

Client Alert: New York State's Women's Equality Act

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On January 19, 2016, a set of bills, collectively referred to as the Women's Equality Act, became effective after being signed by Governor Cuomo last year. The Women's Equality Act seeks to expand and strengthen legal protections for women in the workplace. Employers should be cognizant of the five employment-related laws outlined below.

Pay Equity: The New York Labor Law's prohibitions against unequal pay were similar to the prohibitions under the federal Equal Pay Act. The amendments to the law, however, now make it more difficult under state law for an employer to defend against a claim of unequal pay and, conversely, make it easier to prove a violation. The amendments also allow plaintiffs to recover 300% of the back pay due. Additionally, with limited exceptions, employees cannot be prohibited from discussing their wages with each other.

Pregnancy Discrimination: Employers must now engage in the interactive process and provide reasonable accommodations for pregnancy-related conditions unless an accommodation would cause an undue hardship to the employer.

Sexual Harassment: Employers with fewer than four employees have not been covered by the employment-related discrimination laws under the New York State Human Rights Law. However, under these recent amendments, sexual harassment claims can now be brought against all private employers, regardless of the number of employees. These employers should make sure they put into place sexual harassment policies and effective complaint procedures to best protect them from any claims.

Familial Status Discrimination: The New York State Human Rights Law has been amended to prohibit employment discrimination based on familial status. Family status attaches to, among others, noncustodial parents and any person who has a child or is pregnant.

Attorneys' Fees: A prevailing party can now recover reasonable attorneys' fees in cases of employment discrimination and harassment claims based on sex. Conversely, a defendant can obtain attorneys' fees in such cases if it is demonstrated that the action is frivolous.

Please contact Amy Habib Rittling or Vincent Miranda to discuss how employers can conduct self-audits of their workforce, train managers around these changes to the law and update their handbooks and policies accordingly. [Click here](#) to read this and other developments in labor and employment law at the New York Employment Law Update

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