



NY For Women's Equality

New York has long served as a model for equality and fairness on several issues including women's rights. At the 2013 State of the State Address, Governor Cuomo announced plans to advance a 10-Point Women's Equality Act that will break down barriers that perpetuate discrimination and inequality based on gender.

- 1. Protect a Woman's Freedom of Choice by Enacting the Reproductive Health Act:** New York was a national leader protecting choice even before the Supreme Court's Roe v. Wade decision. Governor Cuomo will continue to vigorously protect a woman's right to choose. Therefore, he will fight for passage of the Reproductive Health Act, which will protect the fundamental right of reproductive freedom and a woman's right to make private health care decisions. A woman facing an unplanned or problem pregnancy should have the opportunity to make the best decision for herself and her family, whether her decision is continuing the pregnancy, adoption, or abortion.
- 2. Achieve Pay Equity:** Women in New York earn 84% of what men earn. This wage gap is even more severe for African-American and Hispanic Women, who earn 66% and 55% of that earned by non-Hispanic men in New York State, respectively. This amendment to the current law would ensure that women receive the wages they were always entitled to, as well as provide for an additional amount of liquidated damages equal to 300% of the back wages due. This new law would also tighten current exceptions so that pay differentials are only allowed when the employer can show that the differential is based on something other than sex and is related to job performance. Additionally, the proposal will prohibit employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected.
- 3. Stop Sexual Harassment in All Workplaces:** Three quarters of the sexual harassment complaints filed in this State are filed by women. This amendment to the current law would protect workers from sexual and other forms of harassment regardless of the size of the workplace. Under the new law, an employee of any business, large or small, may file a complaint for sexual harassment.
- 4. Allow for the Recovery of Attorneys' Fees in Employment and Credit and Lending Cases:** Over 75% of the employment and credit and lending cases in this State are filed by women. The current law states that an individual cannot recover attorneys' fees for employment and credit and lending discrimination cases even after proving discrimination at trial. As a result (a) many who are discriminated against never seek redress; (b) 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; and (c) 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. This plan would amend the law to include a provision for reasonable attorneys’ fees for successful litigants, and ensure that victims of employment and credit and lending discrimination – most of whom are women – have an opportunity to vindicate their rights.

5. **Strengthen Human Trafficking Laws:** Human trafficking is a crime that exploits vulnerable individuals through force, fraud or coercion. The victims of sex trafficking are almost always women. The plan strengthens the existing law to remove the requirements that “coercion” be proven when the victims are minors, increase penalties for trafficking and create an affirmative defense in prostitution prosecutions that the defendant’s participation was a result of having been a sex trafficking victim.
6. **End Family Status Discrimination:** Women with children are less likely to be recommended for hire and promoted, and, in most cases, are offered less in salary than similarly situated men. This proposal would amend the current law to prohibit employers from denying work or promotion to workers simply because they have children.
7. **Stop Source-of-Income Discrimination:** Many households suffer discrimination by landlords who are unwilling to rent to voucher holders. Female-headed households account for 76% of all housing choice vouchers issued, including section 8 vouchers. This amendment to the Human Rights Law will prohibit landlords from discriminating against tenants based on lawful sources of income.
8. **Stop Housing Discrimination for Victims of Domestic Violence:** Discrimination against victims of domestic violence is almost always discrimination against women – 85% of domestic violence victims are women. Under current state law, victims of domestic violence have no protection from discrimination in housing, meaning landlords can evict victims of domestic violence under zero-tolerance policies. This amendment to the Human Rights Law would protect victims of domestic violence from discrimination when they attempt to purchase, rent, or lease housing. In addition, the new law would prohibit landlords from inquiring about domestic violence victim status, as well as create an eviction defense in housing court requiring judges to consider facts related to domestic violence in their decision-making.
9. **Stop Pregnancy Discrimination Once and For All:** In order to adequately protect the rights of pregnant workers, it is necessary to create a specific protection in the Human Rights Law requiring employers to provide a reasonable accommodation for pregnancy-related conditions. Once amended, New York State law will serve as a model for all other states in the nation seeking to protect pregnant women from discrimination in the workplace.
10. **Protect Victims of Domestic Violence by Strengthening Order-of-Protection Laws:** Women face too many obstacles in securing protection from their abusers. Requiring victims of domestic violence seeking an order of protection to be in physical proximity to their abuser in court may be traumatic, unsafe, intimidating, and may ultimately influence testimony. This amendment will ensure that victims of domestic violence will be allowed to provide all required testimony by video-conference.