New York's Assembly Bill A145 Could Improve Workplace Safety and Accountability

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By Lawrence M. Pearson

Assembly Bill A145, under consideration on the Senate Assembly floor, represents a pivotal shift in New York's approach to workplace accountability and employer responsibility. For employment law advocates and firms like ours, which focus on sexual harassment, civil rights, and discrimination, the bill is a long-overdue advancement in tying corporate tax benefits to their responsibility to protect their employees.

Background

Assembly Bill A145 was introduced in 2017 by Assemblywoman Linda Rosenthal, who also sponsored New York's landmark Adult Survivors Act, and has been re-introduced in each legislative session since. Currently in committee in the New York State Assembly, A145 would:

- Amend the current New York Labor Law to require every corporation to develop and implement a written workplace policy addressing sexual harassment, sexual assault, and discrimination
- Require corporations to create these policies in line with standards set by the Division of Human Rights and be tailored according to the size and type of the organization
- Introduce annual reporting and recordkeeping requirements for incidents of sexual harassment, sexual assault and discrimination (requiring that records of such complaints and incidents be kept for a minimum of five years), in addition to annual reporting to the Division of Human Rights outlining the organization's policies and any such incidents or claims (crucially, including reporting details of "the outcome of such claims")

Significantly, A145 also links local and New York State corporate tax credits to a company's track record on sexual harassment, assault, and discrimination. Indeed, businesses found to have a poor record on those issues by the Division could be deemed ineligible for covered tax credits, creating a tangible financial incentive for employers to take workplace safety and equity seriously.

"Taxpayers' hard-earned dollars should not be used to subsidize sexual assault," Rosenthal said in a 2017 press release. "Companies who do business here in New York have a responsibility to provide a safe and assault-free environment for all employees, regardless of gender. We in New York have a responsibility to require proof that they are doing so. The burden on companies to fill out the paperwork required to comply with this new law is not greater than the burden on the victims and society as a whole for turning a blind eye to dangerous, hostile workplaces."

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A Trend Toward Corporate Accountability

Over the last few years, several states have enacted legislation to promote employee protections and ensure incidents of sexual assault or discrimination are acknowledged, addressed, and remediated while ensuring survivors and witnesses are not silenced.

- In Colorado, the Protecting Opportunities and Workers' Rights (POWR) Act broadens and expands the definition of "harassment" while also enforcing record-keeping and procedural mandates for employers regarding harassment defenses, including limiting certain nondisclosure agreement obligations
- California's SB 311, the "Silenced No More Act" officially banned confidentiality provisions in settlement agreements relating to disclosure of any type of harassment, discrimination, or retaliation at work
- Signed into law in March of last year, Utah's H.B. 55 bans employers from requiring employees to sign non-disclosure or non-disparagement agreements related to sexual misconduct as a condition of employment

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Next Steps

The bill, officially introduced January 8, 2025, is currently before the Assembly Labor Committee. Next steps will include a committee review and vote, passaged by the Assembly, State Senate consideration, and final approval by the Governor.

New York residents are welcome to create a free account to show their support for A145, and can also comment on the legislation directly.

Looking Ahead

From an advocacy standpoint, this bill is a powerful tool. It goes beyond general awareness and employee complaint and training procedures (which also are required by other laws) to establish enforceable standards for corporate accountability, encouraging proactive, preventative action rather than just reactive damage control. Likewise, it could further empower survivors of assault and harassment who are reticent to speak up and report their situations for fear of losing their jobs—now, employers must report the outcome of complaints and investigations to a New York State agency.

A145 would not only help deter misconduct in New York, but also may serve as a blueprint for other states considering how best to address systemic workplace misconduct and ensure that tax benefits are not bestowed on employers who are not protecting their employees from sexual mistreatment. The bill makes it clear that silence, complacency, or inaction are not acceptable, particularly where public resources are involved.

Furthermore, survivors and advocates have long expressed frustration with the opaque and inconsistent ways companies handle internal complaints. By mandating transparency through recordkeeping and annual reporting, this bill amplifies survivor voices and strengthens public trust and confidence. It ensures that complaints and violations aren't quietly buried or resolved behind closed doors, but instead are held out for public and institutional scrutiny.

As employment attorneys, we know that legislative tools like A145 are crucial for creating environments where people feel safe to come forward, and to compel employers to take real, sustained action. This is not just about abstract policy—it's about changing culture and real-life practices.

***Lawrence M. Pearson** is a partner at Wigdor LLP, the nation's leading employment law and sexual harassment firm. If you have experienced discrimination or harassment at work, connect with a Wigdor attorney today.*