



NEW YORK STATE SENATOR

Jack M. Martins

## Senator Martins Announces Senate Action on Women's Equality Legislation

JACK M. MARTINS January 12, 2015

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Senator Jack M. Martins (R-7th Senate District) announced that the New York State Senate has passed legislation that would enhance the rights of women and protect those who are most vulnerable to abuse and discrimination. The comprehensive package of legislation, of which Senator Martins is a sponsor, would: stop human trafficking; ensure equal pay for equal work; combat sexual harassment in the workplace; end gender discrimination in employment, housing and credit decisions; make reasonable work accommodations available for pregnant women; and provide stronger protections for domestic violence victims.

“Enhancing protections for victims of violence, stopping harassment and discrimination, and ensuring equal pay are all measures which are long overdue. As a husband and parent, enacting these important protections for my wife, my four daughters, and women across the state is very important to me. Given the widespread, bipartisan support of these reforms, there is no good reason why they shouldn’t become law. The Assembly must join the Senate in approving them,” said Senator Martins.

The legislation passed by the Senate includes:

## **THE TRAFFICKING VICTIMS PROTECTION AND JUSTICE ACT**

This legislation would toughen penalties against those who buy and sell young women, men, and children and reduce the stigma defendants may face when they are victims of the massive \$32 billion sex trafficking industry.

Key provisions of the measure 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 bill 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.

### **ENSURING EQUAL PAY**

Employers would be prohibited from paying employees disparate amount due to gender. This would help ensure that women receive the wages to which they are entitled.

Despite existing protections under the law, 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.

### **STOPPING DISCRIMINATION BASED ON FAMILY STATUS**

Prevent 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.

### **ENDING PREGNANCY DISCRIMINATION IN THE WORKPLACE**

Employers would be required to provide reasonable accommodations to employees with pregnancy-related medical conditions. A pregnancy-related condition would be treated as a temporary disability and employers would be required to perform a reasonable accommodation analysis for employees with conditions related to pregnancy and childbirth.

### **PREVENTING HOUSING DISCRIMINATION AGAINST DOMESTIC VIOLENCE VICTIMS**

Housing providers would be prohibited from discriminating against domestic violence victims, and victims would have the option of a civil action if discrimination occurs.

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.

### **PROHIBITING SEXUAL HARASSMENT**

Workers would now be protected 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. This bill would ensure that all employees are protected from sexual harassment by applying existing protections to businesses of all sizes.

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.

### **REMOVING BARRIERS TO REMEDYING DISCRIMINATION**

Would remove barriers to remedying discrimination by allowing for reasonable attorney's fees in employment and credit discrimination cases when sex is a basis of discrimination.

Under 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.

### **ALLOWING ELECTRONIC FILING FOR ORDERS OF PROTECTION**

Victims would be allowed to electronically file for orders of protection. The measure creates a pilot program to allow domestic violence victims to seek temporary orders of protection through electronic means rather than having to appear in person. The Office of Court Administration would be required to review and update its policies and services to make sure the services available to all crime victims are adequate and appropriate.

The legislation has been sent to the Assembly.