

NYC COUNCIL BANS DISCRIMINATION ON THE BASIS OF EMPLOYEES' SEXUAL AND REPRODUCTIVE HEALTH DECISIONS

Labor & Employment Alert
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On December 20, 2018, the New York City Council voted to amend the NYC Human Rights Law to add “sexual and reproductive health decisions” to the list of protected classes under the City’s law. The amendment will make it illegal for New York City employers with four or more employees to discriminate against applicants or employees based on sexual and reproductive health decisions. For purposes of the law, “sexual and reproductive health decisions” is defined as “any decision by an individual to receive services, which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions. Such services include, but are not limited to, fertility-related medical procedures, sexually transmitted disease prevention, testing, and treatment, and family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.”

The amendment is awaiting Mayor DeBlasio’s signature and it would become effective 120 days thereafter.

If enacted, covered employers should consider updating their written policies prohibiting discrimination and training employees and managers regarding this new protected category.

Attorneys

Luisa Bostick
Joseph Braccio
Andrew Drilling
Ryan Everhart
Andrew Freedman
Peter Godfrey
John Godwin
Elizabeth McPhail
Lindsay Menasco
Kinsey O'Brien
Jeffrey Swiatek
Amy Walters

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