



NEW YORK STATE SENATOR

Liz Krueger

## Statement From Sen. Krueger On Assembly Passage Of “Boss Bill”

LIZ KRUEGER June 15, 2015

| ISSUE: **WOMEN'S HEALTH, SAFE SEX OR CONTRACEPTIVES/ION**

**New York** – State Senator Liz Krueger released the following statement today, after the passage in the Assembly of legislation known as the Boss Bill ([A.1142-A/S.2709-A](#)), which would ban employers from discriminating against employees on the basis of their personal reproductive health decisions. The bill passed by a vote of 87 to 27, with support from members of both parties, including Assembly Member Jane Corwin (R-Clarence) who spoke in favor of the bill during floor debate. The legislation is sponsored by Sen. Krueger in the Senate and Assembly Member Ellen Jaffee in the Assembly:

“By passing the Boss Bill today, the Assembly took a stand for the rights of working women, making it clear that a woman’s reproductive decisions are nobody’s business but her own. This is the 21st century – no boss should be able to tell an employee she can’t have access to birth control, and this bill will protect a worker’s right to make those decisions without interference. I congratulate Assembly Member Jaffee and her colleagues on the bill’s passage, and I urge the Republican majority in the Senate to follow suit, support the rights of working women, and send this bill to the Governor’s desk.”

### **BACKGROUND:**

Known as the “Boss Bill,” A.1142-A/S.2709-A would close a glaring loophole in New York’s

existing workplace anti-discrimination laws. The bill's introduction was prompted by the proliferation of more than 100 federal lawsuits by employers seeking to deny their employees the birth control coverage benefits they are guaranteed through their healthcare plans under the federal Affordable Care Act, including the infamous US Supreme Court "Hobby Lobby" decision. Hobby Lobby is among the growing number of employers intent on cutting employees off from access to birth control and other reproductive health services and the ability to make their own healthcare decisions.

The Boss Bill would protect all workers, both men and women, from being discriminated against by their employers for their reproductive healthcare decisions or their use of the available range of reproductive care services, whether covered by insurance or otherwise. This would include, for example, women who have become pregnant and are accessing pregnancy-related healthcare services, regardless of their marital status or sexual orientation.

The federal Affordable Care Act (ACA) requires that health insurance plans cover all FDA-approved birth control methods without out-of-pocket costs and is intended to provide broad-based health insurance coverage to millions of currently uninsured Americans. This represents a huge step forward for women's health and equality, expanding coverage and eliminating costs for literally millions of women. However, as has been made obvious by the myriad lawsuits from businesses seeking to strip this coverage, some bosses are committed to inserting themselves into their employees' private healthcare decisions. In addition, news reports and women's health advocates have recently highlighted a number of examples from across the country of bosses retaliating against employees for their reproductive health care decisions.

New York State has demonstrated a commitment to outlawing discrimination in the

workplace by passing laws protecting individuals from various forms of discrimination, but discrimination on the basis of individuals' reproductive healthcare decisions can fall into a gap in the existing law. To address this, the Boss Bill adds a new Section 203-e to the New York State Labor Law, prohibiting an employer from discriminating against an employee on the basis of the employee's (or a dependent's) reproductive health decisions, including a decision to use or access a particular drug, device or medical service. It also prohibits an employer from accessing an employee's personal information regarding the employee's reproductive health decision-making.

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