



Resolution Supporting the New York State Proposed Equal Rights Amendment **(S.1268)**

February 16, 2022

The New York State Bar Association resolves to support the passage of New York State Equal Rights Amendment legislation (S1268) (“ERA”).

By adding “sex” to the State Constitution as a protected category, we ensure that “sex” will be given the same status as race, color, creed, and religion. The broad language of S.1268 also protects gender, sexual orientation, and pregnancy, in addition to other important characteristics.

It is time to enact an ERA to the New York Constitution.

Neither the United States Constitution nor the New York Constitution guarantee women equal rights to men. Indeed, the only right specifically granted women in the U.S. Constitution is the right to vote. At the state level, New York is not among the 22 states that already have some form of explicit protection against sex discrimination in their state constitutions.

The primary purpose of an Equal Rights Amendment is to embed equality for women as a fundamental right in the Constitution. Today, under both federal and New York law, the right of women to be free of discrimination exists only through a patchwork of laws and legal interpretation, subject to the vagaries of jurists and lawmakers. The ERA would codify sex discrimination as legally coequal with discrimination based on race, color, creed, and religion. It would provide women with better footing in cases of discrimination in public education, divorce, child custody, domestic violence and sexual assault cases. It would strengthen employment laws relating to the prevention of sex discrimination in hiring, firing, promotion and benefits, and discrimination against pregnant women. It would also help bring about equal pay for equal work, which is important because despite decades of Title VII, women, including women attorneys, are still not paid the same amount for work as their male counterparts. Without these fundamental protections written into the New York State Constitution, women will continue to not be fully recognized as equal citizens in this country and state. Our State and Federal Constitutions should proclaim that it is women’s fundamental right to be treated equal to men under the law.

Accordingly, the New York State Bar Association **SUPPORTS** passage of the ERA, S1268.