



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan Announces Historic Women's Equality Bills Now Signed into Law

JIM RANNEY October 23, 2015

| ISSUE: **WOMEN'S EQUALITY AGENDA**



Senator Patrick M. Gallivan (R-C-I, Elma) announced that all eight bills from the Senate's comprehensive Women's Equality Agenda have now been signed into law. These measures were a top priority for the Senator and were passed in January on the first day the Senate could begin voting on legislation.

The new laws will enhance the rights of women and protect those who are most vulnerable

to abuse and discrimination by: preventing human trafficking; ensuring equal pay for equal work; combating sexual harassment in the workplace; ending gender discrimination in employment, housing and credit decisions; making reasonable work accommodations available for pregnant women; and providing stronger protections for domestic violence victims.

“This historic legislation is long overdue and I am pleased this package of bills has been signed into law,” Gallivan said. “Too many women have faced discrimination in the workplace and elsewhere and it’s critical that we ensure all New Yorkers are protected from abuse and receive equal protection under the law.”

- 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 until this legislative session. The measures include:

A new law (S.1) will help women receive the wages they are entitled to by prohibiting employers from paying employees disparate amounts due to gender.

Despite existing legal protections, 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.

- 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.

A new law (S.2) protects 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. Now, all employees will be protected from sexual harassment by applying existing protections to businesses of all sizes.

- Under previously 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.

To remove barriers to remedying discrimination, a new law (S.3) allows for reasonable attorney's fees in employment and credit discrimination cases when sex is a basis for discrimination.

- Working mothers will be helped by a law (S.4) that prevents 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.

- 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.

A new law (S.5) makes it illegal to discriminate against domestic violence victims and provides the victims with the option of a civil action if discrimination occurs.

- A new domestic violence law (S.6) creates a pilot program to allow victims to electronically file for orders of protection. Domestic violence victims will be allowed 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.
- The Trafficking Victims Protection and Justice Act (S.7) 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 law 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 law 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.

- To help protect pregnant women, a new law (S.8) requires employers to provide reasonable accommodations to employees with pregnancy-related medical conditions. A pregnancy-related condition will be treated as a temporary disability and employers will be required to perform a reasonable accommodation analysis for employees with conditions related to pregnancy and childbirth.