



Legislation Text

File #: Int 0973-2024, Version: *

Int. No. 973

By the Public Advocate (Mr. Williams) and Council Members Brannan, Cabán, Hudson, Farías and Gutiérrez

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on employment history

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding new subdivision 33 to read as follows:

33. Employment; employment history. (a) For purposes of this subdivision, the term “employment history” means a person’s present or past participation in work that is legal in the jurisdiction where it is performed at the time it is performed or that is legal in the city, including, but not limited to, a person’s participation in legal sex work.

(b) It shall be an unlawful discriminatory practice for an employer or an employee or agent thereof, because of a person’s employment history:

(1) To represent that any employment or position is not available when in fact it is available;

(2) To refuse to hire or employ or to bar or to discharge from employment; or

(3) To discriminate against a person in compensation or other terms, conditions or privileges of employment.

(c) It shall be an unlawful discriminatory practice for an employment agency or an employee or agent thereof to discriminate against any person because of a person’s employment history in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants for its services to an employer or employers.

(d) It shall be an unlawful discriminatory practice for a labor organization or an employee or agent thereof, because of a person's employment history, to exclude or to expel from its membership such person, to represent that membership is not available when it is in fact available, or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(e) It shall be an unlawful discriminatory practice for any employer, labor organization or employment agency or an employee or agent thereof to declare, print, or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to employment history, or any intent to make any such limitation, specification or discrimination.

(f) The provisions of this subdivision do not govern employment policies that limit an employee from obtaining or holding employment that may cause a conflict of interest such that the person's interests in the workplace may be compromised.

(g) The provisions of this subdivision shall be construed to prohibit an employer or an employee or agent thereof from terminating a person's employment due to the employment history of such person harming the employer's reputation.

§ 2. This local law takes effect 30 days after it becomes law.

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