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Protecting Our Rights Together

You may have certain rights and opportunities to organize, join a union, and take action with other workers to improve your pay and working conditions without being punished by your employer.



From New York to Florida, from Florida to Texas and California, in several states in many cities and towns I became a part of the struggle... – for better working conditions, for more pay, for improvements in the deplorable conditions of women workers, Negro workers, Mexican workers. Many times we tried and failed partially; but most of the time we were successful.”

– Luisa Moreno,
Leader in the U.S. Labor movement and social activist who convened the 1939 Congreso de Pueblos de Habla Española, the First National Latino Civil Rights Assembly

What is Collective Action?


Confronting your boss to challenge discrimination or advocate for better wages and benefits can be intimidating and risky, especially when you are doing it on your own. However, many people often find that when they are dealing with a problem at work, others are dealing with it as well.


As workers, there are ways in which you can work together with your co-workers to improve and change your working conditions, and there are federal and state laws that may protect your organizing activities.

Your ability to work together with your coworkers to seek improvements in your workplace is important because it levels the playing field. Unless you organize, employers hold all the cards when setting wages and working conditions. This power imbalance can make it difficult for a single employee acting alone to challenge discrimination, unfair wages, work schedules, and/or lack of employee benefits. When employees work together to try and make change in the workplace, this collective action can increase the chances that your employer will respond to your demands.

Who is Protected by the Law?

The National Labor Relations Act (NLRA), a federal law, covers all private employees.¹⁷⁰ Public employees in New York State, who are not covered under the NLRA, are covered under New York State's Taylor Law.¹⁷¹

 **IMMIGRATION STATUS:** The NLRA applies to covered employees regardless of their immigration status. However, depending on your immigration status, you may not be able to obtain the same remedies provided to other employees under the NLRA.

 **FARMWORKERS:** While it is not illegal for farmworkers to try to negotiate better terms and conditions of employment, the law does not currently provide farmworkers with collective bargaining protections. This means that while you cannot be arrested for organizing,

joining a union, or engaging in collective bargaining, you could still be fired for engaging in this activity.

The law does **not** apply to independent contractors and **may not** apply to certain part-time employees or temporary employees.¹⁷² However, just because an employer says you are an independent contractor, does not mean you actually are one under the law. Your employer may be “misclassifying” you as an independent contractor, which qualifies as an unfair labor practice that violates the National Labor Relations Act.¹⁷³ For example, you may be considered an employee if your employer “controls” how you do your work. This may be the case if your employer requires you to work 40 hours a week, requires you to work at 9 a.m. every weekday, or requires you to work from a certain location. Your employer could be found liable for misclassification and be ordered to cease the practice and to compensate employees for any losses in earnings or benefits.¹⁷⁴

What is a Union?

A union is an organization made up of workers who are able to bargain for better wages and working conditions. Unions advocate for all workers in the “bargaining unit” (a group of people within a workplace who qualify for union protection even if they aren't members) by negotiating with the employer to improve wages, hours, working conditions, insurance, pensions, and other employee benefits.

Unions can provide job protection for workers. New York is an “at-will” employment state, meaning that an employer can fire you for any reason or even **no** reason, unless they are discriminating against you based on your status in a protected class, such as your sex or gender. If you are part of a union, however, the union may require the employer to have a reason

for firing you. If an employer fires you for no reason, then the union can help advocate on your behalf. The union can also help advocate for you if you believe you were fired for an illegal reason (like discrimination).

What are My Legal Rights?

Under the NLRA, covered private employees have the right to join together to improve their wages and working conditions.¹⁷⁵ This means that you can form a union at work, join a union, or try to bargain collectively without a union.¹⁷⁶ The law also protects employee's rights to engage in collective bargaining and other concerted activities for that purpose.¹⁷⁷

You have the right to discuss employment conditions with your co-workers without being punished, and it is unlawful for an employer to interfere with, restrain, or coerce employees in their exercise of these rights.¹⁷⁸

For more information on the types of protected activity under the NLRA, visit: <https://www.nlr.gov/rights-we-protect/whats-law/employers/interfering-employee-rights-section-7-8a1>.


Under New York's Taylor Law, public employees (those working for the government or governmental agencies in New York State) have the right to organize and bargain collectively, but they do not have the right to strike.¹⁷⁹

NOTE: You must still comply with any workplace rules, even when engaging in concerted activity. For example, so long as your employer applies the rule fairly and consistently to all employees, your employer may prohibit all employees from using work hours and resources (like printers) for personal or non-work related purposes, such as union activity.

WAGES: In New York State, workers have the right to ask about, discuss, or share their pay rates and wages with coworkers.¹⁸⁰

Therefore, if you discuss your hourly rate with another employee, your employer is prohibited from punishing you for sharing such information.

RETALIATION: If you and your co-workers engage in protected concerted activity, the law prohibits your employer from firing, suspending, disciplining, or punishing you or from taking any negative employment action against you as a result of that activity.¹⁸¹ If your employer retaliates against you, this violates the law. You may be able to recover back pay and, if you were fired, the employer may be required to rehire you.

 **IMMIGRATION STATUS:** You have the same rights under the NLRA regardless of your immigration status; however you may be exempt if you work in an industry, such as farm labor, that is not covered.¹⁸² It is illegal for your employer to threaten to report you to immigration authorities or to other law enforcement officials for engaging in such activity.¹⁸³ This would constitute retaliation under the law. It is also illegal for your employer to impose more onerous requirements, such as to require new immigration papers, because you engaged in concerted activity.¹⁸⁴ Note, however, that your immigration status may limit the remedies that you can recover if you take administrative or legal action. Note also, that even though it is illegal, your employer may still retaliate against you so you should contact a lawyer or legal advocate for guidance. For assistance, visit the Additional Resources section at the back of this Toolkit.



What Can I Do to Assert My Rights?

ADVOCATE FOR YOUR RIGHTS THROUGH A UNION: If you are covered by the above protections, joining, forming, or participating in a union can be one way to protect your right to work together with other workers. There are hundreds of national unions, with thousands of local chapters. Unions are often organized by the type of work performed by the union members—for example, there are unions for home health care workers, teachers, nurses, construction workers, teamsters, electrical workers, and other types of work.

If your workplace is already unionized, you can ask about joining the union as a member by contacting the union representative. If your workplace is not unionized, you could talk to your co-workers about wanting to form a union and

research which union and local chapter would best represent you and your co-workers.

JOIN THE FREELANCERS UNION: Independent contractors, also called freelancers, have the option of joining the Freelancers Union. Although referred to as a union, it does not provide the same type of benefits and protections a union traditionally provides. Instead, the Freelancers Union is more like an advocacy group that pushes for better working conditions for freelancers. It also provides its members with “portable” benefits, such as health, dental, life insurance, disability, and liability insurance. These benefits are “portable” in that a freelancer can “carry” these benefits with them, regardless of where or for whom they work. The

Freelancers Union, although based in New York City, offers free membership to freelancers nationwide.

NYC: In New York City, freelancers may file a lawsuit if they are not paid for their work. They can also file a claim with the New York City Office of Labor and Policy Standards by email at freelancer@dca.nyc.gov or by phone at (212) 436-0380. If you file a lawsuit because you were not paid for a freelance project and win, you can also recover double damages and attorneys' fees.

SEEK ASSISTANCE FROM A WORKER CENTER: Worker Centers are community based organizations that provide various forms of support to low-wage workers, including workers who are not covered by a union. They typically provide a range of services, such as legal representation to recover unpaid wages, language and skills classes, worker rights education, training, and access to health clinics and other benefits. Worker Centers also engage in advocacy and organizing on behalf of workers, building coalitions of workers to take action to push for better wages and working conditions. For a non-exhaustive list of worker centers in New York State, visit the Additional Resources Section at the end of this Toolkit.

JOIN A WORKER COOPERATIVE: In contrast to traditional businesses that are hierarchically owned and managed, worker cooperatives are owned and controlled by the workers where the workers elect the board of directors, make business decisions democratically, invest collectively in the business, and typically distribute a portion of the profits annually to all of the worker-owners based on their own determination. Further, worker cooperatives are committed to creating a non-exploitative economy by creating socially just jobs and supporting the community. By starting a cooperative, you have a voice that counts, more control over setting work hours and wages, more leadership and career advancement opportunities, and the ability to establish healthier relationships with managers, co-workers, and the community.

There are successful worker cooperatives in all industries, including healthcare, manufacturing, education, food/restaurant, plumbing, publishing, childcare, commercial and residential cleaning, and other trades.

- In NYC, the City Council provides funds to organizations in the Worker Cooperative Business Development initiative. Find out about these resources and supports for worker cooperatives here: <https://www1.nyc.gov/nycbusiness/article/worker-cooperatives>.
- The New York City Network of Worker Cooperatives also provides leadership development, training programs, courses, and networking events, as well as a list of other

organizations that provide similar services. You can access or review these resources here: <https://nycworker.coop/home/>.

FORM AN EMPLOYEE RESOURCE GROUP: You and your co-workers can form an employee resource group. An employee resource group is a group of workers who share a common trait. For example, you could form an employee resource group for women, a group for new mothers, for mothers returning to work, or a group based on age, disability, or LGBTQ status. Employee resource groups can be used as a space for women and minority workers to freely discuss the types of problems they face at work and strategize ways to improve their work environment.

FILE AN ADMINISTRATIVE CHARGE: If an employer disciplines you, threatens you, or takes any action against you or other workers for engaging in concerted activity, you can file a complaint with the National Labor Relations Board (NLRB). The NLRB is the government agency responsible for protecting an employee's rights under federal law. Once you file a charge with them, they will investigate the complaint and your employer. If the NLRB determines that your employer violated the law, they can order the employer to pay damages, including back pay, and if you were fired, order the employer to reinstate you. Note that these remedies may be limited depending on your immigration status.

For public employees, you can file a charge with the Public Employee Relations Board: <http://www.perb.ny.gov>.

Employees can file an unfair labor practice charge against an employer individually, through a union, or through a worker representative. Contact information for the New York Regional Offices for the National Labor Relations Board are below. You can also visit <https://www.nlr.gov> to learn more.

- Buffalo Office: (716) 551-4931
- Albany Office: (518) 431-4155
- Manhattan Office: (212) 264-0300
- Brooklyn Office: (718) 330-7713

NYC: In New York City, you can report violations of workplace laws, such as paid sick time requirements, to the NYC Department of Consumer Affairs (DCA). To file a complaint, visit: <https://www1.nyc.gov/site/dca/workers/workersrights/file-workplace-complaint.page>. Within DCA, the Office of Labor Policy and Standards (OLPS) protects and promotes labor standards and policies to create fair workplaces. OLPS provides targeted resources and support for people of color, women, and immigrants. For more information, visit: <https://www1.nyc.gov/site/dca/about/office-of-labor-policy-standards.page>.

Endnotes

- 1 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
- 2 New York State Human Rights Law, N.Y. Exec. Law §§ 292 (for definition of “employer”), 296; New York City Human Rights Law, N.Y. Admin. Code § 8-101 *et seq.* See 9 NYCRR § 466.13 (for regulations specifying who is covered).
- 3 N.Y. Exec. Law § 296-b.
- 4 N.Y. Admin. Code § 8-107(1).
- 5 Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a.
- 6 42 U.S.C. § 2000e-3(a).
- 7 Immigration and Nationality Act, 8 U.S.C. § 1324b.
- 8 N.Y. Exec. Order No. 170 (Sep. 15, 2017), <https://www.governor.ny.gov/news/no-1701-amendment-executive-order-170-state-policy-concerning-immigrant-access-state-services>.
- 9 N.Y.C. Exec. Order No. 41 (Sep. 17, 2003), <https://www1.nyc.gov/site/immigrants/about/local-laws-executive-orders.page>.
- 10 See *Hoffman Plastic Compounds, Inc. v. National Labor Relations Board*, 535 U.S. 137 (2002).
- 11 N.Y. Exec. Law § 296-b.
- 12 N.Y. Exec. Law § 292(5); N.Y. Admin. Code § 8-102(2018).
- 13 N.Y. Exec. Law § 296-b; N.Y. Exec. Law § 292(5); N.Y. Admin. Code § 8-102(2018).
- 14 N.Y. Exec. Law § 292(5); N.Y. Admin. Code § 8-102(2018).
- 15 42 U.S.C. § 2000e-2; *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986) (confirming that sexual harassment is a form of sex discrimination prohibited under Title VII); N.Y. Exec. Law § 296; N.Y. Admin. Code § 8-107.
- 16 N.Y. Lab. Law § 201-g.
- 17 The Equal Pay Act of 1963, 29 U.S.C. § 206(d); Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
- 18 N.Y. Lab. Law § 194 (prohibiting difference in rate of pay because of sex); 9 NYCRR § 466.13; N.Y. Exec. Law § 296. See also N.Y. Lab. Law § 190(3) (definition of “employer”).
- 19 N.Y. Admin. Code §§ 8-102-107.
- 20 29 U.S.C. § 206(d); N.Y. Labor Law § 194.
- 21 N.Y. Labor Law § 194(a)-(d).
- 22 N.Y. Labor Law § 194(d).
- 23 See N.Y. Admin. Code § 8-107(25); Westchester Co. Human Rights Law § 700.3; Suffolk Co. Code § 528-7.
- 24 Albany Co. Human Rights Law § 48-26.
- 25 N.Y. Lab. Law §§ 652, 673.
- 26 N.Y. Lab. Law § 191.
- 27 N.Y. Lab. Law § 191.
- 28 N.Y. Lab. Law § 191.
- 29 N.Y. Lab. Law § 191.
- 30 N.Y. Lab. Law § 191; New York State Domestic Workers Bill of Rights: <https://www.labor.ny.gov/legal/laws/pdf/domestic-workers/facts-for-domestic-workers.pdf>.
- 31 N.Y. Lab. Law § 195.
- 32 N.Y. Lab. Law § 195.
- 33 N.Y. Lab. Law § 195.
- 34 N.Y. Lab. Law § 195.
- 35 N.Y. Lab. Law § 195.
- 36 N.Y. Lab. Law § 195.
- 37 N.Y. Lab. Law § 195.
- 38 12 N.Y.C.R.R. § 146-2.2.
- 39 12 N.Y.C.R.R. § 146-2.2.
- 40 N.Y. Lab. Law § 861-g.
- 41 N.Y. Lab. Law § 652.
- 42 See N.Y. Dept. of Labor, N.Y. Labor Standards Fact Sheet, *Know Your Right as a Worker: How to Prevent labor Violations in the Workplace* (Dec. 2015), <https://www.labor.ny.gov/formsdocs/factsheets/pdfs/p711.pdf>.
- 43 N.Y. Lab. Law § 193.
- 44 Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*; 12 NYCRR § 142-2.2.
- 45 N.Y. Lab. Law § 167.
- 46 See Trafficking Victims Protection Act, 22 U.S.C. § 7101 *et seq.*; N.Y. Penal Law §§ 135.35, 230.34.
- 47 N.Y. Lab. Law § 215.
- 48 N.Y. Lab. Law §§ 652, 673; 12 NYCRR § 190-1.3(b).
- 49 N.Y. Lab. Law § 673-a; 12 NYCRR § 190-6.1.
- 50 N.Y. Correction Law Art. 23-A.
- 51 N.Y. Correction Law Art. 23-A.
- 52 N.Y. Exec. Law § 296(16).
- 53 N.Y. Admin. Code §§ 8-102(5), 8-107(10)-(11-a).
- 54 N.Y. Admin. Code §§ 8-102(5), 8-107(10)-(11-a).
- 55 The Immigration and Nationality Act, 8 U.S.C. § 1324b.
- 56 N.Y. Exec. Law § 296(1-a).
- 57 Studies have found that women entrepreneurs in New York City have a more difficult time accessing credit to start their businesses—in fact, men are twice as likely to launch their

- businesses with as much as double the capital. Women entrepreneurs find it harder to identify and assess potential mentors and business advisors. These challenges are more pronounced for women of color, many of whom must overcome language barriers when starting a business. Women with low-to-moderate income often highlighted lack of confidence and experience as a challenge. See Women Entrepreneurs NYC, *Unlocking the Power of Women Entrepreneurs in New York City*, (November 2015), https://we.nyc/media/filer_public/97/a1/97a19bc2-261c-4168-b70d-4873f7bec894/wenyc_report_2015-11_2.pdf.
- 58 Equal Credit Opportunity Act, 15 U.S.C. § 1691; N.Y. Exec. Law § 296-a.
 - 59 N.Y. Exec. Law § 312. See also N.Y. Order 177 (covered state entities prohibited from entering into contracts with entities that have institutional policies or practices that fail to address harassment or discrimination based on sex and other protected classifications).
 - 60 Stop Credit Discrimination in Employment Act, N.Y. Admin. Code §§ 8-102(29), 8-107(9)(d)(24).
 - 61 See NYC Business Solutions, *NYC Sector Guide on Worker Cooperatives*, http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/educational/sector_guides/worker_cooperative.pdf.
 - 62 See NYC Department of Small Business Services, *Building Your Business in New York City: A Guide for Immigrant Entrepreneurs*, https://www1.nyc.gov/assets/sbs/downloads/pdf/about/reports/ibi_toolkit.pdf.
 - 63 See National Institute for Occupational Safety and Health, *Women's Safety and Health Issues at Work*, Publication No. 2001-123, <https://www.cdc.gov/niosh/docs/2001-123/default.html>.
 - 64 See U.S. Dep't of Labor, Bureau of Labor Statistics, *Women at Work* (March 2017), <https://www.bls.gov/spotlight/2017/women-at-work/pdf/women-at-work.pdf>.
 - 65 Occupational Safety and Health Act, 29 U.S.C. § 652.
 - 66 29 U.S.C. § 654; 29 C.F.R. § 1926 *et seq.*
 - 67 29 U.S.C. § 654; 29 C.F.R. § 1926 *et seq.*; N.Y. Lab. Law § 200.
 - 68 N.Y. Lab. Law § 200(1).
 - 69 N.Y. Lab. Law §§ 200(1), 880.
 - 70 29 U.S.C. § 657(c)(3); 29 C.F.R. § 1926 *et seq.*
 - 71 29 U.S.C. § 657(c)(3); 29 C.F.R. § 1926 *et seq.*
 - 72 N.Y. Lab. Law § 162.
 - 73 N.Y. Lab. Law § 162(4).
 - 74 N.Y. Lab. Law § 161.
 - 75 N.Y. Lab. Law § 161.
 - 76 N.Y. Lab. Law § 161.
 - 77 N.Y. Lab. Law § 724.
 - 78 N.Y. Admin. Code Ch. 8.
 - 79 N.Y. Admin. Code Ch. 8.
 - 80 N.Y. Admin. Code Ch. 8.
 - 81 N.Y. Admin. Code Ch. 8.
 - 82 Westchester Co. Laws, Ch. 700.
 - 83 Westchester Co. Laws, Ch. 700.
 - 84 The Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*
 - 85 29 U.S.C. § 2601 *et seq.*
 - 86 New York Paid Family Leave Benefits Law, N.Y. Workers Comp. Law, Art. 9.
 - 87 New York Paid Family Leave Benefits Law, N.Y. Workers Comp. Law, Art. 9.
 - 88 See 29 U.S.C. § 654; 29 C.F.R. § 1926 *et seq.*; N.Y. Lab. Law § 740.
 - 89 See N.Y. Admin. Code Ch. 8.
 - 90 See Trafficking Victims Protection Act, 22 U.S.C. § 7101 *et seq.*; N.Y. Penal Law §§ 135.35, 230.34.
 - 91 29 C.F.R. §§ 1904.35-36.
 - 92 N.Y. Admin. Code § 20-1251.
 - 93 N.Y. Admin. Code § 20-1252.
 - 94 N.Y. Admin. Code § 20-1221.
 - 95 N.Y. Admin. Code § 20-1222.
 - 96 N.Y. Admin. Code § 20-1231.
 - 97 N.Y. Workers Comp. Law § 3, Group 14-b.
 - 98 N.Y. Labor Law §191.
 - 99 See U.S. Dep't of Labor, Agricultural Operations, <https://www.osha.gov/dsg/topics/agriculturaloperations/>.
 - 100 Occupational Health and Safety Administration, OSHA Instruction CPL 02-00-051, *Enforcement Exceptions and Limitations under the Appropriations Act* (May 28, 1998), <https://www.osha.gov/enforcement/directives/cpl-02-00-051>.
 - 101 See U.S. Dep't of Labor, Agricultural Operations: Hazards and Controls, https://www.osha.gov/dsg/topics/agriculturaloperations/hazards_controls.html.
 - 102 See Violence Against Women Reauthorization Act of 2013, 18 U.S.C. § 2261; N.Y. Exec. Law § 292(34); N.Y. Admin. Code § 8-107.1(a); New York State Dep't of Labor, Domestic Violence and UI Benefits, <https://www.labor.ny.gov/ui/claimantinfo/domesticviolenceanduibenefits.shtm#1>.
 - 103 See Violence Against Women Reauthorization Act of 2013, 18 U.S.C. § 2261; N.Y. Admin. Code § 8-107.1(a). See also Office on Violence Against Women, U.S. Dep't of Justice, Sexual Assault, <https://www.justice.gov/ovw/sexual-assault>.
 - 104 See Violence Against Women Reauthorization Act of 2013, 18 U.S.C. § 2261; N.Y. Admin. Code § 8-107.1(a).

- 105 N.Y. Exec. Law §§ 292, 296.
- 106 N.Y. Admin. Code § 8-107.1(b).
- 107 Westchester Co. Laws §§ 700.02, 700.03(a)(8).
- 108 N.Y. Exec. Law § 296(1)(a).
- 109 The Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; N.Y. Exec. Law §§ 292(21), 292(21-e), 295(5), 296(3); 9 NYCRR § 466.11.
- 110 42 U.S.C. § 12102.
- 111 N.Y. Exec. Law § 292(21).
- 112 N.Y. Admin. Code §§ 8-102(5); 8-107.1.
- 113 Westchester Co. Laws, §§ 700.02 (for definitions), 700.03.
- 114 N.Y. Admin. Code § 8-102; *see also* New York City Commission on Human Rights, *Legal Enforcement Guidance on Discrimination on the Basis of Disability* (June 2018), https://www1.nyc.gov/assets/cchr/downloads/pdf/NYCCHR_LegalGuide-DisabilityFinal.pdf.
- 115 N.Y. Penal Law § 215.14.
- 116 N.Y. Admin. Code §§ 20-912 (for definitions), 20-913, 20-914.
- 117 N.Y. Admin. Code § 20-913.
- 118 N.Y. Admin. Code § 20-913.
- 119 N.Y. Real Prop. Law § 227-d.
- 120 N.Y. Real Prop. Law § 227-c. *See also* N.Y. Crim. Proc. § 530.12-13 (establishing that a court may issue orders of protection for victims of family offenses); N.Y. Dom. Rel. § 240 (describing, among other things, the court's power to issue orders of protection); N.Y. Family Ct. Act §§ 446 (orders of protection), 656, 842, 1056.
- 121 Immigration and Nationality Act, 8 U.S.C. § 1324b.
- 122 *See* Center for Reproductive Rights, *Standing up for Reproductive Rights: A Look Back at the 114th Congress* (Mar. 20, 2017), <https://www.reproductiverights.org/114th-Congress-Wrap-Up>; Heather D. Boonstra, *Abortion in the Lives of Women Struggling Financially: Why Insurance Coverage Matters*, 19 Guttmacher Policy Rev., 2016, at 46, 50.
- 123 Heather D. Boonstra, *Abortion in the Lives of Women Struggling Financially: Why Insurance Coverage Matters*, 19 Guttmacher Policy Rev., 2016, at 46.
- 124 11 NYCRR § 52.1(r)(i); N.Y. Ins. Law § 3221(16).
- 125 11 NYCRR § 52.1(r)(ii).
- 126 11 NYCRR § 52.1(r)(v).
- 127 11 NYCRR § 52.1(r)(vi).
- 128 11 NYCRR § 52.1(r)(vi).
- 129 N.Y. Ins. Law §§ 3221(l)(16)(A); 3221 (5)(A)(1).
- 130 N.Y. Pub. Health Law § 2599-AA (2019).
- 131 11 NYCRR § 52.1(p)(1-2).
- 132 11 NYCRR § 52.71.
- 133 42 U.S.C. § 2000e(k); *see also* Equal Employment Opportunity Center, *EEOC Enforcement guidance on Pregnancy Discrimination and Related Issues*, EEOC Notice No. 915.003 (June 25, 2015) (citing 42 U.S.C. § 2000e(k); Questions and Answers on the Pregnancy Discrimination Act, 29 C.F.R. pt. 1604 app., Question 34 (1979) (“An employer cannot discriminate in its employment practices against a woman who has had or is contemplating having an abortion.”); H.R. Conf. Rep. No. 95-1786, at 4 (1978), as reprinted in 95th Cong., 2d Sess. 4, 1978 U.S.C.C.A.N. 4749, 4766 (“Thus, no employer may, for example, fire or refuse to hire a woman simply because she has exercised her right to have an abortion.”); *see also Doe v. C.A.R.S. Protection Plus, Inc.*, 527 F.3d 358, 364 (3d Cir. 2008), *cert. denied*, 129 S. Ct. 576 (2008) (PDA prohibits employer from discriminating against female employee because she has exercised her right to have an abortion); *Turic v. Holland Hospitality, Inc.*, 85 F.3d 1211, 1214 (6th Cir. 1996) (discharge of pregnant employee because she contemplated having abortion violated PDA)), https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm#_ftn58.
- 134 11 NYCRR § 52.16(o).
- 135 N.Y. Penal Law §§ 240.70-240.71.
- 136 N.Y. Admin. Code § 8-107(22), New York City Commission on Human Rights, *Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy: Local Law No. 78* (2013); https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/Pregnancy_InterpretiveGuide_2016.pdf.
- 137 N.Y. Ins. Law § 3217-c.
- 138 N.Y. Ins. Law § 3216(i)(8)(E) (10)(A)(i).
- 139 42 U.S.C. § 300gg-13; 29 C.F.R. §§ 2590.75-2713.
- 140 *See* New York Dep't of Health, *Medicaid Family Planning Services*, https://www.health.ny.gov/health_care/managed_care/famplan10ques.htm.
- 141 *See* New York Dep't of Health, *Comprehensive Family Planning and Reproductive Health Care Services Program*, https://www.health.ny.gov/community/pregnancy/family_planning/.
- 142 *See* New York Dep't of Health, *Family Planning Benefit Program*, https://www.health.ny.gov/health_care/medicaid/program/longterm/familyplanbenprog.htm.
- 143 Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k); N.Y. Exec. Law §§ 292 (for definition of “employer”), 296.1; *see also* New York State Division of Human Rights, *Guidance on Pregnancy Discrimination and Reasonable Accommodation of Pregnancy-Related Conditions for Employers in New York State*, <https://dhr.ny.gov/sites/default/files/pdf/guidance-pregnancy-discrimination-employers.pdf>.
- 144 The Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; N.Y. Exec. Law §§ 292(21), 292(21-e), 295(5), 296(3); 9 NYCRR 466.11.

- 145 N.Y. Exec. Law § 292.
- 146 N.Y. Exec. Law § 296(3); see also New York State Division of Human Rights, *Guidance on Pregnancy Discrimination and Reasonable Accommodation of Pregnancy-Related Conditions for Employers in New York State*, <https://dhr.ny.gov/sites/default/files/pdf/guidance-pregnancy-discrimination-employers.pdf>.
- 147 N.Y. Admin. Code § 8-107(22); New York City Commission on Human Rights, *Legal Enforcement Guidance on Discrimination on the Basis of Pregnancy: Local Law No. 78* (2013); <https://www1.nyc.gov/site/cchr/law/legal-guidances.page>.
- 148 N.Y. Work. Comp. Law Ch. 9, § 201(9)(B).
- 149 N.Y. Lab. Law § 206-c.
- 150 N.Y. Lab. Law § 206-c; N.Y. Dep't of Labor, *Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place*, <https://www.labor.ny.gov/workerprotection/laborstandards/PDFs/guidelinesexpressionofbreastmilkFINAL.pdf>. See also Fair Labor Standards Act, 29 U.S.C. § 207(r) (requires employers to provide reasonable unpaid break time for an employee to express breast milk for her nursing child for 1 year after the child's birth in a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public).
- 151 29 U.S.C. § 207(r); N.Y. Lab. Law § 206-c. See also N.Y. Dep't of Labor, *Guidelines Regarding the Rights of Nursing Mothers to Express Breast Milk in the Work Place*, <https://www.labor.ny.gov/workerprotection/laborstandards/PDFs/guidelinesexpressionofbreastmilkFINAL.pdf>.
- 152 New York Paid Family Leave Benefits Law, N.Y. Workers Comp. Law Art. 9; 12 NYCRR § 355, Part 380.
- 153 The Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.*
- 154 N.Y. Work. Comp. Law Ch. 9, § 201(9)(B).
- 155 N.Y. Admin. Code §§ 20-912 (for definitions), 20-913, 20-914.
- 156 Westchester Co. Laws, Ch. 700.
- 157 N.Y. Exec. Law § 296. See also New York State Division of Human Rights, *Guidance on Familial Status Discrimination for Employers in New York State*, <https://dhr.ny.gov/sites/default/files/pdf/guidance-familial-status-employers.pdf>.
- 158 N.Y. Admin. Code § 8-107.
- 159 Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the federal government provides block grant funding to states to provide Temporary Assistance to Needy Families (TANF), under which states must operate temporary assistance programs for needy families. See 42 U.S.C. Ch. 7, Subchapter IV; 45 C.F.R. Part 260.
- 160 See 8 U.S.C. § 1621 (for non-eligible categories).
- 161 Immigration and Nationality Act, 8 U.S.C. § 1182.
- 162 See Center on Budget and Policy Priorities, *A Quick Guide to SNAP Eligibility and Benefits* (Oct. 16, 2018), <https://www.cbpp.org/research/food-assistance/a-quick-guide-to-snap-eligibility-and-benefits>.
- 163 42 U.S.C. § 300gg-13; 29 C.F.R. §§ 2590.75-2713.
- 164 24 C.F.R. § 100.600.
- 165 See Consent Decree in *Callahan v. Carey* (1981), <http://www.coalitionforthehomeless.org/our-programs/advocacy/legal-victories/the-callahan-legacy-callahan-v-carey-and-the-legal-right-to-shelter/>.
- 166 42 U.S.C. § 1436a.
- 167 24 C.F.R. §§ 5.512, 5.520.
- 168 See N.Y. Labor Law § 591; see also New York Dep't of Labor, *Before you Apply for Unemployment: Frequently Asked Questions*, <https://www.labor.ny.gov/ui/claimantinfo/beforeyouapplyfaq.shtm#22>.
- 169 N.Y. Exec. Order No. 26 (Oct. 6, 2011), <https://www.governor.ny.gov/news/no-26-statewide-language-access-policy>.
- 170 National Labor Relations Act, 29 U.S.C. §§ 151-169.
- 171 N.Y. Civ. Serv. Law § 200 *et seq.* (also called the Public Employees Fair Employment Act, or the "Taylor Law").
- 172 29 U.S.C. § 152(3).
- 173 29 U.S.C. § 158.
- 174 See *Intermodal Bridge Transp.*, No. 21-CA-157647 (Nov. 28, 2017).
- 175 29 U.S.C. § 157.
- 176 29 U.S.C. § 157.
- 177 29 U.S.C. § 157.
- 178 29 U.S.C. § 158.
- 179 N.Y. Civ. Serv. Law §§ 202-03, 210.
- 180 N.Y. Lab. Law § 194.
- 181 29 U.S.C. § 158; N.Y. Civ. Serv. Law § 209-a.
- 182 See National Labor Relations Board, *Immigrant Employee Rights under the National Labor Relations Act*, https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-3024/immigrant_employee_rights_one_pager_english_pdf_21860.pdf.
- 183 See National Labor Relations Board, *Immigrant Employee Rights under the National Labor Relations Act*, https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-3024/immigrant_employee_rights_one_pager_english_pdf_21860.pdf.
- 184 See National Labor Relations Board, *Immigrant Employee Rights under the National Labor Relations Act*, https://www.nlrb.gov/sites/default/files/attachments/basic-page/node-3024/immigrant_employee_rights_one_pager_english_pdf_21860.pdf.