



NEW YORK STATE SENATOR

Liz Krueger

## Krueger Bill to Protect Interns from Sexual Harassment and Discrimination Passes Both Houses

LIZ KRUEGER June 17, 2014

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This evening, the New York State Senate passed legislation sponsored by Sen. Krueger 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.

Companion legislation sponsored by Assemblymember Daniel O'Donnell (D-Manhattan) passed unanimously in the State Assembly earlier this week. Having passed both houses, the bill now awaits Gov. Andrew Cuomo's signature.

"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. "This week, we've taken decisive action to close this gap in our laws, protect interns, and ensure those who discriminate against or sexually harass interns are accountable under the law."

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).

Earlier this year, the New York City Council led on this issue by passing local legislation sponsored by Councilmember James Vacca (D-Bronx).