's Anti-Harassment or Anti-Discrimination Policy, I would report all notices or complaints come to my knowledge to Human Resources Department without exception.

I understand that my acts may be construed as the acts of the Company and I may be disciplined, including termination of my employment, for my failure to observe the Company's policy and/or any violation of applicable labor laws and regulations.

Signature Date: _____

Participant form for today

Questions?

Any questions after the webinar may be directed to USHR at 1-888-352-6283