



NEW YORK STATE SENATOR

Liz Krueger

Krueger Bill to Protect Interns from Sexual Harassment and Discrimination Passes Senate Committee; Sen. Krueger Calls for Floor Vote by End of Session

LIZ KRUEGER June 3, 2014

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This morning, Sen. Krueger applauded the Senate Investigations & Government Operations Committee's passage yesterday of her legislation to ban workplace sexual harassment of unpaid interns in New York State ([S. 5951A](#)). Loopholes in local, state, and federal laws have hampered interns' attempts to seek redress for sexual harassment through the courts. Sen. Krueger called upon Senate majority co-leaders Dean Skelos and Jeff Klein to allow a floor vote on the bill, which will be eligible for a vote as early as next week. Earlier this year, the New York City Council led on this issue by passing local legislation sponsored by Councilmember James Vacca (D-Bronx); Sen. Krueger's legislation would protect interns in workplaces across the entire state.

"With the growing prevalence of unpaid internships and the extreme pressure on young people to build up resumes and references in a tough economy, the law needs to change to protect this extremely vulnerable class of workers," said **Sen. Krueger**. "When it comes to protecting interns from sexual harassment and discrimination, there needs to be universal agreement and swift action. I thank my Republican colleague Sen. Carl Marcellino for moving this bill in his committee yesterday, and I call upon Majority Co-Leaders Skelos and Klein to put this bill on the floor for a vote within the next two weeks."

In a recent, highly-publicized decision, a federal judge found that Syracuse University student Lihuan Wang could not sue the media company where she had interned, despite allegations that her supervisor had groped and attempted to kiss her. The judge ruled that New York City's human rights law did not protect unpaid interns.

Similarly, judges have also dismissed sexual harassment suits in New York brought under the federal civil rights law, such as the 1994 case of Bridget O'Connor, who worked as an unpaid intern at the Rockland Psychiatric Center in Rockland County. Doctors at the center allegedly began to refer to her as Miss Sexual Harassment, told her she should participate in an orgy, and one doctor suggested that she remove her clothing before meeting with him. Despite all this, a federal appeals court confirmed in *O'Connor v. Davis* that because she was unpaid, she did not meet the definition of an employee and therefore was not entitled to protection under federal civil rights laws.

Sen. Krueger's new bill would close this loophole by protecting interns under state law. Her bill would define internships, explicitly ban workplace sexual harassment of interns, and apply general workplace civil rights protections to interns.

Both the District of Columbia and the state of Oregon have passed laws extending anti-harassment and anti-discrimination protections to interns in the workplace. Sen. Krueger's bill is modeled on Oregon's statute, and is cosponsored by Sens. Martin Malavé Dilan (D-Brooklyn), Terry Gipson (D-Rhinebeck, Dutchess County), Brad Hoylman (D-Manhattan), Tim Kennedy (D-Buffalo), George Latimer (D-Rye, Westchester County), José Peralta (D-Queens), and José M. Serrano (D-Manhattan). The bill is sponsored in the Assembly by Assemblymember Daniel O'Donnell (D-Manhattan).