



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Announces Senate Passes Bills to Protect and Enhance Women's Rights

PATRICK M. GALLIVAN January 13, 2015

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Senator Patrick M. Gallivan (R-C-I, Elma) announces the New York State Senate has passed eight pieces of legislation as part of the Senate's Women's Equality Agenda, enhancing the rights of women while protecting from abuse and discrimination. The bills, which Senator Gallivan co-sponsored, would ensure equal pay for equal work; combat sexual harassment on the job; end gender discrimination in employment, housing and credit decisions; strengthen laws against human trafficking, make reasonable work accommodations for pregnant women and better protect victims of domestic violence.

"The Senate has made this historic legislation one of its top priorities. Too many women face discrimination in the workplace and elsewhere and it's time that we provide all New York with the rights and protections they deserve," Gallivan said.

The measures include:

S.1: Would prohibit employers from paying employees disparate amounts due to gender and would close a loophole in the current law that allows employers to justify paying female employees less.

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.

S.2: The bill protects workers 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.

S.3: A bill to 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.

S.4: Legislation that would help working mothers by preventing 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.

S.5: The bill would make it illegal to discriminate against domestic violence victims and provides the victims with the option of a civil action if discrimination occurs.

S.6: Legislation to allow domestic violence victims 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. It also requires the Office of Court Administration to review and update its policies and services to make sure the services available to all crime victims are adequate and appropriate.

S.7: The Trafficking Victims Protection and Justice Act toughens penalties against those who buy and sell young women, men, and children and reduces the stigma defendants may face as victims of the sex

trafficking industry. The measure raises 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.

S.8: The bill helps protect pregnant women in the workforce by requiring employers 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.

Legislation originally part of the Senate’s Women’s Equality Agenda was enacted into law in 2013 (S5605) that strengthened orders of protection for domestic violence victims. It clarifies that a victim for whom an order of protection is issued cannot be arrested for violating that same order.

All eight bills were passed by the Senate in 2013 and 2014 but were not acted upon by the Assembly.

“The Senate has once again done its part, passing a series of bills to promote fairness and equality for women throughout the state, issues we can all agree on. It’s time for the Assembly to do the same,” Gallivan said.