



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

FACT SHEET:

Family Status Discrimination in New York

The women and mothers of New York State need stronger legal protections, which will support our economy while also promoting fairness and breaking down barriers. One key bill (A-7317/S-4) would ensure parents are not discriminated against at work. At a time when families are struggling financially, New York must ensure a level playing field for workers.

What A-7317/S-4 Would Do

- The New York State Human Rights Law already bans discrimination in *housing* based on family status, but there is no similar provision prohibiting such discrimination in employment.ⁱ This means that employers are free to not hire or to terminate someone just because he or she is a parent.
- A-7317/S-4ⁱⁱ would explicitly protect parents, so that mothers and fathers cannot be discriminated against at work just because they have children. The law would not require employers to accommodate parents' busy schedules; they simply must give them equal treatment.

Why New Yorkers Need Stronger Legal Protections for Parents

- Discrimination against caregivers, especially mothers, exacerbates the wage gap.ⁱⁱⁱ Mothers are less likely to be hired and are offered lower salaries than women without children (and fathers).^{iv} Mothers earn 5% less *per child* than non-mothers, even when statistically controlling for education, work experience and other variables.^v
- According to former EEOC Commissioner Stuart Ishimaru, discrimination against caregivers in the workplace based on stereotypes and presumptions about the competence and commitment of working mothers continues to drag down wages for women.^{vi} The long-term consequences of this motherhood penalty are devastating: an average woman loses \$434,000 over a 40-year career due to the wage gap.^{vii}
- Mothers and families in New York cannot afford this discrimination. More than 26% of households headed by women in New York live below the poverty level.^{viii} Women and their families are denied the equal pay that amounts to over a year of groceries, 8 months of rent, or 3 years of family health insurance.^{ix}
- Women make up almost half of the workforce^x and families rely on women's salaries to make ends meet: women are the primary or co-breadwinners in almost two-thirds of families.^{xi} In fact, women are the sole or primary breadwinners in 40% of all households.^{xii}
- Seventy percent of children living with single mothers are poor or low-income.^{xiii} We must treat mothers fairly to lift families out of poverty.

Protecting Families is Good for New York

- Alaska and Washington, D.C. already protect parents from workplace discrimination.^{xiv} Connecticut law also prohibits employers from requesting information about an employee's familial responsibilities or child-bearing plans.^{xv} Federal employees are also protected from



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discrimination based on their status as a parent.^{xvi}

- Localities in New York already provide this protection for certain employees, such as Ithaca, Rye Brook, and Westchester County.^{xvii}
- New York can be a leader on this issue and ensure that families are not penalized based on outdated stereotypes and workplace models. It will help our economy and make for better workers and caregivers.
- Explicit protection would also send a strong message to employers to address discrimination proactively and simplify litigation.^{xviii}

For more information or to get involved contact Dina Bakst at 212-430-5982 or dbakst@abetterbalance.org or visit our website at www.abetterbalance.org.

ⁱ N.Y. Exec. Law § 296(2-a).

ⁱⁱ Bill text available at: <http://open.nysenate.gov/legislation/bill/S4-2015>.

ⁱⁱⁱ *A Fair Share for All: Pay Equity in the New American Workplace: Hearing Before the U.S. Senate Comm. on Health, Educ., Labor*, 113th Cong. (Mar. 11, 2010) (statement of Stuart Ishimaru, Acting Chairman of the Equal Employment Opportunity Commission).

^{iv} Daniel Aloï, *Mother's Face Disadvantages in Getting Hired, Cornell Study Says*, Cornell University News Service, (Aug. 4, 2005), <http://www.news.cornell.edu/stories/Aug05/soc.mothers.dea.html>.

^v Stephan Benard, In Paik, and Shelley J. Correll, "Cognitive Bias and the Motherhood Penalty," *Hastings Law Journal* 59 (June 2008): 1359.

^{vi} Dina Bakst, Testimony before the New York City Women's Issues Committee (June 16, 2010).

^{vii} *Id.*

^{viii} National Partnership for Women & Families and AAUW, *New York: Working Women and the State's Wage Gap* (Apr. 2011), available at: www.nationalpartnership.org/site/DocServer/wf.epd.factsheet.NY.pdf.

^{ix} National Partnership for Women & Families and AAUW, *New York: Working Women and the State's Wage Gap*, April 2013, available at: <http://www.aauw.org/files/2013/09/New-York-Pay-Gap-2013.pdf> and http://go.nationalpartnership.org/site/DocServer/Wage_Gap_ny.pdf

^x Catalyst, *Statistical Overview of Women in the Workplace*, (Dec. 2011), <http://www.catalyst.org/publication/219/statistical-overview-of-women-in-the-workplace>.

^{xi} Heather Boushey & Ann O'Leary, *The Shriver Report: A Woman's Nation Changes Everything: Executive Summary*, (Oct. 2009), http://www.americanprogress.org/issues/2009/10/womans_nation.html.

^{xii} Wendy Wang, Kim Parker, & Paul Taylor, *Breadwinner Moms: Mothers Are the Sole or Primary Provider in Four-in-Ten Households with Children; Public Conflicted about the Growing Trend*, (May 29, 2013), <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/>.

^{xiii} Mark Mather, *U.S. Children in Single-Mother Families*, The Population Reference Bureau, (May 2010), pg. 2, <http://www.prb.org/pdf10/single-motherfamilies.pdf>.

^{xiv} Alaska Stat. § 18.80.220; D.C. Code Ann. § 2-1401.01-02.

^{xv} Conn. Gen. Stat. § 46a-60(a)(9).

^{xvi} Executive Order 13152.

^{xvii} Ithaca, N.Y. Code §§ 215-1 to -36 (2008); Rye Brook, N.Y. Code § 24-1 to -9 (2008); Westchester County, N.Y. Code §§ 700.01-.18 (2008); Exec. Work Order No. 5-2002.

^{xviii} *The Work-Family Dilemma*, A Better Balance: Policy Solutions for All New Yorkers (Barnard 2007).