



NEW YORK STATE SENATOR

Liz Krueger

Sen. Krueger, Advocates Applaud Passage of “Boss Bill” in Senate Labor Committee, Call for Floor Vote Before End of Session

LIZ KRUEGER June 3, 2014

| ISSUE: **HEALTH, LABOR, HEALTH CARE, WOMEN'S HEALTH, HUMAN RIGHTS**

Sen. Krueger applauded the Senate Labor Committee’s passage today of her legislation banning employers from discriminating against employees on the basis of their personal reproductive health decisions ([S. 6578B](#)). Sen. Krueger called on the Senate majority’s co-leaders to follow up on this positive step by allowing a floor vote on the bill before the close of the 2014 session.

Known 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. A large national chain store operating in New York, Hobby Lobby, is among the growing number of employers trying to cut employees off from access to birth control and other reproductive health services and the ability to make their own healthcare decisions.

The United States Supreme Court is expected to hand down a decision later this month in litigation brought by Hobby Lobby seeking to remove contraceptive coverage from the mandated services its health insurance is required to cover under the federal Affordable Care Act. Regardless of the outcome in that case, the Boss Bill would protect all workers, both men and women, from being discriminated against by their employers for their reproductive healthcare decisions or their use of the available range of reproductive care services, whether covered by insurance or otherwise. This would include, for example, women who have become pregnant and are accessing pregnancy-related healthcare services, regardless of their marital status or sexual orientation.

“With some employers going out of their way to cut off workers’ access to reproductive health care, here’s the question: will this legislature act to protect employees’ right to make their own healthcare decisions?” asked **Sen. Krueger**. “Today, the Senate Labor Committee answered with a ‘yes’ – and I thank Sen. Diane Savino for giving this bill a committee vote today. I now call upon Majority Co-Leaders Skelos and Klein to bring it to the floor before the end of session, to show that New York can, in fact, do something to protect basic rights to health care.”

“In New York, in the 21st century, no boss should be able to tell employees whether they can have access to birth control, or whether they have the right to be pregnant,” continued **Sen. Krueger**. “This bill to protect women and men's basic

rights to make their own reproductive health decisions, free from reprisals from their bosses, should pass quickly in both houses. It would send a deeply disturbing message if it doesn't.”

“We need to enact legislation to protect a worker's right to access basic health care services without interference by their employers. If we cannot pass any common sense legislation in New York State designed to safeguard the basic rights of women to live, work and raise their families our 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.”

“The Boss Bill safeguards the Affordable Care Act’s promise of contraceptive equity by protecting New York women from discrimination based on their reproductive health care decisions,” said **Andrea Miller**, president of NARAL Pro-Choice New York. “This crucial legislation reflects New Yorkers’ core beliefs that women should be the ones making the reproductive health care decisions that are best for them and their families – not politicians, not extremists, and certainly not bosses.”

“It is simply unacceptable that under New York law women are still susceptible to discriminatory practices in the workplace when it comes to making personal decisions about their reproductive health,” said **Sen. Gustavo Rivera** (D-Bronx). “While the Women’s Equality Act continues to be blocked in the Senate, I am very pleased that today we take a step forward in protecting a women’s right to make her own health care choices by passing the Boss Bill in the Labor Committee. I would like to thank Senator Krueger for her leadership on this issue and I am committed to working with my colleagues to ensure that it comes to a vote in the Senate before the end of session.”

The federal Affordable Care Act (ACA) requires that health insurance plans cover all FDA-approved birth control methods without out-of-pocket costs and is intended to provide broad-based health insurance coverage to millions of currently uninsured Americans. This represents 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. In addition, news reports and women’s health advocates have recently highlighted a number of examples from across the country of bosses retaliating against employees for their reproductive health care 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’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, and it prohibits an employer from accessing an employee's personal information regarding the employee's reproductive health decision-making.

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, and is a

founding co-chair of the New York State Bipartisan Pro-Choice Legislative Caucus (BPCLC).