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NYC Law Protects Employees from Sexual and Reproductive Health Decision Discrimination

Effective May 20, 2019, the New York City Human Rights Law (“NYCHRL”) (the “Law”) will expand its list of protected categories to include “sexual and reproductive health decisions,” defined as “any decision by an individual to receive services, which are arranged for or offered or provided to individuals relating to sexual and reproductive health, including the reproductive system and its functions.” The Law is applicable to New York City employers with four or more employees.

Key Provisions

Under the Law, protected services include, but are not limited to:

- Fertility-related medical procedures;
- Sexually transmitted disease prevention, testing, and treatment; and
- Family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing, and abortion.

Takeaway for Employers

New York City employers subject to the Law should proactively take steps to ensure their existing employment practices and policies comply with the Law. Specifically, employers should prepare by:

- Updating equal employment opportunity statements and policies, handbooks, employment applications, and any other materials containing the list of protected categories under the NYCHRL to include “sexual and other reproductive health decisions”; and

- Ensuring that human resources staff, as well as supervisors and managers, are trained on the requirements of the Law.

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If you have any questions regarding the Law, please do not hesitate to contact us.

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