

## Discrimination Based on Reproductive Health Decision

MHLS prohibits discrimination based on an employee's or a dependent's reproductive health decision making. Reproductive health decision making includes, but is not limited to, the decision to use or access a particular drug, device or medical service.

### MHLS is prohibited from:

- Accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making without the employee's prior informed affirmative written consent;
- Discriminating against or taking any retaliatory personnel action against an employee with respect to 'compensation, terms, conditions, or privileges of employment' because of or on the basis of the employee's or dependent's reproductive health decision making; or
- Requiring an employee to sign a waiver or other document that denies the employee the right to make their own reproductive health care decisions.

Retaliation or a retaliatory personnel action means discharging, suspending, demoting or otherwise penalizing an employee for (a) making or threatening to make a complaint to MHLS, a co-worker, or public body, that rights under the section of law (Section 203-e of the New York State labor law) have been violated; (b) causing to be instituted any proceeding under or related to this section; or (c) providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into a violation of a law, rule or regulation.

### Employees Rights and Remedies

An employee may bring a civil action against MHLS for alleged violations in any court of competent jurisdiction. The court is enabled to award remedies, which include: damages, including but not limited to, back pay, benefits and reasonable attorney's fees and costs, as well as injunctive relief, reinstatement, or liquidated damages equal to one hundred percent of the award for damages unless an employer proves a good faith basis for its belief that its actions were in compliance with the law. A separate award of civil penalties against MHLS for retaliation may also be granted.