



NEW YORK STATE SENATOR

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## Senate Passes Women's Equality Agenda

JOHN A. DEFRANCISCO January 13, 2015

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In its first legislative act of 2015, the New York State Senate today approved a comprehensive Women's Equality Agenda that would enhance the rights of women and protect those who are most vulnerable to abuse and discrimination. These historic women's measures are a top priority of the Senate Coalition and were passed unanimously on the first day the Senate began voting on legislation this session.

The comprehensive package of eight bills would: stop human trafficking; ensure equal pay for equal work; combat sexual harassment in the workplace; end gender discrimination in employment, housing and credit decisions; make reasonable work accommodations available for pregnant women; and provide stronger protections for domestic violence victims.

"It is a new year and time to put progress over politics by passing effective measures that provide women with the protections they need and the opportunities they deserve," Senate Majority Leader and Coalition Co-Leader Dean G. Skelos said. "The Senate is making the passing of these bills an immediate priority because women need the politics to end so that New York can enact a Women's Equality Agenda without further delay."

"Today we demonstrate that protecting and empowering the women of New York State is not just our responsibility, but our priority. Politics has no place when it comes to ensuring a fair, safe and secure workplace and home. With these important pieces of legislation we send a strong message that New York State has and will continue to defend, protect, and honor the women who live here," said Senate Coalition Co-Leader Jeffrey D. Klein.

The eight bills comprising the Senate's Women's Equality Agenda were passed in 2013 and 2014 but were not acted upon by the Assembly. The measures include:

### **THE TRAFFICKING VICTIMS PROTECTION AND JUSTICE ACT**

The Trafficking Victims Protection and Justice Act ([S.7](#)), sponsored by Senator Andrew Lanza (R, Staten Island), toughens penalties against those who buy and sell young women, men, and children and reduces the stigma defendants may face when they are victims of the massive \$32 billion sex trafficking industry.

Key provisions of the measure include increasing the accountability of 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 bill will also strengthen the investigative tools used to build 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.

Senator Andrew Lanza said, "Here in New York, thousands of innocent people are bought and sold like property each

year. Human trafficking, a modern version of the slave trade, is a devastating human rights violation occurring in our own backyards. I'm proud to have authored the long-awaited Trafficking Victims Protection and Justice Act (TVPJA) to enhance protections for trafficking victims and hold those who exploit them accountable. I thank Senator Skelos, Assemblywoman Paulin, and the many advocates who are helping make this possible.”

## **ENSURING 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 Senate approved [S.1](#), sponsored by Senator Diane Savino (D, Staten Island/Brooklyn), to help women receive the wages they are entitled to by prohibiting employers from paying employees disparate amounts due to gender.

Senator Diane Savino said, “Today's vote is recognition that we can do much more to advance the cause of women’s rights here in New York State. These measures strengthen protections for all women and prevent discrimination wherever it may exist. These are issues that attract support from both sides of the aisle and cross ideological boundaries. Pay equity is long overdue and this bill ensures that the hardworking women of New York have the chance to earn the same wages as their male counterparts.”

## **STOPPING DISCRIMINATION BASED ON FAMILY STATUS**

Legislation ([S.4](#)) sponsored by Senator Betty Little (R-C-I, Queensbury) would help working mothers by preventing discrimination in the hiring and promotion of people with families. Employers would be prohibited from denying work or promotions based on family status, such as parents and women who are pregnant. 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.

Senator Betty Little said, “State law protects against familial status discrimination for housing, but not employment. Changing the law would help protect some of our most deserving New Yorkers - single mothers with low incomes. I think we all agree that nothing is more important for our future than the upbringing of children. This law would send a clear message in support of that endeavor.”

## **ENDING PREGNANCY DISCRIMINATION IN THE WORKPLACE**

To help protect pregnant women, the bill ([S.8](#)) sponsored by Senator Kemp Hannon (R, Nassau) would require employers to provide reasonable accommodations to employees with pregnancy-related medical conditions. A pregnancy-related condition would be treated as a temporary disability and employers would be required to perform a reasonable accommodation analysis for employees with conditions related to pregnancy and childbirth.

Senator Kemp Hannon said, “Pregnant women are often forced to choose between their health and their jobs when both could be maintained with modest adjustments. For someone who is a retail clerk, being asked to work four- to eight-hour shifts without being given a stool is something that should not be allowed to continue. It is simply abhorrent that women today are still being denied equal treatment in the workplace. The federal law has failed to protect women, which led me to introduce state legislation the Senate will have passed for three consecutive years which would put an end to this discrimination.”

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

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. Many of these victims are forced to stay with or return to their abusive partners because of a lack of available housing or when they are refused housing.

Bill [S.5](#), sponsored by Senator Joe Robach (R-C-I, Rochester), would make it illegal to discriminate against domestic violence victims and provides the victims with the option of a civil action if discrimination occurs.

Senator Joe Robach said, “When it comes to combating domestic violence it is critically important that victims are able to find housing for themselves and their families to escape the eminent danger they have endured. This legislation will end discrimination in the housing marketplace and give domestic violence victims the protections they need from their abuser.”

## **PROHIBITING SEXUAL HARASSMENT**

Sexual harassment disproportionately affects women in the workplace. In 2011, women filed 75 percent of all sexual harassment complaints with the New York State Division of Human Rights and 83 percent of all sexual harassment complaints filed with the Equal Employment Opportunity Commission.

The legislation ([S.2](#)), sponsored by Senator David Valesky (D, Oneida), would protect workers from sexual harassment regardless of the size of the workplace. Under current law, people working at businesses with fewer than four employees cannot file a harassment complaint with the state because small employers are exempt from the law that prohibits harassment. More than 60 percent of the state's private employers have fewer than four employees. This bill would ensure that all employees are protected from sexual harassment by applying existing protections to businesses of all sizes.

Senator David J. Valesky said, “Regardless of the size or type of employer, sexual harassment in the workplace is unacceptable. This legislation is necessary to bring previously exempted small businesses in line with all others to ensure protection under the law for all employees.”

## **REMOVING BARRIERS TO REMEDYING DISCRIMINATION**

A bill ([S.3](#)) sponsored by Senator Betty Little (R-C-I, Queensbury) would remove barriers to remedying discrimination by allowing for reasonable attorney's fees in employment and credit discrimination cases when sex is a basis of discrimination.

Under existing law, attorney's fees for sex discrimination cases involving employment, credit, and lending are not available even after the plaintiff proves discrimination at trial. As a result, many who are discriminated against and cannot afford to hire an attorney never seek redress. Also, those who hire an attorney on a contingency fee arrangement are not "made whole" for their losses because they must pay for their attorneys out of their recovery. Some who cannot afford to hire an attorney, but who try to do so on a contingency basis, are unsuccessful because the case is either too small or too risky.

Senator Betty Little said, “In these type of employment discrimination cases, the plaintiff can win but still lose financially because attorney fees cannot be awarded by the court. That serves as a deterrent for women who have been wronged, but lack the resources to make a legal challenge.”

## **ALLOWING ELECTRONIC FILING FOR ORDERS OF PROTECTION**

Domestic violence legislation ([S.6](#)), sponsored by Senator Catharine Young (R-I-C, Olean), would allow victims to electronically file for orders of protection. The measure creates a pilot program to allow domestic violence victims to seek temporary orders of protection through electronic means rather than having to appear in person. It also requires the Office of Court Administration to review and update its policies and services to make sure the services available to all crime victims are adequate and appropriate.

Senator Catharine Young said, “Promoting an agenda of equality has been the Senate’s mission for three years now and today we will take a monumental step forward. Equal pay in the workplace, strengthening anti-discrimination laws, and providing victims of domestic violence greater protections are issues that I hear about every day from residents across my community. Today, New York becomes an even better place for women to live, work and raise a family. I am proud to join my colleagues to pass this landmark series of legislation that will ensure a brighter future, full of even greater opportunities for our mothers, sisters and daughters.”

The bills will be sent to the Assembly.

Legislation originally part of the Senate’s Women’s Equality Agenda was enacted into law in 2013 that strengthened

orders of protection for domestic violence victims. It clarifies that a victim for whom an order of protection is issued cannot be arrested for violating that same order; ([S5605, Chapter 480 Laws of 2013](#), Senator Joseph Robach (R-C-I, Rochester)).

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