

# New Jersey Prepares to Strengthen Protections for Workers Against Discrimination, Harassment, and Retaliation

By Jill R. Cohen

Two February 2020 developments from New Jersey state government indicate that the protections afforded to workers by the New Jersey Law Against Discrimination (“NJLAD”) are likely to be expanded. These increased protections include a broader ability to bring claims arising from this conduct, and many proactive obligations on employers to prevent and address conduct giving rise to claims.

First, Governor Phil Murphy recently announced a bill that would amend the existing NJLAD. This bill is explicitly intended to “overhaul” the NJLAD. The proposals in the bill include the following specific measures, among others:

- **Stronger Language to Define a Hostile Work Environment:** The bill clarifies the “severe or pervasive” standard for establishing a hostile work environment and makes it clear that a single incident can create a hostile work environment and that harassment need not involve physical touching;
- **Accountability for Employers:** To ensure uniform compliance, the bill mandates that all private and public employers establish workplace policies and training on unlawful discrimination and harassment, and mandates that the New Jersey Division on Civil Rights (“DCR”) create model policies and training to facilitate compliance. Employers with 50 or more employees would also be required to collect and annually report data related to complaints received on workplace discrimination, harassment, and retaliation to the DCR;
- **Expanded Employee Protections:** The bill adds domestic workers and unpaid interns to the employees protected by the NJLAD. It also provides an extension to the statute of limitations for cases brought under the NJLAD from two to three years and the statute of limitations for filing a complaint with DCR from 180 days to one year.

A link to the proposed changes can be found [here](#). Eckert Seamans will closely monitor the bill as it makes its way through the New Jersey legislature.

Second, the New Jersey Division on Civil Rights issued its report, “Preventing and Eliminating Sexual Harassment in New Jersey: Findings and Recommendations from Three Public Hearings.” A link to the DCR’s report can be found [here](#). The report makes many legislative recommendations and outlines best practices for employers. These legislative recommendations include amending certain defenses and statutes of limitations currently applicable to claims of sexual harassment. The proposed best practices for employers include mandating workplace trainings and requiring certain provisions in employer policies, among other recommendations. Although not yet law, employers are well-advised to ensure their anti-harassment policies comport with the DCR’s recommendations now, as a proactive measure to avoid claims of harassment.

As expected, Governor Murphy's bill overlaps with the recommendations set forth in the DCR's report. As noted, however, the bill applies to additional protected categories, forms of discrimination, and sexual and other forms of harassment in the workplace.

This Labor & Employment Alert is intended to keep readers current on developments in the law, and is not intended to be legal advice. If you have any questions, please contact author Jill R. Cohen at 609.989.5060 or [jcohen@eckertseamans.com](mailto:jcohen@eckertseamans.com), or any other attorney at Eckert Seamans with whom you have been working.