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New York City Enacts Protections for Employees' Sexual and Reproductive Health Decisions

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The New York City Council has passed new amendments to the New York City Human Rights Law that will add “sexual and reproductive health decisions” to the list of protected categories under the law. The City Council’s bill amending the New York City Human Rights Law was enacted on January 20 and will go into effect 120 days later, on May 20, 2019.

Under these amendments, employers may not discriminate against any person on the basis of that person’s “sexual and reproductive health decisions.” Sexual and reproductive health decisions are defined as “any decision by the employee to receive services which are arranged for or offered or provided to individuals relating to the reproductive system and its functions.” Specific examples of sexual and reproductive health decisions identified in the amendments are:

- Fertility-related medical procedures;
- Family planning services and counseling;
- Access to all medically approved birth control drugs and supplies;
- Emergency contraception;
- Sterilization procedures;
- Pregnancy testing;
- Sexually transmitted disease testing and treatment;
- Abortion procedures; and
- HIV testing and counseling.

Once the amendments go into effect, employers will also have to provide written notice of the right to be free from discrimination in relation to sexual and reproductive health decisions to all new employees at the commencement of employment and to all existing employees within 120 days of the effective date of the amendments. The written notice must be in a form and manner yet to be determined by the New York City Commission on Human Rights.

Employers should update their handbooks, anti-discrimination policies, and other relevant policies to include sexual and reproductive health decisions among the list of protected characteristics.

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