

Feature: Political Development

IN THE GOVERNOR'S 2013 STATE OF the State Address, Cuomo says, "New York has fallen behind in its role as a progressive leader on women's rights." We'd like to provide some analysis of the Governor's 10-Point Women's Equality Act, which he says, "will bring New York back to its rightful place as a leader on women's equality."

Achieve Pay Equity. Current law allows individuals who are successful in a pay discrimination case to receive the back wages they would have earned had they been paid on an equal basis, plus attorney's fees. They are entitled to liquidated damages equal to 100% of back wages due. Liquidated damages is the sum one party agrees to pay to another party for breach of some contractual agreement, in advance of the breach.

The Women's Equality Act will increase the award of liquidated damages to 300% of back wages. Under current law there are many exceptions an employer can point to as a factor for allowing pay differentials.

The Women's Equality Act will redefine those exceptions so that pay differentials are only excused when the employer can show it is related to job performance and is consistent with business necessity.

Many workplaces have policies which prohibit workers from sharing wage information and therefore it is impossible to determine if wage disparities and discrimination exist.

The Women's Equality Act will prohibit employers from terminating or retaliating against employees who share wage information.

Stop Sexual Harassment in ALL Workplaces. Current law exempts employers with less than 4 employees from filing a complaint with the State. The Women's Equality Act will amend the law so that regardless of the size of the business an employee can file a complaint for sexual harassment.

Note: 60% of NYS's private employers have fewer than four employees.

Allow for the Recovery of Attorney's Fees in Employment and Credit and Lending Cases. Under current law an individual cannot recover attorneys' fees for employment and credit and lending discrimination cases, so many

An Analysis of Governor Cuomo's 10-point Women's Equality Act

Online source: <http://epwnewyorkcity.wordpress.com/2013/01/29/an-analysis-of-governor-cuomos-equal-pay-act/>

never seek redress and those who do are not "made whole" because they still have to pay for their attorney.

The Women's Equality Act will amend current law to provide for reasonable attorney's fees for successful litigants.

Note: majority of credit and lending discrimination cases are filed by women, and 77% of employment cases are filed by women.

Strengthen Human Trafficking Laws. The Women's Equality Act will remove the requirements that "coercion" be proven when victims are minors, increase penalties for trafficking and create an affirmative defense in prostitution cases in which the woman or girl was a victim of sex trafficking.

End Family Status Discrimination. Current State law protects against family status discrimination (having children) in the case of housing, but not employment. The Women's Equality Act will prohibit employers from denying work or promotions to workers simply because they have children.

Stop Source of Income

Discrimination. Currently, many landlords will not rent to families whose source of income is a voucher, including Section 8. The Women's Equality Act will prohibit landlords from discriminating against tenants based on lawful sources of income.

Stop Housing Discrimination for Victims of Domestic Violence. Under current law, victims of domestic violence have no protection from discrimination in housing. Therefore, under zero-tolerance policies victims of domestic violence can be evicted.

The Women's Equality Act will protect victims of domestic violence from discrimination when they attempt to purchase, rent, lease, or inhabit housing. Additionally, the Women's Equality Act will prohibit landlords or their agents from inquiring about domestic violence victim status, as well create an evictions defense in housing court.

Stop Pregnancy Discrimination Once and For All. Although some pregnancies can render a woman unable to do her job, many pregnancy related work issues can be addressed with reasonable accommodations thereby allowing a woman to continue to work through her pregnancy.

The Women's Equality Act will require employers to provide for reasonable accommodations for pregnancy-related conditions, unless doing so would create undue hardship.

Protect Victims of Domestic Violence by Strengthening Order of Protection Laws. Many victims of domestic violence find it traumatic, unsafe and intimidating to be in close proximity to their abuser while in court.

The Women's Equality Act will allow for victims of domestic violence to provide all required testimony by video conference.

Continued on page 7
Comm. 9M-4

Gov. Cuomo's 10-point Women's Equality Act

Continued on from page 5

Protect a Women's Freedom of Choice: Enact the Reproductive Health Act. The Women's Equality Act will protect the fundamental right of reproductive freedom and a woman's right to make private health care decisions.

The Reproductive Health Act will guarantee that every woman can make the personal and private health care decision, especially when her health is endangered, treat the regulation of abortion as an issue of public health and medical practice rather than as a potential crime and guarantee that all New Yorkers will have the right to use or refuse contraception.

According to LegislativeGazette.com, "More than 500 advocacy groups began Women's History Month by launching The New York Women's Equality Coalition to help push for many of the ideas outlined in the governor's State of the State including a 10-point agenda for gender equality."

The coalition consists of advocacy groups, neighborhood associations, legal services organizations, unions, community organizations, faith-based groups, professional associations, and foundations. These groups work on a wide range of issues, including women's rights, LGBT rights, racial justice, reproductive health, poverty alleviation, business, labor, and other areas.

For info on the New York Women's Equality Coalition: <http://nywomensequality.org/>