



## **The 2013 New York Women's Equality Act—FACT SHEET**

In June 2013, the New York legislature failed to pass Governor Cuomo's Women's Equality Act. The Women's Equality Coalition was disappointed that the New York State Senate would not take up critical reproductive health protections from the Women's Equality Act. We now call on the New York State Assembly to pass nine other sections of the Women's Equality Act that passed unanimously in the Senate--breaking down many barriers and promoting fairness and equality for women across New York State. This fact sheet briefly outlines what the nine bills would do.

### **1. Strengthening laws that require Equal Pay for Equal Work (Senate Bill 5872)**

- Women in New York earn 84% of what men earn and jobs traditionally held by women pay significantly less than jobs predominantly employing men.
- The wage gap is more severe for African-American and Hispanic women, who earn 79% and 64% of that earned by non-Hispanic men in NYS, respectively.
- 61% of private sector employees in the United States report that they are discouraged or prohibited from discussing wage and salary information. If a woman does not know how much her male colleagues earn, it is extremely difficult to determine whether she is a victim of pay discrimination.

#### ***The Women's Equality Act would:***

- 1. Close a loophole in New York's equal pay law that allows employers to justify paying female employees less**
- 2. Outlaw workplace wage secrecy policies**
- 3. Increase damages available to a prevailing litigant to 300% of unpaid wages**

### **2. Ending Sexual Harassment on the job for Every Employee (Senate Bill 5873)**

- Sexual harassment disproportionately affects women in the workplace. In 2011, women filed 75% of all sexual harassment complaints filed with the NYS Division of Human Rights.
- 83% of all EEOC complaints of sexual harassment were filed by women.
- Those working for employers with fewer than 4 employees cannot file a complaint with the State because small employers are currently exempt from the provisions of State law that prohibit harassment.
- More than 60% of private employers in NYS have fewer than 4 employees.



***The Women's Equality Act would:***

**Extend the prohibition on sexual harassment in the workplace to workplaces with fewer than four employees**

**3. Allowing for Attorney's Fees in Employment, Credit, and Housing Sex Discrimination Cases (Senate Bill 5874)**

- NYS is one of 9 states (in the company of Mississippi and Alabama) that does not already allow successful discrimination defendants to recover attorney's fees.
- Approximately 77% of employment cases based on sex, and the majority of credit and lending discrimination cases, are filed by women.
- If a victim of discrimination cannot afford to hire an attorney, she cannot seek redress. Those who hire an attorney on a contingency fee arrangement are never "made whole" for their losses because they have to pay an attorney out of their recovery. And, lawyers will not take cases too small or too risky on contingency.

***The Women's Equality Act would:***

**Allow litigants who win a sex discrimination suit to collect attorney's fees**

**4. Ending Familial Status Discrimination (Senate Bill 5875)**

- State law protects against familial status discrimination in housing and credit, but not employment.
- Women with children are less likely to be recommended for hire and promotion, and more likely to receive less salary than similarly situated men.
- An average woman loses \$434,000 over a 40-year career due to the motherhood penalty.

***The Women's Equality Act would:***

**Outlaw discrimination against parents in the workplace**

**5. Ending Discrimination in Housing based on Domestic Violence Victim Status & Source of Income (Senate Bill 5876)**

- Women are disproportionately affected by intimate partner violence, with more than one in three women experiencing rape, physical violence and/or stalking by an intimate partner in their lifetime.



- Nationally, 11% of evictions involve victims of domestic violence who are evicted due to abuse.
- Female-headed households account for 76% of all housing choice vouchers issued, including Section 8 vouchers.

***The Women's Equality Act would:***

- 1. Prohibit building owners, managers and leasing agents from refusing to lease or sell, or evicting a tenant because of their status as a domestic violence victim**
- 2. Create a task force to study the impact of discrimination based on source of income in housing, in particular discrimination against tenants receiving Section 8 rental assistance, with focus on any sex-based impact**

**6. Ensuring that Victims of Domestic Violence are not punished for "violating" their own Order of Protection (Senate Bill 5877)**

- An order of protection is a court order directed to the offending party (the respondent) and prohibiting the respondent from contacting the protected party. New York has seen an increasing number of arrests of protected parties when a respondent violates an order of protection, or when a protected party appropriately contacts a respondent.

***The Women's Equality Act would:***

**Ensure in law that protected parties cannot be held to violate an order of protection put in place to protect them**

**7. Creating a Pilot Program for Remote Access to Orders of Protection (Senate Bill 5878)**

- In order for a victim to obtain a court order to protect them from someone who harms or threatens to harm them or their family, also known as an order of protection, he or she must testify in front of their abuser in court.
- Between 33-77% of victims of domestic violence report that the process of obtaining and the act of receiving a civil order of protection ends the violence, demonstrating that this process is essential in the struggle against domestic violence.



***The Women's Equality Act would:***

**Authorize the creation of a pilot program to allow domestic violence victims to testify remotely**

**8. Strengthening laws against Human Trafficking (Senate Bill 5879)**

- Because trafficking is often committed behind closed doors, statistics are hard to come by. Whether trafficked into labor or prostitution, women and girls (who constitute the vast majority of victims) are profoundly harmed by this brutal crime.
- Since New York State first recognized human trafficking as a crime in 2007, few perpetrators have been held accountable, and far too many victims have been denied protection or have been revictimized by our justice system due to gaps and loopholes in our current laws.

***The Women's Equality Act would:***

**Offer better protection to survivors of human trafficking, especially minors, by treating survivors as victims and increasing penalties to punish offenders by:**

1. Creating an affirmative defense to a prostitution charge that the individual was a trafficking victim;
2. Increasing penalties across the board for human trafficking and labor trafficking;
3. Creating new offenses, in increasing degrees, of aggravated patronizing a minor; and
4. Creating a civil action for victims of trafficking against their perpetrators.

**9. Ending Pregnancy Discrimination (Senate Bill 5880)**

- Despite our nation's civil rights laws, workplace discrimination against pregnant women is on the rise, posing a significant threat to family economic security.
- Pregnant women, especially low-wage women in physically demanding jobs, frequently get pushed out of their jobs or must take unpaid leave when they request a modest, temporary accommodation, like a stool to sit on, more frequent restroom breaks, or temporary relief from heavy lifting.

***The Women's Equality Act would:***

**Require employers to provide reasonable accommodation to pregnant workers**



## **10. Safeguarding Reproductive Health (Senate Bill 5881\*)**

*\*Senate Bill 5881 never came to the NYS Senate floor for a vote, but the language was introduced as a hostile amendment to Senate Bill 4174 and was ultimately ruled not germane on a vote of 32-30.*

- New York's abortion law was enacted in 1970, three years prior to *Roe v. Wade*, and lacks the important protections found in federal law.
- Under New York law, a woman's health is not protected in the rare and tragic situation that a serious complication jeopardizes her health later in pregnancy; New York law only provides protection if a woman's life is in danger.

### ***The Women's Equality Act would:***

**Ensure that a woman can access abortion care in New York State when her health is at risk by:**

1. Codifying in New York State law the 1973 Supreme Court decision in *Roe v. Wade*;
2. Ensuring that a woman in New York can get an abortion within 24 weeks of pregnancy, or when necessary to protect her life or health;
3. Ensuring that physicians operating within their scope of practice cannot be criminally prosecuted in New York for providing such care; and
4. Retaining those provisions in state law that allow the state to prosecute those who harm pregnant women.