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NEW YORK STATE DIVISION OF HUMAN RIGHTS PROTECTS WOMEN FROM DISCRIMINATION

As we celebrate Women’s History Month, New York State Division of Human Rights Commissioner Helen Diane Foster wants to remind all New Yorkers of the many protections afforded to women under the State’s Human Rights Law.

“Women have made tremendous contributions to society throughout history, but we should not lose sight of the fact that many women still face unique challenges in their everyday lives because of their gender,” said Commissioner Foster. “We are fortunate to live in a state that is not only the cradle of the women’s movement but also has been at the forefront in the fight for equality and justice for all New Yorkers.”

Pregnancy Discrimination

Pregnant women continue to suffer negative employment consequences despite existing laws and regulations that prohibit such discrimination. In New York State, pregnancy discrimination is considered a form of sex discrimination. Pregnancy and pregnancy-related conditions are also covered under the disability provisions of the Human Rights Law. It is unlawful to terminate an employee, or refuse to hire a potential employee based on her pregnancy, or to deny a reasonable accommodation for pregnancy-related conditions. Pregnant employees cannot be treated differently from other employees with temporary disabilities and must receive the same benefits received by other employees out on leave due to a disability not related to pregnancy.

Sexual Harassment

Under the law, sexual harassment is considered a form of sex discrimination. Although it can impact women and men alike, in 2014 women filed 74% of all sexual harassment complaints at the Division. Under the Human Rights Law, women are protected from sexual harassment in employment, housing, places of public accommodation, and private, non-sectarian educational institutions.

Familial Status Discrimination

Women with children or pregnant women often face discrimination when searching for housing. It is against the law for housing providers to discriminate against pregnant women or families because they have children under 18. It is unlawful to refuse to rent, renew a lease, or set different terms or conditions because of the presence of children or because a woman is pregnant.

Domestic Violence Victim Status

According to the National Coalition Against Domestic Violence, more than 80% of reported domestic violence incidents are against women. In an effort to help victims of domestic violence achieve financial independence, the Human Rights Law offers them protections from employment discrimination. It is against the law to discriminate in hiring for a job, job advancement, requests for use of leave time, or other terms, conditions or privileges of employment based on an employee's domestic violence victim status.

Domestic Workers

Studies reveal that in New York State women make up nearly the entire domestic workforce. Because domestic workers are often isolated in their workplaces, they can be more vulnerable to becoming victims of sexual harassment and other forms of discrimination. Under the law domestic workers are protected from sexual harassment, as well as harassment on the basis of gender, race, religion, or national origin.

Individuals in the State of New York, regardless of their gender, who feel that they have been subjected to unlawful discrimination, can file a complaint free of charge with the New York State Division of Human Rights. The Human Rights Law prohibits discrimination in employment, housing, credit, and other jurisdictions, based on age, race, national origin, sex, sexual orientation, marital status, disability, military status, and other specified classes. Complaints with the Division must be filed within one year of the most recent incident of discrimination. For more information about the law and the work of the agency, please visit the Division of Human Rights' website at www.dhr.ny.gov.

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