



NEW YORK STATE SENATOR

Jack M. Martins

## Senator Martins Announces Senate Passage of Women's Equality Legislation

JACK M. MARTINS June 18, 2014

| ISSUE: **WOMEN**

Senator Jack M. Martins (R-Mineola) announced that the New York State Senate has passed legislation that would enact new protections for women. The bills would ensure women receive equal pay for equal work; prevent employment discrimination against pregnant women and individuals with families; stop housing discrimination against victims of domestic violence; and enhancing penalties for human trafficking.

“As a husband and father of four daughters, enacting these much needed reforms to protect women remains a priority of mine. Ensuring women receive equal pay for equal work and protecting them from violence and discrimination are commonsense measures which we all support. There's no good reason the Assembly shouldn't join the Senate in approving these commonsense reforms,” said Senator Martins.

The legislation passed by the Senate would:

### **ENSURE EQUAL PAY**

Despite existing protections under the law, women in New York earn 84 percent of what men earn and jobs traditionally held by women pay significantly less than jobs predominately employing men. In New York, on average, a woman working full time is paid

\$42,113 per year, while a man working full time is paid \$50,388 per year. This creates a wage gap of \$8,275 between full-time working men and women in the state. The bill (S5872) would ensure that women receive equal pay for equal work.

### **STOP DISCRIMINATION BASED ON FAMILY STATUS**

This bill (S5875) would prohibit employers from denying work or promotions to workers because they have children. Existing law only prohibits discrimination based on family status in credit and housing, but not employment -- which can have a negative impact on women with children. This would ensure that women who have children or are pregnant are not denied work or promotions because of their family status.

### **END PREGNANCY DISCRIMINATION IN THE WORKPLACE**

Legislation (S5880) would require employers to perform a reasonable accommodation analysis for employees with conditions related to pregnancy and childbirth. A pregnancy-related condition would be treated as a temporary disability. Additionally, it would codify in law a regulation that an employee must provide medical or other information to verify the existence of the condition. The reasonable accommodation would not have to be granted if it imposed an undue hardship on an employer.

Some pregnant workers require modest adjustments on the job for conditions related to pregnancy and childbirth in order to stay healthy and keep working. Employees may require a stool to sit on, extra restroom breaks, a transfer away from hazardous duties, a temporary reprieve from heavy lifting, or a reasonable time for childbirth recovery.

### **PREVENT HOUSING DISCRIMINATION AGAINST DOMESTIC VIOLENCE VICTIMS**

This legislation (S5876) would prohibit discrimination against domestic violence victims in housing, and, under the provisions of the bill, a violation of this prohibition would be a

misdemeanor. The legislation also allows the option of a civil action for a violation of the prohibition.

Discrimination against victims of domestic violence is almost always discrimination against women. Eighty-five percent of domestic violence victims are women; 1.3 million women are victims of assault by an intimate partner each year, and it's estimated that one in four women will experience intimate partner violence in their lifetimes. Many of these victims are forced to stay with or return to their abusive partners because of lack of available housing or they are refused housing.

### **PREVENT HUMAN TRAFFICKING AND GIVING GREATER PROTECTIONS TO TRAFFICKED VICTIMS**

The Trafficking Victims Protection and Justice Act (S5879B) would strengthen penalties against sex traffickers and buyers by raising the penalty for sex trafficking to a class B violent felony; creating the felony sex offense of "aggravated patronizing a minor"; and aligning the penalties for patronizing a minor with those of statutory rape.

The legislation would also strengthen the investigative tools to make a case against traffickers. Sex trafficking will be an affirmative defense to prostitution and the term "prostitute" will be eliminated from the Penal Law, as that term stigmatizes defendants who are in fact victims of sex trafficking. Nowhere else in the state's Penal Law are individuals identified by the crime they allegedly committed.

Each of these measures was also passed in June 2013 as part of the Senate's Women's Equality Agenda.

The bills have been sent to the Assembly.