

FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions

As of May 20, 2019, New Yorkers are protected against employment discrimination based on their sexual and reproductive health decisions. This means that employers cannot take any kind of adverse action against an employee motivated in any way by the employee’s sexual or reproductive health decisions.

Q. Who is protected?

A. Most employees and job applicants in New York City are protected. If an employer has four or more employees, they cannot discriminate against employees or job applicants. Workers and applicants are protected regardless of whether the position is full-time, part-time, or an internship. Independent contractors who do not have their own employees are also protected.

Q. What are “sexual and reproductive health decisions”?

A. Any decision to receive services related to the reproductive system and its functions. This includes, but is not limited to:

- family planning services and counseling, such as abortion, birth control, emergency contraception, sterilization, and pregnancy testing;
- fertility-related medical procedures; and
- sexually transmitted disease prevention, testing, and treatment.

Q. Does this include the decision to receive hormone therapy or transition-related care for transgender New Yorkers?

A. Yes. Transgender people are protected from discrimination based on their decision to receive hormone therapy or other transition-related care involving the reproductive system or its functions. This may also be discriminatory on the basis of gender, and in some cases, disability.

Q. What kind of actions are prohibited?

A. Employers are prohibited from treating employees less well than other employees or harassing them because of their sexual or reproductive health decisions. Examples of violations include:

- an employer repeatedly criticizes an employee for pursuing in vitro fertilization treatment (IVF), which the employer believes is not “natural;”
- an employer fires an employee after learning that the employee had an abortion;
- a supervisor avoids meetings with one of the employees on their team after learning the employee sought preventive treatment for the human immunodeficiency virus (HIV).

Q. Are employers required to provide accommodations, like time off for a medical procedure or medical appointments, for a sexual or reproductive health decision?

A. No. However, if the procedure or appointments relate to a disability, or to pregnancy, childbirth, or a related medical condition, the employer may be required to provide a reasonable accommodation. Find the Commission’s guidance on discrimination based on pregnancy and discrimination based on disability at nyc.gov/site/cchr/law/legal-guidances.page for more information.

Q. What are the consequences for employers who are found to violate the law?

A. They may be required to pay damages, a fine, and/or be subject to additional affirmative relief such as mandated training and posting requirements.

If you have experienced discrimination based on sexual and reproductive health decisions, we can help. Contact the NYC Commission on Human Rights by calling 311 or the Commission’s Infoline directly at 212-416-0197. For more information, visit [NYC.gov/HumanRights](https://nyc.gov/HumanRights).