



NEW YORK STATE SENATOR

Liz Krueger

Councilmember Laurie Cumbo and Sen. Krueger Answer Hobby Lobby Decision with Rally for Passage of “Boss Bill” to Ban Workplace Discrimination Against Employees on Basis of Healthcare Decisions

LIZ KRUEGER July 14, 2014

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Senator Krueger, City Council Member Laurie A. Cumbo, and Public Advocate Letitia James were joined by a diverse group of advocates and fellow elected leaders on the steps of City Hall to call for passage of the “Boss Bill” (A.8769A / S.6578B), which would strengthen current workplace anti-discrimination laws in New York State, protecting employees’ rights to access reproductive healthcare and services free from employer retaliation. The bill, sponsored by Sen. Krueger and Assemblymember Ellen Jaffee, was passed with bipartisan support in the Assembly during the final week of this year’s legislative session, but was not given a vote by the State Senate.

Urgency for passage of the Boss Bill has increased since the Supreme Court’s decision in *Burwell v. Hobby Lobby*, in which Hobby Lobby, a national chain of hobby and craft stores operating in New York, won the right to deny contraceptive coverage to employees in its healthcare plan, arguing that the mandated coverage violated the company’s personal views. While the Boss Bill does not directly affect insurance plans, the bill addresses the growing

awareness that employers seeking to control their employees' reproductive healthcare decisions will not stop with health insurance, and in some cases are already discriminating against workers on the basis of their own personal, private decisions regarding contraception and the initiation or termination of pregnancies.

"It is alarming that in the 21st Century, our nation – known for its freedoms and liberties – is moving in a direction that places corporations ahead of individuals, the haves against the have-nots, and reverses our gains in expanding access to universal healthcare. The Supreme Court ruling in *Burwell v. Hobby Lobby* has set a dangerous precedent that could give employers the leverage they need to deny millions of Americans their right to access various healthcare services on the basis of their personal beliefs. These attempts to circumvent the Affordable Care Act send a clear message to legislators that our job, to protect the welfare of our constituents, is not over yet," said Council Member Laurie A. Cumbo, chair of the New York City Council Women's Issues Committee, who will introduce a resolution during the next legislative session of the Council in support of the Boss Bill.

"In New York, in the 21st century, no boss should be able to tell employees whether they can have access to birth control, or whether they have the right to be pregnant," said State Senator Liz Krueger, co-chair of the New York State Bipartisan Pro-Choice Legislative Caucus. "This bill to protect women's and men's basic right to make their own reproductive health decisions passed with bipartisan support in the Assembly, and there is no good reason why it shouldn't pass the Senate as soon as we are back in session."

"This extremely disappointing decision will put women at risk and is a serious step back for the country. A women's health decisions should be between her and her doctor and it was disturbing to see the Court side with those who wish to scale back a women's right to control her own health choices," said City Council Speaker Melissa Mark-Viverito.

“The Supreme Court's recent ruling was an injustice. The belief that your employer has the right to determine your reproductive health needs is antiquated and problematic,” said New York City Public Advocate Letitia James. “It is now more than ever that we need to establish protections here in New York to ensure that women can access the contraceptive coverage and healthcare they need, regardless of the whims of their employers. I thank State Senator Liz Krueger and Assembly Member Ellen Jaffee for introducing the 'Boss Bill' into the State Legislature.”

“It’s 2014, but the recent Hobby Lobby decision proves that women are still vulnerable to discrimination in the workplace. I urge the state legislature to pass the Boss Bill to protect women and their health decisions. I am proud to stand here today with so many strong women and want to especially thank Senator Krueger for her bold leadership in Albany,” said Council Member Elizabeth Crowley, Co-Chair of the NYC Council Women’s Caucus.

“Women’s health care shouldn’t be subject to the ideology of any CEO. Period,” said Senator Velmanette Montgomery.

“The Planned Parenthood of New York City Action Fund strongly supports passage of this resolution in support of the Boss Bill by the New York City Council. This is an important piece of legislation that will ensure that no woman in New York is discriminated against for her own personal health care decisions. The recent decision by the U.S. Supreme Court in the Hobby Lobby case allowing women’s health-care needs to be trumped by the personal beliefs of their bosses makes swift passage of the Boss Bill essential to protect the women of New York. Thank you to Senator Liz Krueger and Council Member Cumbo for your leadership on the important issue,” said Joan Malin, president and CEO of the Planned Parenthood of New York City Action Fund.

“NARAL Pro-Choice New York is proud to support the New York City Council’s resolution in favor of passing the Boss Bill. With the Supreme Court ruling in favor of corporations’ right to discriminate against women – and extremists in the New York state legislature thwarting the passage of commonsense bills to advance women’s equality – it’s clear that we need to be proactive at every level of government in safeguarding protections for reproductive health care decisions,” said Andrea Miller, president of NARAL Pro-Choice New York. We’re proud to have strong champions in the City Council and in both the Assembly and the Senate who are working to ensure that our laws truly reflect the pro-choice, pro-woman values of our state.”

“The decision in Hobby Lobby threatens to undermine access to basic health care services used by ninety-nine percent of American women. I commend State Senator Liz Krueger on her work to protect the right of women and men to choose the best health care available, without interference by their employers. I urge my colleagues in Congress to protect that right for women elsewhere in the United States,” said U.S. Representative Yvette D. Clarke.

“The Supreme Court Hobby Lobby and Wheaton College decisions make it abundantly clear that the Supreme Court is at best indifferent to the health and well-being of women -- and at worst downright hostile,” said the NYCLU Executive Director Donna Lieberman. “That’s why it’s important for New York to stand for women and to pass the Boss Bill to make sure that no craft store or lumberyard or auto parts supplier can use religion as a pretext to retaliate against any employee for using birth control that the company doesn’t like.”

“Lambda Legal has been fighting workplace discrimination on behalf of LGBT people and people with HIV for decades,” said Hayley Gorenberg, deputy legal director of Lambda Legal. “The U.S. Supreme Court’s decision in the Hobby Lobby case is a direct attack on workplace equality for women and allows employers to judge workers unfairly for their reproductive and health care choices, rather than the quality of their work. Contraception is a core health service for women, including bisexual women and lesbians. For example, birth control pills

are commonly used to prevent menstrual-related migraine headaches, pelvic pain from endometriosis, and bleeding due to uterine fibroids--as well as for preventing pregnancy. Lambda Legal is endorsing this bill to keep employees' reproductive decisions from becoming workplace targets. It just makes sense that though our bosses do get to judge the quality of our work, they don't have the right to judge the intensely personal decisions we make with our doctors."

"Healthcare workers -- and all workers -- deserve protection from workplace discrimination because of their reproductive healthcare decisions," said Kevin Finnegan, Director of Politics and Legislation for 1199 SEIU United Healthcare Workers East. "This commonsense legislation would provide that protection, and we urge the State Legislature to approve it."

The New York City Council is expected to resume its legislative sessions in the Fall, while the State Senate is slated to meet in January.