



NEW YORK STATE SENATOR

Liz Krueger

## Sen. Krueger, Assemblywoman Jaffee, Advocates Announce Legislation to Prevent Employer Discrimination Against Women for Reproductive Health Decisions

LIZ KRUEGER March 5, 2014

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Today Senator Krueger and Assemblymember Ellen Jaffee (D-Suffern) unveiled legislation banning employers from discriminating against employees on the basis of their personal reproductive health decisions ([S. 6578A / A. 8769](#)). Known to advocates and legislators as the “Boss Bill,” this legislation would close a glaring loophole in New York’s existing workplace anti-discrimination laws.

The bill’s introduction was prompted by the proliferation of more than 100 federal lawsuits by employers seeking to deny their employees the birth control coverage benefits they are guaranteed through their healthcare plans under the federal Affordable Care Act. At least one large national chain store, Hobby Lobby, is among the growing number of employers trying to cut female employees off from access to birth control and the ability to make their own healthcare decisions.

“With the full Women’s Equality Act stalled by the bizarre politics of the Senate, and with employers going out of their way to cut off women’s access to contraception, here’s the question: can this legislature act to protect women at all?” asked Sen. Krueger. “In New York, in the 21st century, no boss should be able to tell employees whether they can have access to

birth control. This bill to protect a woman's basic right to make her own decisions about contraception, free from reprisals, should pass quickly in both houses. It would send a deeply disturbing message if it doesn't."

"Employers should not have the right to make healthcare decisions for their employees," said Assemblymember Jaffee. "Denying millions of women access to affordable birth control is denying them fair and equal access to basic preventive health care. This legislation is a step in the right direction: It will guarantee New York women, not their employers, the freedom and fundamental right to make their own personal healthcare decisions about what is best for them and their families."

"The need to enact legislation to protect an individual's right to access a basic health service without interference underscores the need to pass the full Women's Equality Act in 2014. If we cannot pass common sense legislation designed solely to safeguard the basic rights of women to live, work and raise their families in New York State, what does that say about our priorities?" asked M. Tracey Brooks, CEO of Family Planning Advocates of New York State. "Our legislators need to act now to demonstrate that personal health care decisions should never be taken out of our hands and that all New Yorkers share the same rights and safeguards under the law."

"Women's basic rights to make the reproductive health care decisions that are best for us and for our families have been priorities in New York for decades," said Andrea Miller, president of NARAL Pro-Choice New York. No one – not politicians, extremists, or bosses – should be able to interfere with those basic rights. With the current attacks on reproductive freedom on the federal level and in statehouses across the country, it has never been more necessary for New York to both protect the New York women's rights to access the care we need, and to stand tall for the pro-choice values that define us as a state."

The federal Affordable Care Act (ACA) requires that health insurance plans cover all FDA-approved birth control methods without out-of-pocket costs. This benefit represented a huge step forward for women's health and equality, expanding coverage and eliminating costs for literally millions of women. However, as has been made obvious by the myriad lawsuits from businesses seeking to strip this coverage, some bosses are committed to inserting themselves into their employees' private healthcare decisions.

New York State has demonstrated a commitment to outlawing discrimination in the workplace by passing laws protecting individuals from various forms of discrimination, but discrimination on the basis of individuals' reproductive healthcare decisions can fall into a gap in the existing law. To address this, Sen. Krueger and Assemblymember Jaffee's legislation adds a new Section 203-E to the New York State Labor Law, prohibiting an employer from discriminating against an employee on the basis of the employee's (or a dependent's) reproductive health decisions, including a decision to use or access a particular drug, device or medical service. It also prohibits discrimination based on an employer's personal beliefs about such services.

*Sen. Liz Krueger is a veteran member of the New York State Senate's Democratic Conference, serving as ranking member on the Senate Finance Committee. First elected in 2002, Sen. Krueger represents the 28th Senate District, which includes Manhattan's Upper East Side and East Midtown communities.*

*Assemblywoman Ellen Jaffee, former Chair of the Assembly Task Force on Women's Issues and a vocal member of the New York State Democratic Conference, currently serves as Chair of the Assembly Task Force on Food, Farm and Nutrition Policy. She was elected to the Assembly in 2007, representing Rockland County's 97th district, which includes Orangetown and over half of the Town of Ramapo.*

*Sen. Krueger and Assemblymember Jaffee serve as co-chairs of the New York State Bipartisan Pro-Choice Legislative Caucus (BPCLC).*