



NEW YORK STATE SENATOR

Liz Krueger

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

LIZ KRUEGER May 3, 2016

| ISSUE: **REPRODUCTIVE HEALTH, WOMEN'S RIGHTS, WORKERS' RIGHTS**

New York – State Senator Liz Krueger released the following statement today, after the State Senate Labor Committee voted in support of legislation known as the Boss Bill (S2709-A/A1142-A), which would ban employers from discriminating against employees on the basis of their personal reproductive health decisions. The legislation is sponsored by Sen. Krueger in the Senate and Assembly Member Ellen Jaffee in the Assembly:

“By supporting the Boss Bill today, the Labor Committee took a stand to protect New York’s working families. The right of women and men to make their own reproductive health decisions is fundamental, and no boss should be able to tell an employee whether they or their family can have access to birth control. I thank my colleagues for their votes.

"However, despite the fact that this legislation does not alter insurance law, it has been referred to the Senate Insurance Committee. I am concerned that this may be an attempt by my Republican colleagues to prevent further progress on the bill. Therefore I urge Senator Seward, as chair of the Insurance Committee, to demonstrate that this is not the case by quickly scheduling a vote. Failure to do so would send a disturbing message to workers across this state.”

## BACKGROUND:

Known as the “Boss Bill,” S2709-A/A1142-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 bill passed the Assembly in June of last year, garnering bipartisan support, but died in the Senate after it was prevented from receiving a committee vote.

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 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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#### RELATED LEGISLATION

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### **2015-S2709A**

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- Introduced
  - - In Committee Assembly

- In Committee Senate
- ◦ On Floor Calendar Assembly
- On Floor Calendar Senate
- ◦ Passed Assembly
- Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to the prohibition of discrimination based on an individual's or a dependent's reproductive health decision making

January 28, 2015

In Senate Committee Insurance

Sponsored by Liz Krueger

Do you support this bill?