



Legislation Text

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Res. No. 1725

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.6642/S.1187 to prohibit the imposition of different rates for disability insurance premiums based on gender.

By Council Members D. Diaz and Louis

Whereas, In March, 2021, New York State Assembly Member Deborah J. Glick and Senator Michael Gianaris introduced legislation (A.6642/S.1187) prohibiting the imposition of different rates for disability insurance premiums based on gender; and

Whereas, The Joint Economic Committee of the United States Congress found that women who work full time can expect to earn approximately 80 percent of what their male counterparts earn, resulting in a lifetime gender pay gap of approximately \$500,000; and

Whereas, Unlike many of their male counterparts who, according to a 2019 Cleveland Clinic Survey, wait as long as possible to see their doctor about most health symptoms or injuries, women generally seek medical care more regularly and, as a result of lower earnings, face unique challenges in obtaining health and disability insurance due to gender discrimination resulting in barriers to affordability; and

Whereas, Beyond the lack of pay parity with their male counterparts, working women of all backgrounds in New York City face daily financial disparities commonly referred to as “pink taxes” on a variety of goods and services, ranging from higher mortgage rates to higher prices for dry cleaning and personal care products; and

Whereas, According to the Department of Health and Human Services (HHS), the passage of the Affordable Care Act (ACA) prohibits insurance providers from charging women higher prices than men for healthcare services and may no longer treat pregnancy as a preexisting condition, or charge a co-payment or fee for prevention services including breast-feeding support and counseling, birth control, cervical cancer screening

and wellness visits; and

Whereas, The ACA mandates health care providers receiving federal funds may not discriminate on the basis of race, national origin, age, disability or sex; and

Whereas, To ensure equity for all people seeking healthcare, the ACA adopted the enforcement framework of Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation of Act of 1973; and

Whereas, In 2019 Massachusetts enacted the Equitable Disability Act (H.482) legislation prohibiting discrimination in disability insurance; and

Whereas, According to Massachusetts State Rep. Ruth Balser, while disability insurance provided by an employer must be gender neutral and reflective of the Supreme Court's Title VII Civil Rights Decision of 1983, individual policies purchased on the open market are regulated by state law and therefore not always in compliance with federal rulings; and

Whereas, Despite the HHS being charged with issuing regulations and providing guidance on the ACA, to date, there is no uniform policy that prohibits New York State disability insurers from charging women more than men for the same disability insurance protections; and

Whereas, According to the Council on Disability Insurance Awareness, among healthy, non-smoking 35 year old individuals, women are known to have a three percent greater risk of becoming disabled for a period of three months or longer than their male counterparts, yet they are typically charged 40 to 50 percent higher rates for disability insurance coverage; and

Whereas, When calculating premium rates, disability insurance providers take into consideration the hazards of the job associated with any given profession, yet women professionals working in office settings are routinely charged disability rates equal to that of men who work in more hazardous work settings, such as driving a bus or working on a construction site; and

Whereas, A recent study by the Center for American Progress found that 41 percent of mothers in America are

the sole or primary breadwinner for their families, with another 23.2 percent considered to be “co-breadwinners” contributing substantially to household incomes; and

Whereas, Gender-based disparities in disability insurance serve to undermine the contributions and security of working women in New York City by exacerbating the already high cost of living and have the potential to significantly reduce women’s earnings as they seek to provide for themselves and their families; now, therefore, be it

Resolved, That the New York City Council is calling upon the New York State Legislature to pass, and the Governor to sign, A.6642/S.1187 to prohibit the imposition of different rates for disability insurance premiums based on gender.

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8/18/21