STATE OF NEW YORK

9009

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to penalties for discrimination against employees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The second undesignated paragraph of section 120 of the workers' compensation law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

Any complaint alleging such an unlawful discriminatory practice must be filed within two years of the commission of such practice. Upon finding that an employer has violated this section, the board shall make an order that any employee so discriminated against shall be restored to employment or otherwise restored to the position or privileges [~~he or she~~] **such employee** would have had but for the discrimination and shall be compensated by [~~his or her~~] **their** employer for any loss of compensation arising out of such discrimination together with such fees or allowances for services rendered by an attorney or licensed representative as fixed by the board. Any employer who violates this section shall be liable to a penalty of [~~not less than one hundred dollars or more than five hundred dollars, as may be determined by the board~~] **three times the total compensation of the employee subjected to the violation**. [~~All~~] **As used in this paragraph, the term "total compensation" shall mean the value of all wages and benefits that the employee earned during the previous year. Half of** such penalties shall be paid into the state treasury **and half shall be paid to the employee**. All penalties, compensation and fees or allowances shall be paid solely by the employer. The employer alone and not [~~his or her~~] **their** carrier shall be liable for such penalties and payments. Any provision in an insurance policy undertaking to relieve the employer from liability for such penalties and payments shall be void.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

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