



NYC Council Bans Family Planning Discrimination In The Workplace

Insights

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In its final session of the year, the New York City Council voted to prohibit employment discrimination based on an individual's reproductive health choices. On December 20, the Council approved an amendment to the New York City Human Rights Law (NYCHRL) which will add "sexual and reproductive health decisions" to the list of protected classes under the law. The amendment was introduced in response to the federal government's efforts to curtail reproductive healthcare access.

Amendment Adds New Protected Class Of Worker

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 law now awaits the mayor's signature, which is expected. If the amendment becomes law, it will take effect 120 days after enactment.

[Ed. Note: This law was enacted on January 20 after the mayor returned it unsigned. It will take effect on May 20, 2019.]

What Should NYC Employers Do?

The amendment will expand the protections provided to employees under the NYCHRL. If enacted, employers in the Big Apple should consider updating their antidiscrimination policies to reflect the new protected class. All employers in New York City should stay tuned. We will continue to monitor further developments, so you should ensure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date information. For help with compliance steps or to answer questions, please contact your Fisher Phillips attorney or any attorney in our [New York City office](#).

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