

**Headquarters**

40 Worth Street, 10<sup>th</sup> Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

2301 21<sup>st</sup> Avenue South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

**Fact Sheet: 2019 Updates to the New York State Human Rights Law**

In 2019, the New York State Human Rights Law was updated to expand a number of workplace protections. These updates represent a groundbreaking step forward for gender equity in New York State, and A Better Balance is proud to have been at the forefront of the fight to pass these crucial new protections.

**Employer Definition**

- Who is an employer under the NYSHRL?
  - o The law now covers “all employers within the state.”
  - o There is no employee threshold now—an employer with one employee is covered
  - o This includes the state and political subdivisions
- **Effective Date: February 8, 2020**

**Discriminatory Harassment**

- The NYSHRL now prohibits “discriminatory harassment”
  - o This means that employers cannot harass any individual based on their age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, pre-disposing genetic characteristics, familial status, marital status, or domestic violence victim status. Discriminatory harassment includes sexual harassment.
  - o Employers also cannot harass any individual who opposes a practice that is unlawful under the NYSHRL
- Discriminatory harassment is unlawful under the NYSHRL when it “subjects an individual to inferior terms, conditions, or privileges of employment”—a lower standard than the “severe and pervasive” standard common to anti-harassment law
- **Effective Date: October 11, 2019**

**Independent Contractor Coverage**

- The NYSHRL now prohibits unlawful discrimination against *non-employees*
  - o Who is covered by this?
    - Non-employees who are contractors, subcontractors, vendors, consultants, or other persons providing services pursuant to a contract in the workplace, or who is an employee of such contractor, subcontractor,

vendor, consultant, or other person providing services pursuant to a contract in the workplace

- When will an employer be liable to a non-employee?
  - When the employer, its agents or supervisors, knew or should have known that a non-employee was subjected to unlawful discrimination *and* the employer failed to take immediate and appropriate corrective action

- **Effective Date: October 11, 2019**
- **Note: New York City Also Expanded Independent Contractor Coverage! In September, the City Council passed a law extending the protections of the New York City Human Rights Law to independent contractors. This means that, among other things, independent contractors who face discrimination based on race, gender, sexuality, and other protected categories can file a complaint with the New York City Commission on Human Rights.**

### **Domestic Worker Coverage**

- The NYSHRL now explicitly extends protections from discriminatory harassment to domestic workers
- **Effective Date: October 11, 2019**

### **Lactation**

- The NYSHRL requires employers to accommodate employees' pregnancy-related conditions. In September 2019, the definition of "pregnancy-related condition" was amended to explicitly include lactation as a pregnancy-related condition. Accordingly, lactating workers now have a clear right to workplace accommodations.
- For more on the rights of lactating workers in New York State, see here: <https://www.abetterbalance.org/new-york-working-womans-pocket-guide/pumping-at-work/>
- **Effective Date: September 13, 2019**

### **Damages**

- Punitive damages and attorney's fees are now available in employment discrimination cases against private employers
- **Effective Date: October 11, 2019**

\* The New York State Labor Law was also updated recently to expand equal pay protections and increase pay transparency—the law now prohibits employers from asking job applicants questions about their salary history, and prohibits pay discrimination based on race, gender, sexual orientation, or other protected statuses. For more information about these new laws, see here: <https://www.abetterbalance.org/resources/new-yorks-new-equal-pay-laws-a-know-your-rights-toolkit/>.